

# Senate Bill 181

## Summary of Major Provisions

### **Habitual and Chronic Truants**

The bill implements the Governor's plan to create legal definitions of habitual truant and chronic truant. Attached is a chart outlining the process through which children in either category will be adjudicated.

### **Truancy Intervention Plans**

The bill requires each board of education to adopt a policy to guide employees of the district in addressing and ameliorating the attendance practice of any pupil who is a habitual truant.

### **Parental Responsibility**

The legislation also provides for greater responsibility by expanding juvenile court jurisdiction by granting them exclusive original jurisdiction: (1) concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly, or delinquent child for being habitual or chronic truant, based on and in relation to the allegation against the child. (2) generally, overall criminal cases in which the adult is charged with the offense of "parental education neglect," (3) to hear and determine violations of the prohibition against a parent, guardian, or other person having care of a child of compulsory school age failing to send the child to school as required by law, and (4) generally, to exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation against the child.

In addition to granting the juvenile court authority over parents, the bill specifies that the juvenile court must require the parent, guardian, or custodian of and alleged delinquent child, unruly child, or juvenile traffic offender to attend all proceedings of the court regarding the child, and that failure to do so attend may be treated as contempt.

Parents of habitual truants and chronic truants also receive special attention from the juvenile court. The bill states that, if a child is adjudicated a delinquent or unruly child for being a "chronic truant" or an "habitual truant" and if the court determines that the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of law, the court: (1) may require the parent, guardian, or other person to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school that the child attends, (2) may require the parent, guardian, or other person to participate in a truancy prevention mediation program, and (3) must warn the parent, guardian, or other person of the consequences of continued truancy.

### **Increased Information Sharing**

As a part of our continued efforts to promote school safety, the bill requires the notification of school officials if a child is found to be a delinquent child for any of a list of specified acts by: (1) reducing to 14 years of age or older the age of delinquent children to whom it applies, (2) requiring the notice to also be given to the school principal, and (3) expanding the list of offense in relation to which the provisions applies.

### **Open Records if Violent Juveniles**

The bill also opens the records of the most violent juvenile offenders. Current laws for the sealing of the record of a delinquent child will no longer apply if the delinquent act was aggravated murder, murder, rape, sexual battery, or gross sexual imposition.

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### Habitually Truant

Student has:

- A) 5 consecutive unexcused absences
- B) 7 unexcused absences in one month
- C) 12 unexcused absences in one school year

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Complaint filed alleging that student is habitually truant or school takes action according to its habitual truant intervention plan.

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If a complaint is filed prosecutor decides whether/not to charge

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If charge pursued, case heard in juvenile court.

↓

If charge is sustained, judge finds first time offender to be **unruly** by reason of habitual truancy. The judge would issue a **valid court order** requiring the student's attendance at the appropriate school. The judge would also warn the parent/guardian that subsequent cases of habitual or chronic truancy could result in the parent/guardian being charges with a violation of 2919.21 or 2119.24.

↓

Students with more than one adjudication of habitual truancy are **delinquent by reason of violation of a valid court order** prohibiting them from being habitually or chronically truant.

↓

In subsequent court cases of habitual or chronic truancy, or violation of a valid court order requiring school attendance, the parent/guardian may be charged with neglect or contributing to delinquency. The case is heard in juvenile court.

↓

If charging the parent is sustained, the parent/guardian is guilty of an M1 and is punishable by a fine of up to \$1000 and jail time of up to 6 months.

**Note:** Youth found unruly are subject to intervention, treatment and community service sanctions. Youth found delinquent are subject to tougher sanctions including detention in the case of violation of a valid court order.

### Chronically Truant

Student has:

- A) 7 consecutive unexcused absences
- B) 10 unexcused absences in one month
- C) 15 unexcused absences in one school year

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Complaint filed alleging that student is chronically truant.

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Prosecutor decides whether/not to charge

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If charge pursued, case heard in juvenile court.

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If charge is sustained, judge finds first time offender to be **delinquent** by reason of chronic truancy. The judge would issue a **valid court order** requiring the student's attendance at the appropriate school. The judge would also warn the parent/guardian that subsequent cases of habitual or chronic truancy could result in the parent/guardian being charges with a violation of 2919.21 or 2119.24.

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**Note:** Youth found **unruly** are subject to intervention, treatment and community service sanctions. Youth found **delinquent** are subject to tougher sanctions including detention in the case of violation of a valid court order.