

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB880

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron Obenshain

3. Committee House Education

4. Title Compulsory school attendance, truancy, and chronic tardiness.

5. Summary/Purpose: This bill incorporates the concept of chronic tardiness into the reporting, recordkeeping, and enforcement provisions of the compulsory school attendance law and other enforcement provisions relating to the welfare of children, including the law relating to juvenile and domestic courts and the parental responsibility law relating to public education and discipline. This bill requires the Board of Education to promulgate regulations defining chronically tardy; to identify those children who are in violation of compulsory school attendance by reason of being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school.

6. Fiscal Impact Estimates: Preliminary. See item #8.

7. Budget amendment necessary: See item #8.

8. Fiscal implications: The bill would require teachers and principals to maintain attendance records and report to the division superintendent, as well as it will require them to keep records on “attendance and timeliness” of all children and to report separately students “who have been habitually and without justification absent and children who have been habitually and without justification chronically tardy in accordance with the Board of Education's regulations.” The Department of Education would incur a minimal fiscal impact in the developing of regulations.

There is a potential local fiscal impact to comply with the provision of this bill involving both the local school systems and the local detention facilities. This bill expands the definition of children in need of supervision (CHINSup) to include a juvenile who is chronically tardy to school. Under current law, a truant can be incarcerated in detention when he either fails to appear for a court hearing or is found to be in violation of a court order. Pursuant to § [16.1-292](#), of the Code of Virginia, the juvenile court may incarcerate in detention a juvenile whose original underlying offense was truancy for up to 10 days for each technical violation of that court's order.

The Department of Juvenile Justice (DJJ) advises that implementation of this legislation could also impact the workload of the agency's court service units staff. This legislation redefines a CHINSup in Va. Code § 16.1-228 to include a juvenile who is habitually and

without justification absent from *or chronically tardy to* school. The agency estimates that since the 1999 General Assembly included truants in the definition of a child in need of supervision, the numbers of CHINSup petitions involving a truancy complaint have grown by 86 percent. There are currently 550 juveniles on probation in Virginia where truancy is the most serious offense. DJJ advises that if the number of tardiness cases equals the level of the truancy cases, the caseloads in the agency's court service units could increase. Under a worst-case scenario, up to 13 additional probation and parole officers could be needed, at an estimated cost in excess of \$600,000. It is unlikely that the impact would be felt immediately as it will take time for the Department of Education to set the standards for chronic tardiness and for the courts and school systems to respond to this new directive. Instead this is likely to become a potential problem for DJJ in the next biennium. At present, the caseloads for the agency's court service unit's staff are already higher than present standards and they would be further stressed by this law change.

This legislation may also increase activity in the courts as a result of the additional authority to issue orders against parents and children in violation of the compulsory school attendance law due to chronic tardiness. The enhanced truancy laws have significantly increased the juvenile courts' dockets, and this bill could further increase their caseloads. The Courts advise that it is unknown how many additional cases will be filed and heard in the courts. If it is similar to truancy cases, it could result in increased caseloads on court clerks and judges. The courts estimate that the time impact on their staff could equate to additional costs in excess of \$200,000. Unless the courts actually receive additional staff to accommodate this workload increase, there will no cost to the courts, just delays in cases being heard.

- 9. Specific agency or political subdivisions affected:** School divisions, Department of Education, Board of Education, Department of Juvenile Justice, and the Juvenile and Domestic Relations Courts.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 02/10/05 / MEM

Document: G:\Fis\05\Djj\Sb880.Doc Michael McMahon.

cc: Secretary of Education
Secretary of Public Safety