

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE**

BILL NUMBER: HB 227

SHORT TITLE: Compulsory Attendance Law Enhanced

SPONSOR(S): Representative Bowman

FISCAL IMPACT: **Expenditures:** **Increase (X)** **Decrease ()**
 Revenues: **Increase (X)** **Decrease ()**
 No Impact ()
 No Estimate Available ()

FUND AFFECTED: **General Fund ()** **Highway Fund ()** **Local Fund ()**
 Other Fund (X)

BILL SUMMARY: Rewrites G.S. 115C-378 to require, instead of allow, a principal to file a complaint with the juvenile intake counselor if the principal determines that a parent, legal guardian, or custodian received the notification provided for in the section and made an effective effort to comply with the law. Deletes from G.S. 115-C379 authority of the State Board of Education to specify circumstances under which teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons. Rewrites G.S. 115C-380 to increase the fine for violating the compulsory attendance law to not less than \$200 (now a maximum of \$50). Makes other technical changes to these sections and to G.S. 115C-381. Repeals G.S. 115C-382, which provides for investigations of indigence in cases which someone provides an affidavit that a child is not able to attend school because of the necessity of work or labor for the support of himself or of the family.

EFFECTIVE DATE: July 1, 1993

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department - Juvenile Services Program

FISCAL IMPACT

	<u>FY</u> 93-94	<u>FY</u> 94-95	<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98
EXPENDITURES*	\$1,872,979	\$1,984,920	\$1,984,920	\$1,984,920	\$1,984,920
RECURRING	\$1,872,979	\$1,984,920	\$1,984,920	\$1,984,920	\$1,984,920
NON-RECURRING	0	0	0	0	0
REVENUES/RECEIPTS*	\$34,680	\$34,680	\$34,680	\$34,680	\$34,680
NON-RECURRING	0	0	0	0	0
NET EXPEND.*	\$1,838,299	\$1,950,240	\$1,950,240	\$1,950,240	\$1,950,240

* Based on available data, it is unknown if the number of projected cases will increase, decrease, or remain the same following FY

94-95. Hence, expected expenditures/revenues could increase or decrease accordingly. Expenditure projections do not reflect salary increases.

POSITIONS: 56 New Positions (14 Intake Counselors)
(42 Protective Supervision Counselors)

ASSUMPTIONS AND METHODOLOGY: The Juvenile Services Division of the Administrative Office of the Courts contacted the Department of Public Instruction and several local school districts. According to Juvenile Services, practices vary widely regarding how schools handle and record truancy matters, and very limited data is available. Case estimates are based on a sample of contacts made with schools by Juvenile Services field staff. Thomas Danek, Director of the Juvenile Services Division, notes that the resulting cost estimates are considered to be conservative.

ADDITIONAL EXPENDITURES

It is estimated that this bill would result in an additional 4,222 truancy allegations per year. Investigation and handling of these allegations would require 14 new intake counselors, at \$35,445 per position per year, for a total cost of \$496,230 per year.

It is estimated that from the total 4,222 additional allegations, 1,687 juveniles would be placed on protective supervision. The additional supervision caseload would require 42 new supervisory court counselors, at a cost of \$35,445 per position per year, for a total cost of \$1,488,690 per year.

(Note that position costs for 1993-94 are based on eleven months of salary or \$33,446 per position. The total expenditures listed on page 1 are the total position costs for both intake and protective supervision counselors.)

It is also estimated that as the result of the total 4,222 allegations, court hearings would be held for 2,250 juveniles per year, and that the average hearing will require twenty minutes of court time. (Many matters would be screened out by court counselors and would not result in a court hearing.) Based on costs for a district court judge and a courtroom clerk, the average cost per day for these hearings in district court is \$457. (It is assumed that the vast majority of these additional hearings would relate only to truancy and would not involve delinquency or other issues, for which additional costs would be incurred for such items as assistant district attorneys, court reporters, and court-appointed counsel.) At twenty minutes per hearing, the 2,250 hearings translates into about 125 court-days (allowing an average of 6 hours per day actual court time), which at \$457 per day comes to an estimated statewide cost of \$57,125. This additional amount is not included in the cost figures summarized on page 1 of this fiscal note. These additional costs would be incurred across the state. They do not impact on one specific program and, standing alone, do not translate into need for specific, identifiable additional personnel. However, at some point, the cumulative additional workload from bills impacting upon the courts cannot simply be absorbed, and additional resources will be required.

ADDITIONAL REVENUES

This bill would raise the fine for criminal violations from not more than \$50 to not less than \$200. It is assumed that this legislation would not lead to a substantial increase in the number of criminal prosecutions. The statute presently requires school principals to notify the district attorney when a parent or legal guardian fails to make a "good faith" effort to comply with the compulsory attendance law. This bill would amend this provision by requiring the parents to make "an effective" rather than a "good faith" effort to comply. While this revised standard could result in some additional cases, it is assumed that the present mandatory reporting requirement captures most cases of noncompliance, and that the number of new cases would be relatively small.)

During Fiscal Year 1991-92, there were approximately 340 convictions under G.S. 115C-378. Data is not available regarding the amount of the fines actually imposed by judges in these cases. However, if the fines imposed averaged 80% of the maximum (or \$40 per case), the total amount of imposed fines would be \$13,600. If a 75% collection rate is assumed, total collected revenues would be \$10,200. If under this bill, the minimum fine of \$200 were imposed for all convictions, the total amount of imposed fines would be \$68,000. Assuming a lower 66% rate of collection for the higher fine, the total collected revenues would be \$44,880. Thus, an increase in revenues of \$34,680 would result.

SOURCES OF DATA: Administrative Office of the Courts - Juvenile Services Program

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: 14-APR-93

[FRD#003]



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