

Approved March 27, 1986
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~XX~~^{XX}/p.m. on TUESDAY, MARCH 25, 1986 in room 254-E of the Capitol.

All members were present except:

Senator Anderson, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

HB 2795 - Schools, certain statutory procedures affecting enforcement of
the compulsory school attendance law. (Education)

Proponents:

Dr. Robert C. Harder, Secretary, State Department of Social and
Rehabilitation Services

Representative Denise Apt, House Education; Subcommittee chairman,
HB 2795

Ms. Pat Baker, Senior Legal Counsel, Kansas Association of School Boards

Ms. Connie Hubbell, Legislative Chairman, State Board of Education

Ms. Brilla H. Scott, Associate Executive Director, United School Admin-
istrators

Opponents:

Mr. Jim Clark, Topeka, Executive Director, Kansas County and District
Attorneys Association

Mr. Jay Hinkel, Garden City, Finney County Attorney

Comments:

Mr. Phillip Johnston, Garden City; Principal, Kenneth Henderson Junior
High School

Following a call to order by the Chairman, Senator Arasmith moved that the
Committee minutes of March 19 and 20 be approved. This was seconded by
Senator Allen, and the motion carried.

The Chair then recognized Dr. Robert C. Harder, Secretary of the Department
of SRS, who testified in support of SB 2795, as amended, because, he said,
the present system of enforcing the compulsory school attendance law in
Kansas schools is not working effectively. He directed his statements re-
garding truancy offenders more specifically to the 13, 14, and 15-year-old
age group and asserted that the SRS staff is not comfortable working with
this age group. Dr. Harder referred the Committee's attention to page 9
of the bill as submitted in Attachment 1 and offered recommendations for
amending the bill further. In response to Committee questions, Dr. Harder
replied that he would not oppose language changes in the recommendations that
he has made.

The Chair then called upon Representative Denise Apt, who briefed the Com-
mittee on the history of the bill. She stated that she had been chairman
of the House Education Subcommittee on HB 2795 and that subcommittee mem-
bers had also included representatives from various organizations. She said
that the object of the committee was to offer the best solution possible to
solve a very difficult situation. Representative Apt then proceeded to list
the provisions of the bill as it was passed by the Committee of the Whole of
the House. She specifically noted a floor amendment which prohibits a juve-
nile offender from being subject to jail internment if truancy is the only
offense.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E Statehouse, at 1:30 ~~a.m.~~/p.m. on TUESDAY, MARCH 25, 19 86

Ms. Pat Baker, representing the Kansas Association of School Boards, said she reluctantly supports the amended version of HB 2795 and emphasized that in order to make the system truly enforceable requires the complete cooperation of all parties concerned. Ms. Baker asked the Committee to consider amending the bill further so as to insure that children identified as special education students would not be prosecuted as juvenile offenders. (Attachment 2)

Ms. Connie Hubbell, Legislative Chairman, State Board of Education, testified that the State Board is in support of HB 2795, as amended by the House, but she said that the Board expresses concern that the needs of the special education students be appropriately addressed. (Attachment 3)

Proponent of HB 2795, as amended, Ms. Brilla H. Scott, representing the United School Administrators, said she had been a member of the subcommittee researching HB 2795, and she emphasized the role administrators must play in the prevention of truancy. Ms. Scott, too, expressed concern for special education students and said that there is no defined procedure for school districts to receive assistance with the truant special education student, age 16-20, who is required by law to attend school. (Attachment 4)

Mr. Jim Clark, Topeka, Executive Director of the Kansas County and District Attorneys Association, explained that his particular opposition to HB 2795 is contained in the language found in lines 0302 to 0307. He pointed out that most of the smaller county or district attorney offices have one person on the staff, there is a big turnover due to low pay, and they are not trained to be investigators. He said he does not think that changing the present law would be any more effective in dealing with the truancy situation and that the bill represents a reversal of the trend legislators set three years ago. (Attachment 5)

Mr. Jay Hinkel, a Finney County attorney from Garden City, said he joins Mr. Clark in his opposition to HB 2795 and then proceeded to explain how truancy matters are currently being handled in his area. He stated that in 1985 there were no cases of truancy reported to his office by SRS, although his office received complaints from school officials regarding truancy problems. He said that he responded to these complaints by writing to school officials and requesting them to file truancy cases directly through his office and not through SRS. Consequently, he said, this change of procedure resulted in more truancy cases being brought into the courtroom. The truancy code, he stated, is very clear cut. He further explained that SRS is called upon to investigate the case after adjudication of an individual has already taken place.

When Mr. Phillip Johnston, a Garden City junior high school principal, was called upon to testify, Mr. Johnston expressed a feeling of frustration, because he felt that HB 2795 would offer no real solution to the truancy problem. Mr. Johnston expressed concern regarding the lack of reference to the children's welfare in previous testimonies and said that SRS offers them no solution to the problem which continues to worsen. Mr. Johnston contended that a significant number of truancy cases do involve children in need of care and that often the reason behind the truancy case stems from a family problem. Mr. Johnston said he questions the value of the recommendation made by SRS requiring a child who has been truant to participate in public service for the school district, for he wondered by whose authority would this be enforced. Mr. Johnston acknowledged the importance for parents to become involved at school but not under penalty of the law as recommended by SRS. Mr. Johnston said that regardless of what legislation should be enacted, he would recommend amending the law so that the building administrator or his representative has the authority to enforce the attendance in school of a truant child. Mr. Johnston said

CONTINUATION SHEET

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that he was glad to see truancy taken out of the Juvenile Code but that the problem continues to lack a suitable solution.

Following Mr. Johnston's testimony, the Chair said that due to a time constraint, he is requesting the remaining conferees to return to the Committee meeting tomorrow to present their testimony, and they agreed to do so. The Chair then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, March 25, 1986

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Bella Highline Stot	Lawrence	USA
Phil Johnston	Garden City, Ks	USD # 457
Bob Dwyer	Topeka Ks	SRS Youth Soc
Mike Stechitz	Ellsworth	KASB
Peter Rinn	Topeka	SRS
Connie Huelbeck	Topeka	SRS of ed
Sue Lockett	Topeka	Ks Action for Children
Liz Jelic	"	"
Mary Ellen Simon	Topeka	L.G. of Women Voters
Rodney Bieber	Topeka	Dept. of Education
Robert Anderson	Topeka	SRS
Denise O'Connell	Jala	leg.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, March 25, 1986

GUEST LIST

NAME

ADDRESS

ORGANIZATION

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Pat Baker	Topeka	KASB
Martha A Miller	Manhattan	KASB
Bill Curtis	Topeka	KASB
Jay Hinkel	Geneseo City	Finney County Attorney
Jim Clark	Topeka	KCDAA
Justin Vincent	Topeka	WOM ATNY
Bill Nick	Wichita	U.S.N. 359
Ann Brown	Topeka	USD 501 #
John Strubler	Manhattan	KAPS

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
YOUTH SERVICES

Testimony in Support of Amendments to House Bill 2795

Mr. Chairman, members of the Committee, I appear here today in support of this bill which, as amended, eliminates including truants age 13 and over as children in need of care, and provides a separate adjudicatory proceeding for children 13 and over who are not attending school as required by law and does not include the status offense of truancy in the Juvenile Offender Code.

We appreciate the efforts of all concerned to provide much needed support for child protective services in their efforts to meet the needs of children in conformance with the priorities and mandates of the Code.

We can not, however, stand mute as children become eligible to be adjudicated offenders for acts for which adults would not be accountable. While truants are not necessarily children in need of care, they are not and should not be juvenile offenders.

We offer a solution which addresses the problem of enforcing the compulsory education law while recognizing that not all truants are children in need of care and truancy is not a crime. Within the procedural safeguards of the Kansas Code for Care of Children, children 13 and over can be adjudicated in violation of the school attendance law. The court having declared the child has not attended school as required by law, is provided with dispositional alternatives specific to the problem of non-attendance.

Robert C. Harder
Office of the Secretary
Social and Rehabilitation Services
296-3271

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
YOUTH SERVICES

Background & Statement for House Bill #2795

1. Title:

An act concerning children; relating to attendance at school; amending K.S.A. 72-1113, K.S.A. 1985 Supp. 21-3612 and 38-1502 and repealing the existing sections, also repealing K.S.A. 1985 Supp. 38-1502a.

2. Purpose:

The purpose of this bill, as amended, is to provide for enforcement of the compulsory education law while recognizing that all truants are not children in need of care and that as truancy is a status offense, it should not be included in the Juvenile Offender Code. This amendment provides a specific remedy to the problem of school attendance.

3. Background:

On January 1, 1983, the bifurcated Kansas Code for Care of Children became law. Truants were deleted from the Juvenile Offender Code and included in the Children in Need of Care Code. Experience has taught that all truants are not children in need of care and treating them as children in need of care drains valuable resources from children who truly need our care. It does not follow that truants are juvenile offenders. Truancy is a status offense. Its inclusion with acts which, if committed by adults, would be crimes is at best a dilution of the philosophy expressed when the legislature bifurcated the Code.

4. Effect of Passage:

The bill as amended would provide remedies for truancy without placing an unreasonable burden on the Children in Need of Care Code or erosion of the philosophy underlying the exclusion of status offender from the Juvenile Offender Code. Truants 13 and over would be adjudicated in a separate proceeding within the procedural safeguards of the Code for Care of Children, but with dispositional alternatives specific to the problem of truancy.

Procedural aspects taken from the Children in Need of Care Code relate to appointment of guardian ad litem and CASA; confidentiality of records and proceedings; notice; burden of proof and appeal.

5. Recommendation:

SRS recommends passage of this bill as amended.

~~0641 mended an out-of-home placement, the secretary may not return~~
~~0642 the juvenile offender to the home from which removed without~~
~~0643 first notifying the court of the plan.~~
~~0644 (b) The secretary shall not permit the juvenile offender to~~
~~0645 remain detained in any jail for more than 72 hours, excluding~~
~~0646 Saturdays, Sundays and legal holidays, after the secretary has~~
~~0647 received the written order of the court placing the juvenile~~
~~0648 offender in the custody of the secretary, except that, if the~~
~~0649 juvenile offender is to be placed in a state youth center and that~~
~~0650 placement or another appropriate placement cannot be accom-~~
~~0651 plished, the offender may remain in jail for an additional period~~
~~0652 of time, not exceeding 10 days, which is specified by the secre-~~
~~0653 tary and approved by the court. The secretary shall not permit~~
~~0654 the juvenile offender to be detained in any jail if the only offense~~
~~0655 for which the juvenile offender was adjudicated was the offense~~
~~0656 of not attending school as required by law.~~
~~0657 (c) During the time a juvenile offender remains in the cus-~~
~~0658 tody of the secretary, the secretary shall report to the court at~~
~~0659 least each six months as to the current living arrangement and~~
~~0660 social and mental development of the juvenile offender.]~~
~~0661 Sec. 4-5 [9]. K.S.A. 72-1113 and K.S.A. 1985 Supp. 21-3612,~~
~~0662 38-1502 and, 38-1502a and[,] 38-1602[, 38-1604, 38-1630, 38-~~
~~0663 1633 and 38-1604] are hereby repealed.~~
~~0664 Sec. 5-6 [10]. This act shall take effect and be in force from~~
~~0665 and after its publication in the statute book.~~

[As Amended by House on Final Action]

As Amended by House Committee

Session of 1986

HOUSE BILL No. 2795

By Committee on Education

1-30

0021 AN ACT concerning children; relating to attendance at school;
 0022 amending K.S.A. 72-1113 and K.S.A. 1985 Supp. 21-3612 and,
 0023 38-1502 and[,] 38-1602[, 38-1604, 38-1630, 38-1663 and 38-
 0024 1604]; and repealing the existing sections; also repealing
 0025 K.S.A. 1985 Supp. 38-1502a.

0026 *Be it enacted by the Legislature of the State of Kansas:*

0027 Section 1. K.S.A. 1985 Supp. 21-3612 is hereby amended to
 0028 read as follows: 21-3612. (1) Contributing to a child's misconduct
 0029 or deprivation is causing or encouraging a child under 18 years of
 0030 age:

0031 (a) To become or remain a delinquent, miscreant, wayward
 0032 or deprived child or a traffic offender, ~~truant~~, child in need of
 0033 care or juvenile offender, as defined by the Kansas juvenile code,
 0034 the Kansas code for care of children or the Kansas juvenile
 0035 offenders code; or

0036 (b) *to not attend school as required by law; or*

0037 (b) (c) to commit an act which, if committed by an adult,
 0038 would be a felony or misdemeanor.

0039 Contributing to a child's misconduct or deprivation is a class A
 0040 misdemeanor, except that if the defendant caused or encouraged
 0041 the child to commit an act which, if committed by an adult,
 0042 would be a felony, the offense is a class E felony.

0043 (2) A person may be found guilty of contributing to a child's
 0044 misconduct or deprivation even though no prosecution of the
 0045 child whose misconduct or deprivation the defendant caused or
 0046 encouraged has been commenced pursuant to the Kansas juve-
 0047 nile code, Kansas code for care of children, Kansas juvenile
 0048 offenders code or Kansas criminal code.

0049 (3) This section shall be a part of and supplemental to the
0050 Kansas criminal code.

0051 Sec. 2. K.S.A. 1985 Supp. 38-1502 is hereby amended to read
0052 as follows: 38-1502. As used in this code, unless the context
0053 otherwise indicates:

0054 (a) "Child in need of care" means a person less than 18 years
0055 of age who:

0056 (1) Is without adequate parental care, control or subsistence
0057 and the condition is not due solely to the lack of financial means
0058 of the child's parents or other custodian;

0059 (2) is without the care or control necessary for the child's
0060 physical, mental or emotional health;

0061 (3) has been physically, mentally or emotionally abused or
0062 neglected or sexually abused;

0063 (4) has been placed for care or adoption in violation of law;

0064 (5) has been abandoned or does not have a known living
0065 parent;

0066 (6) ~~is not attending school as required by K.S.A. 72-977 or~~
0067 ~~72-1111, and amendments thereto;~~

0068 (7) (6) except in the case of a violation of K.S.A. 41-715 or
0069 41-2721, and amendments thereto, does an act which, when
0070 committed by a person under 18 years of age, is prohibited by
0071 state law, city ordinance or county resolution but which is not
0072 prohibited when done by an adult; ~~or~~

0073 (8) (7) while less than 10 years of age, commits any act which
0074 if done by an adult would constitute the commission of a felony
0075 or misdemeanor as defined by K.S.A. 21-3105 and amendments
0076 thereto; or

0077 (8) while seven or more years of age but less than 13 years of
0078 age, is not attending school as required by law.

0079 (b) "Physical, mental or emotional abuse or neglect" means
0080 the infliction of physical, mental or emotional injury or the
0081 causing of a deterioration of a child and may include, but shall
0082 not be limited to, failing to maintain reasonable care and treat-
0083 ment, negligent treatment or maltreatment or exploiting a child
0084 to the extent that the child's health or emotional well-being is
0085 endangered. A parent legitimately practicing religious beliefs

0086 who does not provide specified medical treatment for a child
0087 because of religious beliefs shall not for that reason be consid-
0088 ered a negligent parent; however, this exception shall not pre-
0089 clude a court from entering an order pursuant to subsection (a)(2)
0090 of K.S.A. ~~1984~~ 1985 Supp. 38-1513 and amendments thereto.

0091 (c) "Sexual abuse" means any act committed with a child
0092 which is described in article 35, chapter 21 of the Kansas Statutes
0093 Annotated and those acts described in K.S.A. 21-3602 or 21-3603,
0094 and amendments thereto, regardless of the age of the child.

0095 (d) "Parent," when used in relation to a child or children,
0096 includes a guardian, conservator and every person who is by law
0097 liable to maintain, care for or support the child.

0098 (e) "Interested party" means the state, the petitioner, the
0099 child, any parent and any person found to be an interested party
0100 pursuant to K.S.A. ~~1984~~ 1985 Supp. 38-1541 and amendments
0101 thereto.

0102 (f) "Law enforcement officer" means any person who by
0103 virtue of office or public employment is vested by law with a
0104 duty to maintain public order or to make arrests for crimes,
0105 whether that duty extends to all crimes or is limited to specific
0106 crimes.

0107 (g) "Youth residential facility" means any home, foster home
0108 or structure which provides 24-hour-a-day care for children and
0109 which is licensed pursuant to article 5 of chapter 65 of the Kansas
0110 Statutes Annotated.

0111 (h) "Shelter facility" means any public or private facility or
0112 home other than a juvenile detention facility that may be used in
0113 accordance with this code for the purpose of providing either
0114 temporary placement for the care of children in need of care
0115 prior to the issuance of a dispositional order or longer term care
0116 under a dispositional order.

0117 (i) "Juvenile detention facility" means any secure public or
0118 private facility used for the lawful custody of accused or adjudi-
0119 cated juvenile offenders which, if in a city or county jail, must be
0120 in quarters separate from adult prisoners.

0121 (j) "Adult correction facility" means any public or private
0122 facility, secure or nonsecure, which is used for the lawful cus-

0123 tody of accused or convicted adult criminal offenders.

0124 (k) "Secure facility" means a facility which is operated or
0125 structured so as to ensure that all entrances and exits from the
0126 facility are under the exclusive control of the staff of the facility,
0127 whether or not the person being detained has freedom of move-
0128 ment within the perimeters of the facility, or which relies on
0129 locked rooms and buildings, fences or physical restraint in order
0130 to control behavior of its residents.

0131 (l) "Ward of the court" means a child over whom the court
0132 has acquired jurisdiction by the filing of a petition pursuant to
0133 this code and who continues subject to that jurisdiction until the
0134 petition is dismissed or the child is discharged as provided in
0135 K.S.A. 1984 1985 Supp. 38-1503 and amendments thereto.

0136 (m) "Custody," whether temporary, protective or legal,
0137 means the status created by court order or statute which vests in
0138 a custodian, whether an individual or an agency, the right to
0139 physical possession of the child and the right to determine
0140 placement of the child, subject to restrictions placed by the
0141 court.

0142 (n) "Placement" means the designation by the individual or
0143 agency having custody of where and with whom the child will
0144 live.

0145 (o) "Secretary" means the secretary of social and rehabilita-
0146 tion services.

0147 (p) "Relative" means a person related by blood, marriage or
0148 adoption but, when referring to a relative of a child's parent, does
0149 not include the child's other parent.

0150 (q) "Court-appointed special advocate" means a responsible
0151 adult other than an attorney guardian ad litem who is appointed
0152 by the court to represent the best interests of a child, as pro-
0153 vided in K.S.A. 1985 Supp. 38-1505a and amendments thereto, in
0154 a proceeding pursuant to this code.

0155 Sec. 3. K.S.A. 1985 Supp. 38-1602 is hereby amended to read
0156 as follows: 38-1602. (a) "Juvenile" means a person 10 or more
0157 years of age but less than 18 years of age.

0158 (b) "Juvenile offender" means a person juvenile who does an
0159 act while a juvenile which if done by an adult would constitute

0160 ~~the commission of a felony or misdemeanor as defined by K.S.A.~~
0161 ~~21-2105, and amendments thereto, or who violates the provisions~~
0162 ~~of K.S.A. 41-715 or 41-2721, and amendments thereto, but or who~~
0163 ~~is 12 or more years of age but less than 16 years of age and is not~~
0164 ~~attending school as required by law. The term juvenile offender~~
0165 ~~does not include:~~

0166 ~~(1) A person juvenile 14 or more years of age who commits a~~
0167 ~~traffic offense in violation of chapter 8 of the Kansas Statutes~~
0168 ~~Annotated or any city ordinance or county resolution which~~
0169 ~~relates to the regulation of traffic on the roads, highways or~~
0170 ~~streets or the operation of self-propelled or nonself-propelled~~
0171 ~~vehicles of any kind;~~

0172 ~~(2) a person juvenile 16 years of age or over who commits an~~
0173 ~~offense defined in chapter 32 of the Kansas Statutes Annotated;~~

0174 ~~(3) a person juvenile 16 years of age or over who is charged~~
0175 ~~with a felony or with more than one offense of which one or more~~
0176 ~~is a felony after having been adjudicated in two separate prior~~
0177 ~~juvenile proceedings as having committed an act which would~~
0178 ~~constitute a felony if committed by an adult and the adjudica-~~
0179 ~~tions occurred prior to the date of the commission of the new act~~
0180 ~~charged;~~

0181 ~~(4) a person juvenile who has been prosecuted as an adult by~~
0182 ~~reason of subsection (b)(2) and whose prosecution results in~~
0183 ~~conviction of a crime;~~

0184 ~~(5) a person juvenile whose prosecution as an adult is autho-~~
0185 ~~rized pursuant to K.S.A. 1982 1985 Supp. 38-1636 and amend-~~
0186 ~~ments thereto; or~~

0187 ~~(6) a person juvenile who has been convicted of aggravated~~
0188 ~~juvenile delinquency as defined by K.S.A. 21-2611 and amend-~~
0189 ~~ments thereto.~~

0190 ~~(c) "Parent," when used in relation to a juvenile or a juvenile~~
0191 ~~offender, includes a guardian, conservator and every person who~~
0192 ~~is by law liable to maintain, care for or support the juvenile.~~

0193 ~~(d) "Law enforcement officer" means any person who by~~
0194 ~~virtue of that person's office or public employment is vested by~~
0195 ~~law with a duty to maintain public order or to make arrests for~~
0196 ~~crimes, whether that duty extends to all crimes or is limited to~~

0197 ~~specific crimes.~~

0198 ~~(c) "Youth residential facility" means any home, foster home~~
 0199 ~~or structure which provides twenty-four-hour-a-day care for ju-~~
 0200 ~~veniles and which is licensed pursuant to article 5 of chapter 65~~
 0201 ~~of the Kansas Statutes Annotated.~~

0202 ~~(d) "Juvenile detention facility" means any secure public or~~
 0203 ~~private facility which is used for the lawful custody of accused or~~
 0204 ~~adjudicated juvenile offenders and which, if in a city or county~~
 0205 ~~jail, must be in quarters separate from adult prisoners.~~

0206 ~~(e) "State youth center" means a facility operated by the~~
 0207 ~~secretary for juvenile offenders.~~

0208 ~~(h) "Warrant" means a written order by a judge of the court~~
 0209 ~~directed to any law enforcement officer commanding the officer~~
 0210 ~~to take into custody the juvenile named or described therein.~~

0211 ~~(i) "Secretary" means the secretary of social and rehabilita-~~
 0212 ~~tion services.~~

0213 Sec. 3 4. K.S.A. 72-1113 is hereby amended to read as fol-
 0214 lows: 72-1113. (a) Each board of education shall designate one or
 0215 more employees who shall report to the secretary of social and
 0216 rehabilitation services, or a designee of the secretary, all cases of
 0217 children who are not attending school as required by K.S.A.
 0218 72-1111 and amendments thereto. The designation shall be
 0219 made no later than September 1 of each school year and shall be
 0220 certified to the secretary of social and rehabilitation services, or a
 0221 designee of the secretary, no later than 10 days thereafter by the
 0222 clerk of the board of education.

0223 (a) Each board of education shall designate one or more
 0224 employees who shall report to the secretary of social and reha-
 0225 bilitation services, or a designee thereof, all cases of children
 0226 who are seven or more years of age but less than 13 years of age
 0227 and are not attending school as required by law, and to the
 0228 appropriate county or district attorney, or a designee thereof, all
 0229 cases of children who are 13 or more years of age but less than 16
 0230 years of age and are not attending school as required by law. The
 0231 designation shall be made no later than September 1 of each
 0232 school year and shall be certified no later than 10 days thereafter,
 0233 by the board of education to the secretary of social and rehabili-

0234 tation services, or the designee thereof, to the county or district
 0235 attorney, or the designee thereof, and to the commissioner of
 0236 education. The commissioner of education shall compile and
 0237 maintain a list of the designated employees of each board of
 0238 education.

0239 (b) (a) (b) Whenever a child is required by law to attend
 0240 school, and ~~such~~ the child is not enrolled in a public or non-
 0241 public school, ~~such~~ the child shall be considered to be not
 0242 attending school as required by K.S.A. 72-1111, and amendments
 0243 thereto and a report thereof shall be made by the designee of the
 0244 board of education of the public school district under subsection
 0245 (a) law and a report thereof shall be made in accordance with the
 0246 provisions of subsection (a) by a designated employee of the
 0247 board of education of the school district in which the child
 0248 resides. The provisions of this subsection are subject to the
 0249 provisions of subsection (d).

0250 (c) (1) Whenever a child is required by law to attend
 0251 [required by law to attend school and is] enrolled in school[,] and
 0252 ~~such~~ the child is inexcusably absent therefrom on either three
 0253 consecutive school days or five or more school days in any
 0254 semester, ~~such~~ the child shall be considered to be not attending
 0255 school as required by K.S.A. 72-1111, and amendments thereto
 0256 law. A child is inexcusably absent from school if the child is
 0257 absent therefrom all or a significant part of a school day without a
 0258 valid excuse acceptable to the school employee designated by
 0259 the board of education to have responsibility for the school
 0260 attendance of such child.

0261 (d) (e) (2) Each board of education shall adopt rules for
 0262 determination of valid excuse for absence from school and for
 0263 determination of what shall constitute a "significant part of a
 0264 school day" for the purpose of this section.

0265 (e) (d) (3) Each board of education shall designate one or
 0266 more employees, who shall each be responsible for determining
 0267 the acceptability and validity of offered excuses for absence from
 0268 school of specified children, ~~such~~ so that ~~such~~ a designee is
 0269 responsible for making such determination for each child
 0270 enrolled in school.

0271 (4) Whenever a determination is made in accordance with
0272 the provisions of this subsection that a child is not attending
0273 school as required by law, the designated employee who is
0274 responsible for such determination shall make a report thereof in
0275 accordance with the provisions of subsection (a).

0276 (5) The provisions of this subsection are subject to the pro-
0277 visions of subsection (d).

0278 (d) Prior to making any report under this section that a child
0279 is not attending school as required by law, the designated em-
0280 ployee of the board of education shall serve written notice
0281 thereof, by restricted mail, upon a parent or person acting as
0282 parent of the child. The notice shall inform the parent or person
0283 acting as parent that continued failure of the child to attend
0284 school without a valid excuse will result in a report being made
0285 to the secretary of social and rehabilitation services or to the
0286 county or district attorney. Upon failure, within a reasonable
0287 period of time [five school days after return of the restricted
0288 mail receipt], of attendance at school by the child or of an
0289 acceptable response, as determined by the designated em-
0290 ployee, to the notice by a parent or person acting as parent of the
0291 child, the designated employee shall make a report thereof in
0292 accordance with the provisions of subsection (a).

0293 (e) Whenever the secretary of social and rehabilitation ser-
0294 vices receives a report required under this section, the secretary
0295 shall investigate the same for the purpose of determining
0296 whether the reported child is a child in need of care. If the child
0297 appears to be a child in need of care, the secretary shall institute
0298 proceedings under the code for care of children. If, during the
0299 investigation, the secretary determines that a criminal prosecu-
0300 tion should be considered, the secretary shall make a report of
0301 the case to the appropriate law enforcement agency.

0302 (f) Whenever a county or district attorney receives a report
0303 required under this section, the county or district attorney shall
0304 investigate the same for the purpose of determining whether the
0305 reported child is a child in need of care as defined under any of
0306 the provisions (1) through (7) of subsection (a) of K.S.A. 1985
0307 Supp. 38-1502, and amendments thereto, or a juvenile offender-

not attending school as required by law.

0308 If the child appears to be a child in need of care, as qualified
0309 above, the county or district attorney shall institute proceedings
0310 under the code for care of children; and, if the child appears to be
0311 a juvenile offender, the county or district attorney shall institute
0312 proceedings under the juvenile offenders code. If, during the
0313 investigation, the county or district attorney determines that a
0314 criminal prosecution is necessary, the county or district attorney
0315 shall commence the same.

0316 ~~(f) (A) As used in this section, "board of education" means~~
0317 the board of education of a school district or the governing
0318 authority of a nonpublic school. The provisions of this act shall
0319 apply to both public and nonpublic schools.

0320 ~~{Sec. 5. K.S.A. 1985 Supp. 38-1624 is hereby amended to~~
0321 ~~read as follows: 38-1624. (a) By a law enforcement officer. A law~~
0322 ~~enforcement officer may take an alleged juvenile offender into~~
0323 ~~custody when:~~

0324 ~~((1) Any offense has been or is being committed by the~~
0325 ~~juvenile in the officer's view;~~

0326 ~~((2) the officer has a warrant commanding that the juvenile~~
0327 ~~be taken into custody;~~

0328 ~~((3) the officer has probable cause to believe that a warrant or~~
0329 ~~order commanding that the juvenile be taken into custody has~~
0330 ~~been issued in this state or in another jurisdiction for an act~~
0331 ~~committed therein; or~~

0332 ~~((4) the officer has probable cause to believe that the juvenile~~
0333 ~~is committing or has committed an act which, if committed by an~~
0334 ~~adult, would constitute:~~

0335 ~~((A) A felony; or~~

0336 ~~((B) a misdemeanor and (i) the juvenile will not be appre-~~
0337 ~~hended or evidence of the offense will be irretrievably lost~~
0338 ~~unless the juvenile is immediately taken into custody; or (ii) the~~
0339 ~~juvenile may cause injury to self or others or damage to property~~
0340 ~~or may be injured unless immediately taken into custody. }~~

0341 ~~((b) By a court services officer. A court services officer may~~
0342 ~~take a juvenile into custody when there is a warrant commanding~~
0343 ~~that the juvenile be taken into custody or when the court services~~
0344 ~~officer has probable cause to believe that a warrant or order~~

not
attending school as required by law
petition the court for an order declaring the
child in violation of the school attendance law.

(g) Any proceedings conducted under this sub-
section to determine whether a child is not
attending school as required by law shall be in
accordance with an subject to the provisions of
K.S.A. 38-1505, 38-1505a, 38-1506, 38-1531,
38-1533 through 38-1537, inclusive, 38-1541,
38-1551, 38-1552, 38-1554, 38-1555, 38-1591 and
38-1593, inclusive and amendments thereto, ex-
cept as the context otherwise requires, and
shall not be subject to any other provisions
of the Code for Care of Children except as ex-
pressly provided herein.

If the court finds that the child is not
attending school as required by law, the court
shall (1) place the child on probation subject
to terms and conditions which the court pre-
scribes to assure that the child returns to and
remains in school and for a period not to ex-
ceed 18 months; and (2) require the child to
participate in public service for the school
district in which the child resides at the rate
of one hour for each hour the child was absent
without a valid excuse.

In addition to any other terms and conditions
of probation, the court may enter an order re-
quiring for a specified period, a parent of a
child found not to be attending school as re-
quired by law, to accompany such child to school
and stay with the child to assure that the child
remains in school.

0345 commanding that the juvenile be taken into custody has been
0346 issued in this state or in another jurisdiction for an act committed
0347 therein.

0348 ~~((c) Procedure. When any law enforcement officer takes an~~
0349 ~~alleged juvenile offender into custody pursuant to subsection (a)~~
0350 ~~without a warrant or court order and determines that the juvenile~~
0351 ~~shall be detained or placed outside the juvenile's home, the~~
0352 ~~juvenile shall be taken without unnecessary delay before the~~
0353 ~~court for proceedings in accordance with this code or, if the court~~
0354 ~~is not open for the regular conduct of business, to a court services~~
0355 ~~officer, a juvenile detention facility or youth residential facility~~
0356 ~~which the court or the secretary of social and rehabilitation~~
0357 ~~services shall have designated. The officer shall not take the~~
0358 ~~juvenile to a juvenile detention facility if the only offense for~~
0359 ~~which the juvenile has been taken into custody is the offense of~~
0360 ~~not attending school as required by law.~~

0361 ~~[It shall be the duty of the officer to furnish the county or~~
0362 ~~district attorney with all of the information in the possession of~~
0363 ~~the officer pertaining to the juvenile, the juvenile's parents, or~~
0364 ~~other persons interested in or likely to be interested in the~~
0365 ~~juvenile, and all other facts and circumstances which caused the~~
0366 ~~juvenile to be arrested or taken into custody.~~

0367 ~~((d) Release prior to detention hearing. In the absence of a~~
0368 ~~court order to the contrary, the court, the county or district~~
0369 ~~attorney or the law enforcement agency taking a juvenile into~~
0370 ~~custody shall have the authority to direct the release of the~~
0371 ~~juvenile prior to the time specified by subsection (a) of K.S.A.~~
0372 ~~1083-1085 Supp. 38-1632 and amendments thereto.~~

0373 ~~((a) Person 18 or over taken into custody; detention and~~
0374 ~~release. Whenever a person 18 years of age or more is taken into~~
0375 ~~custody by a law enforcement officer for an alleged offense~~
0376 ~~which was committed prior to the time the person reached the~~
0377 ~~age of 18, the officer shall notify and refer the matter to the court~~
0378 ~~for proceedings pursuant to this code, except that the provisions~~
0379 ~~of this code relating to detention hearings shall not apply to that~~
0380 ~~person. Unless the law enforcement officer took the person into~~
0381 ~~custody pursuant to a warrant issued by the court and the warrant~~

0382 ~~specifies the amount of bond or indicates that the person may be~~
0383 ~~released on personal recognizance, the person shall be taken~~
0384 ~~before the court of the county where the alleged act took place~~
0385 ~~or, at the request of the person, the person shall be taken,~~
0386 ~~without delay, before the nearest court. The court shall fix the~~
0387 ~~terms and conditions of an appearance bond upon which the~~
0388 ~~person may be released from custody. The provisions of article~~
0389 ~~28 of chapter 22 of the Kansas Statutes Annotated and K.S.A.~~
0390 ~~22-2901 and amendments thereto relating to appearance bonds~~
0391 ~~and review of conditions and release shall be applicable to~~
0392 ~~appearance bonds provided for in this section.~~

0393 ~~[Sec. 6, K.S.A. 1085 Supp. 38-1632 is hereby amended to~~
0394 ~~read as follows: 38-1632. (a) Length of detention. Whenever an~~
0395 ~~alleged juvenile offender is taken into custody and is thereafter~~
0396 ~~taken before the court or to a juvenile detention facility or youth~~
0397 ~~residential facility designated by the court, the juvenile shall not~~
0398 ~~remain detained for more than 48 hours, excluding Saturdays,~~
0399 ~~Sundays and legal holidays, from the time the initial detention~~
0400 ~~was imposed, unless the court determines after hearing, within~~
0401 ~~the forty-eight hour period, that further detention is necessary.~~
0402 ~~The juvenile shall not be detained in a juvenile detention facil-~~
0403 ~~ity if the only offense for which the juvenile is taken into~~
0404 ~~custody and is thereafter taken before the court is the offense of~~
0405 ~~not attending school as required by law.~~

0406 ~~((b) Waiver of detention hearing. The right of a juvenile to a~~
0407 ~~detention hearing may be waived if the juvenile and the attorney~~
0408 ~~for the juvenile consent in writing to waive the right to a~~
0409 ~~detention hearing and the judge approves the waiver. Whenever~~
0410 ~~the right to a detention hearing has been waived, the juvenile,~~
0411 ~~the attorney for the juvenile or the juvenile's parents may rear-~~
0412 ~~rest the right at any time not less than 48 hours prior to the time~~
0413 ~~scheduled for adjudication by submitting a written request to the~~
0414 ~~judge. Upon request, the judge shall immediately set the time~~
0415 ~~and place for the hearing, which shall be held not more than 48~~
0416 ~~hours after the receipt of the request excluding Saturdays, Sun-~~
0417 ~~days and legal holidays.~~

0418 ~~((c) Notice of hearing. Whenever it is determined that a~~

0567 residential facility, the secretary or some other suitable person
 0568 willing to accept temporary custody.
 0569 ~~{Sec. 7, K.S.A. 1985 Supp. 38-1663 is hereby amended to~~
 0570 ~~read as follows: 38-1663. When a respondent has been adjudged~~
 0571 ~~to be a juvenile offender, the judge may select from the follow-~~
 0572 ~~ing alternatives:~~
 0573 ~~{(a) Place the juvenile offender on probation for a fixed~~
 0574 ~~period, subject to the terms and conditions the court deems~~
 0575 ~~appropriate, including a requirement of making restitution as~~
 0576 ~~required by subsection (h).}~~
 0577 ~~—{(b) Place the juvenile offender in the custody of a parent or~~
 0578 ~~other suitable person, subject to the terms and conditions the~~
 0579 ~~court orders, including a requirement of making restitution as~~
 0580 ~~required by subsection (h).}~~
 0581 ~~—{(c) Place the juvenile offender in the custody of a youth~~
 0582 ~~residential facility, subject to the terms and conditions the court~~
 0583 ~~orders.}~~
 0584 ~~{(d) Place the juvenile offender in the custody of the secre-~~
 0585 ~~tary.}~~
 0586 ~~—{(e) Impose any appropriate combination of subsections (a),~~
 0587 ~~and (b), subsection (c) or subsection (d) and make other orders~~
 0588 ~~directed to the juvenile offender as the court deems appropriate.}~~
 0589 ~~{(f) Commit the juvenile offender, if 13 years of age or older,~~
 0590 ~~to a state youth center if the juvenile offender:~~
 0591 ~~—{(1) Has had a previous adjudication as a juvenile offender~~
 0592 ~~under this code or as a delinquent or miscreant under the Kansas~~
 0593 ~~juvenile code; or~~
 0594 ~~{(2) has been adjudicated a juvenile offender as a result of~~
 0595 ~~having committed an act which, if done by a person 18 years of~~
 0596 ~~age or over, would constitute a class A, B or C felony as defined~~
 0597 ~~by the Kansas criminal code; or~~
 0598 ~~—{(3) has had a previous adjudication as a juvenile offender~~
 0599 ~~under this code or as a delinquent or miscreant under the~~
 0600 ~~Kansas juvenile code. The judge may not commit the juvenile~~
 0601 ~~offender to a state youth center pursuant to this provision if the~~
 0602 ~~previous adjudication was a result of the sole offense of the~~
 0603 ~~juvenile offender not having attended school as required by law.~~

0604 ~~{(g) In addition to any other order authorized by this section,~~
 0605 ~~the court may order the juvenile offender to attend counseling~~
 0606 ~~sessions as the court directs. The costs of any counseling may be~~
 0607 ~~assessed as expenses in the case. No mental health center shall~~
 0608 ~~charge a fee for court ordered counseling greater than that the~~
 0609 ~~center would have charged the person receiving the counseling~~
 0610 ~~if the person had requested counseling on the person's own~~
 0611 ~~initiative.}~~
 0612 ~~{(h) Whenever a juvenile offender is placed pursuant to sub-~~
 0613 ~~section (a) or (b), the court, unless it finds compelling circum-~~
 0614 ~~stances which would render a plan of restitution unworkable,~~
 0615 ~~shall order the juvenile offender to make restitution to persons~~
 0616 ~~who sustained loss by reason of the offense. The restitution shall~~
 0617 ~~be made either by payment of an amount fixed by the court or by~~
 0618 ~~working for the persons in order to compensate for the loss. If the~~
 0619 ~~court finds compelling circumstances which would render a plan~~
 0620 ~~of restitution unworkable, the court may order the juvenile~~
 0621 ~~offender to perform charitable or social service for organizations~~
 0622 ~~performing services for the community.}~~
 0623 ~~{Nothing in this subsection shall be construed to limit a court's~~
 0624 ~~authority to order a juvenile offender to make restitution or~~
 0625 ~~perform charitable or social service under circumstances other~~
 0626 ~~than those specified by this subsection or when placement is~~
 0627 ~~made pursuant to subsection (c) or (d).}~~
 0628 ~~—{Sec. 8, K.S.A. 1985 Supp. 38-1664 is hereby amended to~~
 0629 ~~read as follows: 38-1664. (a) When a juvenile offender has been~~
 0630 ~~placed in the custody of the secretary, the secretary shall notify~~
 0631 ~~the court in writing of the initial placement of the juvenile~~
 0632 ~~offender as soon as the placement has been accomplished. The~~
 0633 ~~court shall have no power to direct a specific placement by the~~
 0634 ~~secretary, but may make recommendations to the secretary. The~~
 0635 ~~secretary may place the juvenile offender in an institution~~
 0636 ~~operated by the secretary, a youth residential facility or a com-~~
 0637 ~~munity mental health center. The secretary may not place the~~
 0638 ~~juvenile offender in a state youth center if the only offense for~~
 0639 ~~which the juvenile offender was adjudicated was the offense of~~
 0640 ~~not attending school as required by law. If the court has recom-~~



5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

TESTIMONY ON HOUSE BILL 2795
BEFORE THE SENATE EDUCATION COMMITTEE

March 25, 1986

By

Patricia E. Baker, Senior Legal Counsel
Kansas Association of School Boards

Thank you Mr. Chairman for the opportunity to appear before you on behalf of the public school boards of the State of Kansas. I appear as a somewhat reluctant supporter of the amended version of H.B. 2795. This bill, if enacted, would alter the means by which the Kansas Compulsory Attendance Law is enforced.

Under the present statutes, school officials are required to report suspected truancy to the Department of Social and Rehabilitation Services. The responsibility for follow-up then exists in that agency. School officials will be the first to admit that the present system is not working satisfactorily in dealing with the truancy problem in Kansas. The frustration faced by school administrators in dealing with the time lines set by SRS in these cases has been expressed repeatedly.

The Kansas Association of School Boards opposed the original version of H.B. 2795 because it contained no enforcement of compulsory education. The subcommittee amendments create a more complicated enforcement provision which places responsibility on SRS, county or district attorneys and school officials. We

support these provisions with the caveat that this system won't work either unless there is a commitment from all of these groups to make it work. It is with some trepidation that we advocate changing this system again without some assurance that all agencies and offices will work toward fulfillment of the intent of the bill. We really don't want to come back to the legislature in the next few years and again indicate that the system is bogged down and unworkable.

As reflected in the amendments to H.B. 2795, school officials are more than willing to play a role in the enforcement of school attendance. They recognize that they represent the first line of defense in dealing with truants and working with young people and their families in the educational arena. However, school officials have no law enforcement powers; lack the broad sweep of investigative powers available to SRS and county and district attorneys; and no effective means of following up with the broad range of services that may be needed by truant children.

H.B. 2795 represents a compromise but a compromise that is totally dependent upon all parties' cooperation in its implementation. I would also ask this committee to consider further amendments to H.B. 2795 which would insure that children identified as special education students, regardless of age or grade level, not be prosecuted as juvenile offenders, but continue to be covered by the Child in Need of Care Provisions of the Juvenile Code.

We ask that the committee report H.B. 2795 favorably for passage.

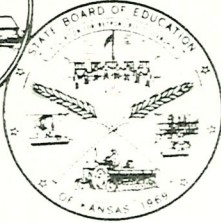
Thank you.

Kansas State Board of Education

ATTACHMENT 3

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103



Kay M. Groneman
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Sheila Frahm
District 5

Theodore R. Von Fange
District 7

Robert J. Clemons
District 9

Dale Louis Carey
District 3

Marion (Mick) Stevens
District 10

March 25, 1986

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: House Bill 2795

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before the Committee on behalf of the State Board.

The State Board of Education had some questions on how House Bill 2795, as originally introduced, would be implemented. Under existing law, local boards of education are required to report to the Secretary of Social and Rehabilitation Services all cases of children who are not attending school and who are covered by the compulsory school attendance law. This includes students who have unexcused absences on three consecutive days or five or more unexcused absences in any semester and students who are not enrolled in a school. Under House Bill 2795, as originally introduced, it appeared the school districts would not be reporting such students to any one. This prompted the State Board to raise the question of whom school districts should notify when students are not in compliance with the compulsory school attendance law?

This question arose because of the State Board's strong belief that some governmental agency other than the school district should be responsible for following up noncompliance issues related to the compulsory school attendance law. The amendments to HB 2795 address this question.

I, however, must relay a concern with this bill that was raised by staff of the department. Specifically, there is concern that older handicapped, school-age children who are not attending their special education programs will not be reported at all (ages 16 to 18), and others (ages 13 to 16) could be made subject to the juvenile offender's code. The concern is that the needs of these children require special attention and that those needs be appropriately addressed in regard to any law concerning compulsory attendance.

Senate Education
Attachment III 3/25/86



March 25, 1986

SUBJECT: HB 2795

Mr. Chairman, Members of the Senate Education Committee:

My name is Brilla Highfill Scott, and I am Associate Executive Director for United School Administrators of Kansas. Thank you for the opportunity this afternoon to discuss with you House Bill 2795.

I have followed this bill with much interest. While principal of West Junior High School in Lawrence, I served as a member and chair of the Court/Education/SRS Liaison Committee. One of the purposes of this advisory committee was to formulate guidelines to assist school administrators in developing strategies for the retention of individual students and procedures for involving SRS when school district efforts failed. In 1983 Dr. Bolton, then Commissioner of Education; Dr. Harder, Secretary of SRS, and Chief Justice Schroeder, Supreme Court, approved these guidelines for implementation in the 1983-84 school year.

Originally HB 2795 was drafted to remove truancy from the "child in need of care" portion of the law and eliminate the investigative role of Social and Rehabilitation Services in assisting schools in determining reasons children are absent from school without valid excuse. I testified as the United School Administrators (USA) spokesperson in opposition to the bill in its original form.

The amendments to the bill were drafted as a result of House Education subcommittee hearings which included representatives from Kansas Association of School Boards and Kansas National Education Association. I served as the representative from USA. The amendments designate responsibilities for the school district, SRS, and the county or district attorney.

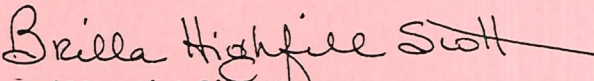
I speak to you this afternoon in favor of the bill as amended. United School Administrators will continue to remind its membership of the necessary role administrators play in the prevention of truancy. We encourage school staffings which discuss the student with attendance problems. Districts should exhaust their resources before referrals are made to SRS or the county attorney:

Has the child been tested for learning disabilities? Has the child had a recent physical examination? Should the student's schedule of classes or teacher assignments be changed? Has the school counselor had a conference with the child? Have school officials met with the parents to encourage a united effort to return the child to school or to provide the parent with some strategies for improving the child's attendance? Has a home visit been made by the school nurse or school social worker?

With the passage of this bill, United School Administrators will notify its membership of the requirement for giving written notice by registered mail to the parent/guardian indicating continued unexcused absence will result in a report to SRS or to the county or district attorney.

USA has only one concern remaining in regard to HB 2795 as amended. There is no defined procedure for school districts to receive assistance with the truant special education student, age 16-20, who is required by law to attend school.

United School Administrators of Kansas supports HB 2795 as amended.


Brilla Highfill Scott
Associate Executive Director

OFFICERS

Roger K. Peterson, President
Stephen R. Tatum, Vice-President
C. Douglas Wright, Sec.-Treasurer
Daniel F. Meara, Past-President



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Linda S. Trigg
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ATTACHMENT 5

Kansas County & District Attorneys Association

827 S. Topeka Ave., 2nd Floor • Topeka, Kansas 66612 • (913) 357-6351

EXECUTIVE DIRECTOR • JAMES W. CLARK

House Bill 2795

(As amended by the House on Final Action)

The Kansas County and District Attorneys Association remains concerned about the problem of truancy in (or from) our public schools. We are aware that in many cases, truancy is simply a symptom of underlying problems in the development of a child.

We are, however, opposed to House Bill 2795, as amended.

I. Shifting of Responsibilities Without Shifting of Resources.

In our view, shifting of responsibilities from a State funded agency to other segments of the justice system is inequitable, and irresponsible. While from a State budgetary standpoint it may look like a "free lunch", no one on this committee needs to be reminded that there is no such thing.

II. Prosecutors Not Trained to Investigate Truancy Cases.

The language of the amended bill (lines 302 - 307) are of major concern. County and district attorneys are attorneys, not investigators. While a few of the larger offices have investigators, most do not, with the result being that the prosecutor will have to neglect court duties to become an investigator. The results are obvious, and will parallel what has happened in juvenile cases when the court services officer was removed from juvenile intake functions.

III. Short-Term Objective Neglects Major Overhaul of Juvenile System.

In 1982, the Legislature committed a major reform of the juvenile system, after years of study. This bill, as amended, which places a status offense (truancy) back on the offender (criminal) side of the code is a major reversal of the 1982 reform, and should be seriously studied.

Conclusion: If this body is serious about dealing with truancy and its investigation, it must provide the resources to do it. Merely shifting the duty to non-state agencies will not solve the problem. While county and district attorneys could do the investigation, funding will be required at least on a judicial district basis to hire the personnel needed for an effective remedy.