

*2/24/00 Do Pass
H. 3/21/00 Removed from Calendar*

FEB 8 2000

HUMAN RESOURCES

HOUSE FILE
BY DAVIS

2185

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act including truancy in the definition of child in need of
2 assistance.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2185

1 Section 1. Section 232.2, subsection 6, Code Supplement
2 1999, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. p. Whose parent, guardian, or custodian is
4 unwilling or unable to cause the child to attend school as
5 required under section 299.1.

6 Sec. 2. Section 299.8, Code 1999, is amended to read as
7 follows:

8 299.8 ~~"TRUANT"~~ TRUANT DEFINED.

9 Any child of compulsory attendance age who fails to attend
10 school as provided in this chapter, or as required by the
11 school board's or school governing body's attendance policy,
12 or who fails to attend competent private instruction under
13 chapter 299A, without reasonable excuse for the absence, shall
14 be deemed to be a truant. ~~A finding that a child is truant,~~
15 ~~however, shall not by itself mean that the child is a child in~~
16 ~~need of assistance within the meaning of chapter 232 and shall~~
17 ~~not be the sole basis for a child in need of assistance~~
18 ~~petition.~~

19 Sec. 3. IMPLEMENTATION. Section 25B.2, subsection 3,
20 shall not apply to this Act.

21 EXPLANATION

22 This bill defines as a child in need of assistance in the
23 juvenile justice code a child whose parent, guardian, or
24 custodian is unwilling or unable to cause the child to attend
25 school.

26 The bill may include a state mandate as defined in Code
27 section 25B.3. However, the bill makes inapplicable the state
28 mandate funding requirement provided in section 25B.2,
29 subsection 3, which would relieve a political subdivision from
30 complying with a state mandate if funding for the cost of the
31 state mandate is not provided or specified. Therefore,
32 political subdivisions are required to comply with any state
33 mandate included in this bill.

34
35

**HOUSE FILE 2185
FISCAL NOTE**

A fiscal note for House File 2185 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2185 adds to the definition of a child in need of assistance an unmarried child whose parent, guardian, or custodian is unwilling or unable to cause the child to attend school.

House File 2185 affects funding related to:

1. The Department of Human Services (DHS), due to additional children being added to the caseload of those eligible for assistance and acting upon truancy reports.
2. The local county attorney and the juvenile court due to the number of children in need of assistance (CINA) referrals and cases.
3. The State Public Defender's Office as related to indigent defense.
4. The local boards of education regarding truancy.

ASSUMPTIONS

Department of Human Services:

1. An increased annualized caseload for services to those truant of 533 in FY 2001 and 700 in FY 2002, at a cost of \$442 per case per month. Since the service is not protective or treatment, revenue from Title XIX is not available for match.
2. An increased caseload of field staff from reports of truancy now referred to community services. The estimated increased caseload is 8,850 for FY 2001 and 11,850 for FY 2002. The average caseload per social worker is 101. With support staff, the additional staff would be 10.5 FTE positions for FY 2001 and 13.0 FTE positions for FY 2002.

Courts:

1. Using the 533 cases estimated by the Department of Human Services, the Judicial Department estimates an additional need of 14 juvenile judges, 14 court reporters, and two Clerk of Court staff. For FY 2002, a total of 18 judges and court reporters would be needed, with three Clerk of Court staff.
2. All of the estimated truants that will require services will result in court action, with one-half of the cases being uncontested and requiring one hour of court time. The remaining half will be contested requiring eight hours of court time.
3. The estimate for the number requiring permanency hearings is not included in the estimate. It is possible that a certain number of the estimated cases may already be within the current court caseload.

-2-

Public Defender:

The estimated cost for each case that is financially eligible for indigent defense and that the court is required to make a child in need of assistance determination, is \$1,000. The actual number of cases determined to be both in need of assistance and financially eligible is not available.

Local Boards of Education:

Currently, local boards of education generally have a truant officer position, and although additional students may be determined to be truant, the number of positions at the local level would not change. Minimal increases may occur due to the cost of processing the additional truants and the role of those employed in districts using juvenile court school liaisons may be decreased as a result of the responsibilities for the truancy issue.

FISCAL IMPACT

The estimated fiscal impact of House File 2185 is as follows:

General Fund

	<u>FY 2001</u>	<u>FY 2002</u>
Department of Human Services:		
Staffing	\$ 522,000	\$ 565,000
Services	2,800,000	3,700,000
Judicial Department:		
Judges and Staff	\$ 2,100,000	\$ 2,700,000
State Public Defender:		
Staffing	<u>\$ 533,000</u>	<u>\$ 700,000</u>
General Fund Impact	<u>\$ 5,955,000</u>	<u>\$ 7,665,000</u>

House File 2185 is not expected to have any significant impact to local boards of education.

SOURCES

- Judicial Department
- Department of Human Services
- Department of Education
- State Public Defender's Office

(LSB 6417yh, SLL)