

Education 2/2/89 (p. 274)
do pass 2-9-89 (p. 345)
House Ed 2-22-89 (p. 534)
Amend & DO PASS / Amend H-3848 4-4-89 (p. 1273)
FILED FEB 02 1989

Reprinted 2-21-89

SENATE FILE 149
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 6)

Passed Senate, Date 2-16-89 (p. 430) Passed House, Date 4-17-89 (p. 1643)
Vote: Ayes 34 Nays 14 Vote: Ayes 85 Nays 11
Approved _____

A BILL FOR

1 An Act relating to the compulsory attendance and truancy laws and
2 providing penalties.

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

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SF 149

1 Section 1. Section 279.10, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The school year shall begin on the first day of July
4 and each regularly established elementary and secondary school
5 shall begin no sooner than a day during the calendar week in
6 which the first day of September falls but no later than the
7 ~~first-Monday-in-December~~ September 15. School shall continue
8 for at least one hundred eighty days, except as provided in
9 subsection 3, and may be maintained during the entire calendar
10 year. A school corporation may begin employment of personnel
11 for in-service training and development purposes before the
12 date to begin elementary and secondary school.

13 Sec. 2. Section 280.3, unnumbered paragraph 1, Code 1989,
14 is amended to read as follows:

15 The board of directors of each public school district and
16 the authorities in charge of each nonpublic school shall
17 prescribe the minimum educational program and an attendance
18 policy which shall include at least one hundred forty-eight
19 days of attendance, to be met by attendance for at least
20 thirty-seven days each school quarter, for the schools under
21 their jurisdictions. The minimum educational program shall be
22 the curriculum set forth in section 256.11, except as
23 otherwise provided by law. The board of directors of a public
24 school district shall not allow discrimination in any
25 educational program on the basis of race, color, creed, sex,
26 marital status or place of national origin.

27 Sec. 3. Section 299.1, Code 1989, is amended to read as
28 follows:

29 299.1 ATTENDANCE REQUIREMENTS.

30 ~~The~~ Except as provided in section 299.2, the parent,
31 guardian, or legal or actual custodian of a child who ~~is over~~
32 seven has reached the age of six and is under sixteen eighteen
33 years of age by September 15, in proper physical and mental
34 condition to attend school, shall ~~enact~~ be responsible for
35 the ~~child~~ child's attendance in some public school, commencing

1 as provided under section 279.10. The board of directors of a
2 public school district or the governing body of an accredited
3 nonpublic school shall set the number of days of required
4 attendance for the schools under its control.

5 ~~The board may, by resolution, require attendance in the~~
6 ~~public schools for the entire time when the schools are in~~
7 ~~session in any school year.~~

8 ~~A child shall attend an accredited or approved school for~~
9 ~~at least one hundred twenty days each school year. The~~
10 ~~requirement shall be met by attendance for at least thirty~~
11 ~~days each school quarter, or a similar distribution of~~
12 ~~attendance throughout the school year.~~

13 ~~In lieu of such attendance such child may attend upon~~
14 ~~equivalent instruction by a certified teacher elsewhere.~~

15 Sec. 4. Section 299.2, Code 1989, is amended to read as
16 follows:

17 299.2 EXCEPTIONS.

18 Section 299.1 shall not apply to any child:

19 1. ~~Who is over the age of fourteen and is regularly~~
20 ~~employed.~~

21 2 1. Whose educational qualifications are equal to those
22 of pupils who have completed the eighth grade. Who has
23 completed the requirements for graduation in an accredited
24 school or has obtained a high school equivalency diploma under
25 chapter 259A.

26 3 2. Who is excused for sufficient reason by any court of
27 record or judge.

28 4 3. While attending religious services or receiving
29 religious instructions.

30 5 4. Who is attending a private college preparatory school
31 accredited or probationally accredited under section 256.11,
32 subsection 13.

33 5. Who is attending private equivalent instruction
34 provided for at least one hundred eighty days per school year,
35 as defined under section 279.10, by a certificated teacher.

1 Attendance shall be for at least one hundred forty-eight days
2 each year, and shall be met by attendance for at least thirty-
3 seven days each school quarter, or a similar distribution of
4 attendance throughout the calendar year.

5 6. Who has been excused under section 299.22.

6 7. Who is attending an exempted program under section
7 299.24.

8 Sec. 5. Section 299.3, Code 1989, is amended to read as
9 follows:

10 299.3 REPORTS FROM PRIVATE NONPUBLIC SCHOOLS.

11 ~~Within ten days from receipt of notice from the secretary~~
12 ~~of the school district within which any private school is~~
13 ~~conducted~~ On or before the third Friday in September of each
14 school year, and at any time when requested in individual
15 cases, the principal of such a nonpublic school shall, once
16 ~~during each school year, and at any time when requested in~~
17 ~~individual cases,~~ furnish to such the secretary of the public
18 school district, within which the nonpublic school is located,
19 a certificate and report in duplicate of the names, ages, and
20 number of days attendance of each pupil of such the nonpublic
21 school over seven who has reached the age of six and is under
22 ~~sixteen~~ eighteen years of age, the course of study pursued by
23 ~~each such child~~ the pupil, the texts used, and the names of
24 the teachers, during the preceding year and from the time of
25 the last preceding report to the time at which a report is
26 required. The secretary shall retain one of the reports and
27 file the other with the secretary of the area education
28 agency.

29 Sec. 6. Section 299.4, Code 1989, is amended to read as
30 follows:

31 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

32 The parent, guardian, or legal or actual custodian of a
33 child who by September 15 ~~is over seven~~ has reached the age of
34 six and is under sixteen eighteen years of age, who places the
35 child under private instruction under section 299.2,

1 subsection 5, not in an accredited or-approved school, shall
2 furnish a report in duplicate, to the district by the earliest
3 starting date specified in section 279.10, subsection 1. The
4 secretary shall retain and file one copy and forward the other
5 copy to the district's area education agency. The report
6 shall state the name and age of the child, the period of time
7 during which the child has been or will be under private
8 instruction for the ~~school~~ year, an outline of the course of
9 study, texts used, and the name and address of the ~~instructor~~
10 teacher. The term "outline of course of study" shall include,
11 but is not limited to, subjects covered, weekly lesson plans,
12 and time spent on the areas of study.

13 Sec. 7. Section 299.5, Code 1989, is amended to read as
14 follows:

15 299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

16 The parent, guardian, or custodian of a child who ~~is over~~
17 seven has reached the age of six and is under sixteen eighteen
18 years of age by September 15, who is physically or mentally
19 unable to attend school, shall furnish proofs by affidavit
20 certificate under sections 281.6 and 281.7 as to the physical
21 or mental condition of the child.

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22 Sec. 8. Section 299.6, Code 1989, is amended to read as
23 follows:

24 299.6 VIOLATIONS -- COMMUNITY SERVICE ~~IN-STEAD-OF~~ OR FINE
25 OR IMPRISONMENT.

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26 Any person who ~~shall-violate~~ violates any of the provisions
27 of sections 299.1 to through 299.5, ~~inclusive,~~ shall-be for a
28 first offense, is guilty of a simple misdemeanor ~~and-the-court~~
29 shall.

30 A first offense conviction is punishable by imprisonment
31 not exceeding ten days or a fine not exceeding one hundred
32 dollars. The court may order the person to perform not more
33 than forty hours of unpaid community service instead of any
34 fine or imprisonment. A person convicted of a second or
35 subsequent violation is guilty of a serious misdemeanor.

1 A second offense conviction is punishable by imprisonment
2 not exceeding twenty days or a fine not exceeding five hundred
3 dollars, or both a fine and imprisonment. The court may order
4 the person to perform unpaid community service instead of any
5 fine or imprisonment.

6 A third or subsequent offense conviction is punishable by
7 imprisonment not exceeding thirty days or a fine not exceeding
8 one thousand dollars, or both a fine and imprisonment. The
9 court may order the person to perform unpaid community service
10 instead of any fine or imprisonment.

11 If a parent, guardian, or legal or actual custodian of a
12 child who is truant, has made an objective and reasonable good
13 faith effort to comply with the provisions of sections 299.1
14 through 299.5, the parent, guardian, or custodian shall not be
15 criminally liable for the child's nonattendance.

16 Sec. 9. NEW SECTION. 299.6A INVESTIGATION OF TRUANT
17 CHILDREN.

18 The truancy officer shall report a child who is truant
19 under section 299.8, or who has accumulated fifteen unexcused
20 absences as defined under the board of directors' or other
21 governing body's attendance policy, during a three-year period
22 to the county attorney. The county attorney shall investigate
23 the report and may file a petition under section 232.87 for a
24 judicial determination of whether the child is a child in need
25 of assistance, as defined in section 232.2, subsection 6.

26 Upon a third or subsequent conviction of a parent,
27 guardian, or legal or actual custodian for violations of
28 sections 299.1 through 299.5 relating to the same child, the
29 county attorney shall investigate whether the child is a child
30 in need of assistance and shall file a petition if there are
31 sufficient facts to bring the child within the jurisdiction of
32 the court.

33 Sec. 10. Section 299.8, Code 1989, is amended to read as
34 follows:

35 299.8 "TRUANT" DEFINED.

1 Any "Truant" means a child over-seven who has reached the
2 age of six and is under sixteen eighteen years of age, who is
3 in proper physical and mental condition to attend school, and
4 who fails to attend school regularly as provided-in-this
5 chapter-without-reasonable-excuse-for-the-absence,-shall-be
6 deemed-to-be-a-truant required by the school board's or school
7 governing body's attendance policy.

8 Sec. 11. Section 299.10, Code 1989, is amended to read as
9 follows:

10 299.10 TRUANCY OFFICERS -- APPOINTMENT ---COMPENSATION.

11 The board of each school district may,-and-in-school
12 districts-having-a-population-of-twenty-thousand shall
13 appoint a truancy officer.

14 in-districts-having-therein-a-city,-the The board may
15 appoint a member of the police force, or marshal, as-such
16 officer,-and-other-districts-may-appoint-a-constable a
17 teacher, school official, or other suitable person to serve as
18 the district truancy officer.

19 Such-officers-shall-be-paid-a-reasonable-compensation-by
20 the-board.

21 Sec. 12. Section 299.11, Code 1989, is amended to read as
22 follows:

23 299.11 DUTIES OF TRUANCY OFFICER.

24 The truancy officer shall may take into custody without
25 warrant any apparently truant child and place the child in the
26 charge of the teacher-in-charge-of-the-public school
27 principal, or the principal's designee, designated by the
28 board of directors of the school district in which said the
29 child resides, or of any private nonpublic school designated
30 by the person-having-legal-control-of-the-child parent,
31 guardian, or legal or actual custodian; but if it is other
32 than a public school, the instruction and maintenance of the
33 child therein shall be without expense to the school district.

34 The truancy officer shall promptly institute erimina
35 proceedings against any person violating any of the provisions

1 of sections 299.1 to through 299.5.

2 Sec. 13. Section 299.16, Code 1989, is amended to read as
3 follows:

4 299.16 FAILURE TO ATTEND.

5 School officers shall ascertain the number of children over
6 seven who have reached the age of six and are under sixteen
7 eighteen years of age, in their respective districts, the
8 number of such children who do-not-attend-school are truant
9 under section 299.8 or who have accumulated fifteen unexcused
10 absences during the school year, and so far as possible the
11 cause of the failure to attend. School officers shall, until
12 July 1, 1999, biennially report this information to the
13 department of education on forms provided by the department.
14 The department shall attach a summary of the reports with the
15 department's report under section 256.9, subsection 28.

16 Sec. 14. Section 299.18, Code 1989, is amended to read as
17 follows:

18 299.18 EDUCATION -- STATE SCHOOL.

19 Children ~~over-seven~~ who have reached the age of six and are
20 under nineteen eighteen years of age and who are so deaf or
21 blind or severely handicapped as to be unable to obtain an
22 education in the common schools shall be sent to the proper
23 state school-therefor institution, or shall receive
24 appropriate special education under chapter 281, unless
25 exempted, and any person having such a child under the
26 person's control or custody shall see that such child attends
27 such school institution or special education during the
28 scholastic year.

29 Sec. 15. Section 299.20, Code 1989, is amended to read as
30 follows:

31 299.20 ORDER.

32 Upon the filing of the application mentioned in section
33 299.19, the time of hearing shall be determined by the
34 juvenile court or the district court. If, upon hearing, the
35 court determines that the person required to appear has the

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1 custody and control of a child who should be required to
2 attend a state school institution under section 299.18, the
3 court shall make an order requiring such person to keep such
4 child in attendance at such school institution.

5 Sec. 16. Section 299.22, Code 1989, is amended to read as
6 follows:

7 299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

3086 8 Attendance at the state institution may be excused when the
9 superintendent thereof of the institution is satisfied: that

10 ~~1.---That the child is in such bodily or mental condition as~~
11 ~~to prevent or render futile attendance at the school;~~

12 ~~2.---That the child is so diseased or possesses such habits~~
13 ~~as to render the child's presence a menace to the health or~~
14 ~~morals of other pupils;~~

15 ~~3.---That the child is efficiently taught for the scholastic~~
16 ~~year in a private nonpublic or other school devoted to such~~
17 ~~instruction, or by a private tutor, in the branches taught in~~
18 ~~public schools, or is shown to be physically or mentally~~
19 ~~unable to attend school under section 299.5.~~

3087 20 Sec. 17. DEPARTMENTAL STUDY. The department of education
21 shall assist local school districts in determining the
22 expected impact of the provisions of this Act in terms of the
23 increased enrollment of sixteen and seventeen year-olds, and
24 the characteristics of this population in terms of educational
25 and basic skill level, family support structure, orientation
26 to the traditional school curricula, and orientation to
27 alternative curricula.

28 The department of education, in coordination with the
29 department of human services, the supreme court, the
30 department of public health, and the department of employment
31 services, shall do the following:

- 32 1. Identify experiences other states have had, and
33 educational and social support responses they have made, as a
34 result of increasing the compulsory education age from sixteen
35 to eighteen years of age.

1 2. Seek to develop program materials that consider health,
2 employment and training, and human service needs in addition
3 to education needs to assist local districts in serving
4 students affected by this Act.

5 3. Identify "at-risk" middle schools and high schools
6 within the state. For purposes of this section, "at-risk"
7 means schools that are categorized by high levels of one or
8 more of the following: below grade performing students, grade
9 retention, school dropouts, school expulsions, teen pregnancy,
10 poverty, single parent families, substance abuse, teenage
11 suicides, youth unemployment, juvenile delinquency, and child
12 abuse.

13 4. Provided that no other resources are made available for
14 this purpose, develop a strategy for "at-risk" schools to work
15 in coordination with other service providers, private
16 employers, and parents and students to address student needs
17 and improve student achievement.

18 Sec. 18. ALTERNATIVE PROGRAMS. Schools which provide
19 alternative educational programs, for middle school and high
20 school students, designed to provide incentives for the
21 students to remain in school, shall not be subject to the
22 minimum hours of instruction requirement adopted by the state
23 board of education.

24 Sec. 19. This Act does not apply to students who have
25 dropped out of school before the effective date of this Act.

26 Sec. 20. Sections 299.9, 299.13, 299.14, and 299.15, Code
27 1989, are repealed.

28 EXPLANATION

29 This bill changes the compulsory attendance ages to require
30 children to attend school starting at age six and until they
31 reach eighteen. Compulsory attendance policy is to be set by
32 the board of directors of a school district or other governing
33 or nonpublic body of a private school. The exception to the
34 compulsory attendance law for fourteen-year-old employed
35 children is repealed. A one-hundred-eighty day, five and one-

1 half hours of instruction, requirement has been imposed upon
2 private instruction. Reports from private schools must be
3 made by the third Friday in September. The penalty for
4 violation of the compulsory attendance law has been changed to
5 increasing terms of imprisonment, fines, or community service
6 instead of fine or imprisonment. Truancy will trigger
7 investigation by a county attorney and potential child in need
8 of assistance proceedings. If the parent, guardian, or
9 custodian is convicted three or more times for violating the
10 compulsory attendance law within a three-year period,
11 investigation and court proceedings will follow. A census
12 summary relating to attendance and school population must be
13 provided to the department of education.

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SENATE FILE 149

3084

Amend Senate File 149 as follows:

1. Page 1, line 34, by striking the words "be responsible for" and inserting the following:
"cause".

2. Page 1, line 35, by striking the words "child child's attendance in" and inserting the following:
"child in to attend".

3. Page 4, by inserting after line 21 the following:

"Sec. ____ . NEW SECTION. 299.5A MEDIATION.

If a child is truant as defined in section 299.8, school officers shall attempt to find the cause for the child's absence and use every means available to the school to assure that the child does attend. If the parent, legal or actual guardian, or child refuses to accept the school's attempt to cure the child's nonattendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the county attorney for mediation.

The county attorney shall cause a notice of the referral to be sent to the parent or legal or actual guardian and designate a person to serve as mediator in the matter. If mediation services are available in the community, those services may be used as the designated mediation service. The mediator shall contact the school, the parent or legal or actual guardian, and any other person the mediator deems appropriate in the matter and arrange meeting dates and times for discussion of the child's nonattendance. The mediator shall attempt to ascertain the cause of the child's nonattendance, attempt to cause the parties to arrive at an agreement relative to the child's attendance, and initiate referrals to any agencies or counseling that the mediator believes to be appropriate under the circumstances.

If the parties reach an agreement, the agreement shall be reduced to writing and signed by a school officer, parent or legal or actual guardian, and the child. The mediator, the school, and the parent or legal or actual guardian shall each receive a copy of the agreement, which shall set forth the settlement of the issues and future responsibilities of each party.

The school district shall be responsible for monitoring any agreements arrived at through mediation. If a parent or legal or actual guardian refuses to engage in mediation or violates a term of the agreement, the matter shall be rereferred to the county attorney for prosecution under section 299.5."

4. Page 4, line 26, by inserting after the word

S-3084

Page 2

- 1 "violates" the following: "a mediation agreement
- 2 under section 299.5A or".
- 3 5. Page 4, line 27, by inserting after the figure
- 4 "299.5" the following: "or refuses to participate in
- 5 mediation under section 299.5A".
- 6 6. Page 9, by inserting after line 4 the
- 7 following:
- 8 "____. Develop definitions of the terms "at-risk
- 9 student" and "dropout" which are appropriate for
- 10 students in middle and high schools and which will
- 11 assist districts in identifying students in need of
- 12 alternative academic programming."
- 13 7. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3084 FILED FEBRUARY 16, 1989

ADOPTED 2-16-89 (p. 429)

SENATE FILE 149

S-3083

- 1 Amend Senate File 149 as follows:
- 2 1. Page 5, by striking lines 16 through 32.

By JULIA GENTLEMAN

S-3083 FILED FEBRUARY 16, 1989

LOST 2-16-89 (p. 429)

SENATE FILE 149

3085

Amend Senate File 149 as follows:

1. Page 5, by inserting after line 10, the following:
"If community service is imposed as part of a sentencing order, the court may require that part or all of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances."
2. Page 7, line 10, by striking the words "the school year" and inserting the following: "a three-year period".
3. Page 7, line 14, by inserting after the word "reports" the following: ", an analysis of the data, and policy recommendations based on the data analysis".
4. Page 7, line 22, by striking the word "proper" and inserting the following: "proper appropriate".
5. Page 7, line 26, by striking the word "such" and inserting the following: "such the".
6. Page 7, line 27, by striking the word "such" and inserting the following: "such the".
7. Page 7, line 27, by inserting after the word "education" the following: "program".
8. Page 8, line 3, by striking the word "such" and inserting the following: "such the".
9. Page 8, line 4, by striking the word "such" and inserting the following: "such the".
10. Page 8, line 9, by striking the words "is satisfied" and inserting the following: "is-satisfied determines".
11. Page 8, line 16, by striking the word "such" and inserting the following: "such the".
12. Page 8, line 22, by striking the words "in terms of the" and inserting the following: "on".
13. Page 8, line 24, by striking the words "in terms of" and inserting the following: "with respect to".

By LARRY MURPHY
 PAT DELUHERY

JEAN LLOYD-JONES
 MAGGIE TINSMAN

S-3085 FILED FEBRUARY 16, 1989

ADOPTED 2-16-89 (p. 429)

SENATE FILE 149

S-3087

Amend the amendment, S-3084, to Senate File 149 as follows:

1. Page 1, lines 16 and 17, by striking the words "cure the child's nonattendance" and inserting the following: "assure the child's attendance".
2. Page 1, line 20, by inserting after the word "mediation" the following: "or prosecution".
3. Page 1, line 21, by striking the word "The" and inserting the following: "If the matter is referred for mediation, the".

By ELAINE SZYMONIAK
 PAT DELUHERY

S-3087 FILED FEBRUARY 16, 1989

ADOPTED 2-16-89 (p. 429)

SENATE FILE 149
FISCAL NOTE

A fiscal note for SENATE FILE 149, AS AMENDED 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.

Senate File 149, as passed by the House, requires children to attend school from age six to sixteen. The board of directors of a school district or private school governing body would set compulsory attendance policy. The exception to the compulsory attendance law for fourteen-year-old employed children is repealed. A one-hundred-eighty day, five and one-half hours of instruction requirement has been imposed upon private instruction. Reports from private schools must be made by the third Friday in September. The penalties for violation of this compulsory attendance law are increasing fines or community service. Truancy can lead to investigation by a county attorney and potential child in need of assistance proceedings. If the parent, guardian, or custodian is convicted three or more times for violating the compulsory attendance law, investigation and court proceedings would follow.

Assumptions:

1. There are approximately 500 six-year-olds currently not enrolled in school.
2. The average state aid per pupil cost is \$3,011.

Fiscal Effect:

With 500 additional pupils, an additional \$1,505,500 would be generated from the school aid formula. Of this, \$1,249,565 would be from state aid and \$255,935 from local property tax.

The additional Department of Education reporting requirements is estimated to cost \$60,000 for one FTE to coordinate with local districts.

Local districts would have additional costs if alternative programs would be required.

Additional costs would be incurred at the county level by the requirement that the county attorney investigate each report of students accumulating 15 or more unexcused absences during a school year. There is no estimate available as to what this would cost.

Source: Department of Education

(LSB 1528sv.2, JAS)

FILED JANUARY 22, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 149
FISCAL NOTE

A fiscal note for SENATE FILE 149 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.

Senate File 149, as passed by the Senate, requires children to attend school from age six to sixteen until June 30, 1994. After June 30, 1994 the compulsory attendance age is from age six to eighteen. The board of directors of a school district or private school governing body would set compulsory attendance policy. The exception to the compulsory attendance law for fourteen-year-old employed children is repealed. A one-hundred-eighty day, five and one-half hours of instruction requirement has been imposed upon private instruction. Reports from private schools must be made by the third Friday in September. The penalties for violation of this compulsory attendance law are increasing fines or community service. Truancy can lead to investigation by a county attorney and potential child in need of assistance proceedings. If the parent, guardian, or custodian is convicted three or more times for violating the compulsory attendance law, investigation and court proceedings would follow.

Assumptions:

1. There are approximately 500 six-year-olds currently not enrolled in school.
2. For FY 1990, there were 4,495 dropouts recorded.
3. The average state aid per pupil cost is \$3,011.

Fiscal Effect:

With 500 additional pupils, an additional \$1,505,500 would be generated from the school aid formula. Of this, \$1,249,565 would be from state aid and \$255,935 from local property tax.

With 4,995 additional pupils in 1994 using FY 90 estimates, an additional \$15,039,945 would be generated from the school aid formula. Of this, \$12,483,154 would be from state aid and \$2,556,791 from local property tax.

The additional Department of Education reporting requirements is estimated to cost \$60,000 for one FTE to coordinate with local districts.

Local districts would have additional costs if alternative programs would be required.

Additional costs would be incurred at the county level by the requirement that the county attorney investigate each report of students accumulating 15 or more unexcused absences during a school year. There is no estimate available as to what this would cost.

Source: Department of Education

(LSR 1528sv, JAS)

FILED JANUARY 22, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

38487

1 Section 1. Section 279.10, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The school year shall begin on the first day of July
4 and each regularly established elementary and secondary school
5 shall begin no sooner than a day during the calendar week in
6 which the first day of September falls but no later than the
7 ~~first-Monday-in-December~~ September 15. School shall continue
8 for at least one hundred eighty days, except as provided in
9 subsection 3, and may be maintained during the entire calendar
10 year. A school corporation may begin employment of personnel
11 for in-service training and development purposes before the
12 date to begin elementary and secondary school.

13 Sec. 2. Section 280.3, unnumbered paragraph 1, Code 1989,
14 is amended to read as follows:

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15 The board of directors of each public school district and
16 the authorities in charge of each nonpublic school shall
17 prescribe the minimum educational program and an attendance
18 policy which shall include at least one hundred forty-eight
19 days of attendance, to be met by attendance for at least
20 thirty-seven days each school quarter, for the schools under
21 their jurisdictions. The minimum educational program shall be
22 the curriculum set forth in section 256.11, except as
23 otherwise provided by law. The board of directors of a public
24 school district shall not allow discrimination in any
25 educational program on the basis of race, color, creed, sex,
26 marital status or place of national origin.

27 Sec. 3. Section 299.1, Code 1989, is amended to read as
28 follows:

29 299.1 ATTENDANCE REQUIREMENTS.

30 The Except as provided in section 299.2, the parent,
31 guardian, or legal or actual custodian of a child who ~~is over~~
32 seven has reached the age of six and is under sixteen eighteen
33 years of age by September 15, in proper physical and mental
34 condition to attend school, shall ~~enroll~~ cause the child in to
35 attend some public school, commencing as provided under

1 section 279.10. The board of directors of a public school
2 district or the governing body of an accredited nonpublic
3 school shall set the number of days of required attendance for
4 the schools under its control.

5 ~~The board may, by resolution, require attendance in the~~
6 ~~public schools for the entire time when the schools are in~~
7 ~~session in any school year.~~

8 ~~A child shall attend an accredited or approved school for~~
9 ~~at least one hundred twenty days each school year. The~~
10 ~~requirement shall be met by attendance for at least thirty~~
11 ~~days each school quarter, or a similar distribution of~~
12 ~~attendance throughout the school year.~~

13 ~~In lieu of such attendance such child may attend upon~~
14 ~~equivalent instruction by a certified teacher elsewhere.~~

15 Sec. 4. Section 299.2, Code 1989, is amended to read as
16 follows:

17 299.2 EXCEPTIONS.

18 Section 299.1 shall not apply to any child:

19 ~~1. Who is over the age of fourteen and is regularly~~
20 ~~employed:~~

21 ~~2 1. Whose educational qualifications are equal to those~~
22 ~~of pupils who have completed the eighth grade. Who has~~
23 ~~completed the requirements for graduation in an accredited~~
24 ~~school or has obtained a high school equivalency diploma under~~
25 ~~chapter 259A.~~

26 ~~3 2. Who is excused for sufficient reason by any court of~~
27 ~~record or judge.~~

28 ~~4 3. While attending religious services or receiving~~
29 ~~religious instructions.~~

30 ~~5 4. Who is attending a private college preparatory school~~
31 ~~accredited or probationally accredited under section 256.11,~~
32 ~~subsection 13.~~

33 ~~5. Who is attending private equivalent instruction~~
34 ~~provided for at least one hundred eighty days per school year,~~
35 ~~as defined under section 279.10, by a certificated teacher.~~

1 Attendance shall be for at least one hundred forty-eight days
2 each year, and shall be met by attendance for at least thirty-
3 seven days each school quarter, or a similar distribution of
4 attendance throughout the calendar year.

5 6. Who has been excused under section 299.22.

3323— 6 7. Who is attending an exempted program under section
7 299.24.

8 Sec. 5. Section 299.3, Code 1989, is amended to read as
9 follows:

10 299.3 REPORTS FROM PRIVATE NONPUBLIC SCHOOLS.

11 ~~Within-ten-days-from-receipt-of-notice-from-the-secretary~~
12 ~~of-the-school-district-within-which-any-private-school-is~~
13 ~~conducted~~ On or before the third Friday in September of each
14 school year, and at any time when requested in individual
15 cases, the principal of such a nonpublic school shall, once
16 ~~during-each-school-year, and-at-any-time-when-requested-in~~
17 ~~individual-cases,~~ furnish to such the secretary of the public
18 school district, within which the nonpublic school is located,
19 a certificate and report in duplicate of the names, ages, and
20 number of days attendance of each pupil of such the nonpublic
21 school over-seven who has reached the age of six and is under
384822 sixteen eighteen years of age, the course of study pursued by
23 ~~each-such-child~~ the pupil, the texts used, and the names of
24 the teachers, during the preceding year and from the time of
25 the last preceding report to the time at which a report is
26 required. The secretary shall retain one of the reports and
27 file the other with the secretary of the area education
28 agency.

29 Sec. 6. Section 299.4, Code 1989, is amended to read as
30 follows:

31 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

32 The parent, guardian, or legal or actual custodian of a
33 child who by September 15 ~~is-over-seven~~ has reached the age of
344834 six and is under sixteen eighteen years of age, who places the
35 child under private instruction under section 299.2,

1 subsection 5, not in an accredited ~~or-approved~~ school, shall
2 furnish a report in duplicate, to the district by the earliest
3 starting date specified in section 279.10, subsection 1. The
4 secretary shall retain and file one copy and forward the other
5 copy to the district's area education agency. The report
6 shall state the name and age of the child, the period of time
7 during which the child has been or will be under private
8 instruction for the school year, an outline of the course of
9 study, texts used, and the name and address of the ~~instructor~~
10 teacher. The term "outline of course of study" shall include,
11 but is not limited to, subjects covered, weekly lesson plans,
12 and time spent on the areas of study.

13 Sec. 7. Section 299.5, Code 1989, is amended to read as
14 follows:

15 299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

16 The parent, guardian, or custodian of a child who ~~is-ever~~
17 seven has reached the age of six and is under sixteen eighteen
18 years of age by September 15, who is physically or mentally
19 unable to attend school, shall furnish proofs by affidavit
20 certificate under sections 281.6 and 281.7 as to the physical
21 or mental condition of the child.

22 Sec. 8. NEW SECTION. 299.5A MEDIATION.

23 If a child is truant as defined in section 299.8, school
24 officers shall attempt to find the cause for the child's
25 absence and use every means available to the school to assure
26 that the child does attend. If the parent, legal or actual
27 guardian, or child refuses to accept the school's attempt to
28 assure the child's attendance or the school's attempt to
29 assure the child's attendance is otherwise unsuccessful, the
30 truancy officer shall refer the matter to the county attorney
31 for mediation or prosecution.

32 If the matter is referred for mediation, the county
33 attorney shall cause a notice of the referral to be sent to
34 the parent or legal or actual guardian and designate a person
35 to serve as mediator in the matter. If mediation services are

1 available in the community, those services may be used as the
28482 designated mediation service. The mediator shall contact the
3 school, the parent or legal or actual guardian, and any other
4 person the mediator deems appropriate in the matter and
5 arrange meeting dates and times for discussion of the child's
6 nonattendance. The mediator shall attempt to ascertain the
7 cause of the child's nonattendance, attempt to cause the
8 parties to arrive at an agreement relative to the child's
9 attendance, and initiate referrals to any agencies or
10 counseling that the mediator believes to be appropriate under
11 the circumstances.

12 If the parties reach an agreement, the agreement shall be
13 reduced to writing and signed by a school officer, parent or
14 legal or actual guardian, and the child. The mediator, the
15 school, and the parent or legal or actual guardian shall each
16 receive a copy of the agreement, which shall set forth the
17 settlement of the issues and future responsibilities of each
18 party.

19 The school district shall be responsible for monitoring any
20 agreements arrived at through mediation. If a parent or legal
21 or actual guardian refuses to engage in mediation or violates
22 a term of the agreement, the matter shall be rereferred to the
23 county attorney for prosecution under section 299.6.

24 Sec. 9. Section 299.6, Code 1989, is amended to read as
25 follows:

26 299.6 VIOLATIONS -- COMMUNITY SERVICE IN-~~LIEU-OF~~ OR FINE
3848 27 OR IMPRISONMENT.

28 Any person who ~~shall-violate~~ violates a mediation agreement
29 under section 299.5A or any of the provisions of sections
30 299.1 to through 299.5 or refuses to participate in mediation
31 under section 299.5A, inclusive, ~~shall-be~~ for a first offense,
32 is guilty of a simple misdemeanor and ~~the court shall.~~

3848 33 A first offense conviction is punishable by imprisonment
34 not exceeding ten days or a fine not exceeding one hundred
35 dollars. The court may order the person to perform not more

1 than forty hours of unpaid community service instead of any
3848 2 fine or imprisonment. A person convicted of a second or
3 subsequent violation is guilty of a serious misdemeanor.

3848 4 A second offense conviction is punishable by imprisonment
5 not exceeding twenty days or a fine not exceeding five hundred
6 dollars, or both a fine and imprisonment. The court may order
7 the person to perform unpaid community service instead of any
8 fine or imprisonment.

3848 9 A third or subsequent offense conviction is punishable by
10 imprisonment not exceeding thirty days or a fine not exceeding
11 one thousand dollars, or both a fine and imprisonment. The
12 court may order the person to perform unpaid community service
13 instead of any fine or imprisonment.

14 If community service is imposed as part of a sentencing
15 order, the court may require that part or all of the service
16 be performed for a public school district or nonpublic school
17 if the court finds that service in the school is appropriate
18 under the circumstances.

19 If a parent, guardian, or legal or actual custodian of a
20 child who is truant, has made an objective and reasonable good
21 faith effort to comply with the provisions of sections 299.1
22 through 299.5, the parent, guardian, or custodian shall not be
23 criminally liable for the child's nonattendance.

24 Sec. 10. NEW SECTION. 299.6A INVESTIGATION OF TRUANT
25 CHILDREN.

26 The truancy officer shall report a child who is truant
27 under section 299.8, or who has accumulated fifteen unexcused
28 absences as defined under the board of directors' or other
29 governing body's attendance policy, during a three-year period
30 to the county attorney. The county attorney shall investigate
31 the report and may file a petition under section 232.87 for a
32 judicial determination of whether the child is a child in need
33 of assistance, as defined in section 232.2, subsection 6.

34 Upon a third or subsequent conviction of a parent,
35 guardian, or legal or actual custodian for violations of

1 sections 299.1 through 299.5 relating to the same child, the
2 county attorney shall investigate whether the child is a child
3 in need of assistance and shall file a petition if there are
4 sufficient facts to bring the child within the jurisdiction of
5 the court.

6 Sec. 11. Section 299.8, Code 1989, is amended to read as
7 follows:

8 299.8 "TRUANT" DEFINED.

9 Any "Truant" means a child over-seven who has reached the
3848 10 age of six and is under sixteen eighteen years of age, who is
11 in proper physical and mental condition to attend school, and
12 who fails to attend school regularly as provided-in-this
13 chapter,--without-reasonable-excuse-for-the-absence,--shall-be
14 deemed-to-be-a-truant required by the school board's or school
15 governing body's attendance policy.

16 Sec. 12. Section 299.10, Code 1989, is amended to read as
17 follows:

18 299.10 TRUANCY OFFICERS -- APPOINTMENT ---COMPENSATION.

19 The board of each school district may,~~and in school~~
20 ~~districts having a population of twenty thousand shall,~~
21 appoint a truancy officer.

22 ~~In districts having therein a city, the~~ The board may
23 appoint a member of the police force, or marshal, ~~as such~~
24 ~~officer, and other districts may appoint a constable a~~
25 teacher, school official, or other suitable person to serve as
3848 26 the district truancy officer.

27 ~~Such officers shall be paid a reasonable compensation by~~
28 ~~the board.~~

29 Sec. 13. Section 299.11, Code 1989, is amended to read as
30 follows:

31 299.11 DUTIES OF TRUANCY OFFICER.

32 The truancy officer ~~shall~~ may take into custody without
33 warrant any apparently truant child and place the child in the
34 charge of the ~~teacher-in-charge-of-the-public school~~
35 principal, or the principal's designee, designated by the

1 board of directors of the school district in which said the
2 child resides, or of any private nonpublic school designated
3 by the person-having-legal-control-of-the-child parent,
4 guardian, or legal or actual custodian; but if it is other
5 than a public school, the instruction and maintenance of the
6 child therein shall be without expense to the school district.

7 The truancy officer shall promptly institute criminat
8 proceedings against any person violating any of the provisions
9 of sections 299.1 to through 299.5.

10 Sec. 14. Section 299.16, Code 1989, is amended to read as
11 follows:

12 299.16 FAILURE TO ATTEND.

4057,3848 13 School officers shall ascertain the number of children over
14 seven who have reached the age of six and are under sixteen
15 eighteen years of age, in their respective districts, the
16 number of such children who do-not-attend-school are truant
17 under section 299.8 or who have accumulated fifteen unexcused
18 absences during a three-year period, and so far as possible
19 the cause of the failure to attend. School officers shall,
20 until July 1, 1999, biennially report this information to the
21 department of education on forms provided by the department.
22 The department shall attach a summary of the reports, an
23 analysis of the data, and policy recommendations based on the
24 data analysis with the department's report under section
25 256.9, subsection 28.

26 Sec. 15. Section 299.18, Code 1989, is amended to read as
27 follows:

28 299.18 EDUCATION -- STATE SCHOOL.

29 Children over-seven who have reached the age of six and are
30 under nineteen eighteen years of age and who are so deaf or
31 blind or severely handicapped as to be unable to obtain an
32 education in the common schools shall be sent to the proper
33 appropriate state school-therefor institution, or shall
34 receive appropriate special education under chapter 281,
35 unless exempted, and any person having such a child under the

1 person's control or custody shall see that such the child
2 attends such the school institution or special education
3 program during the scholastic year.

4 Sec. 16. Section 299.20, Code 1989, is amended to read as
5 follows:

6 299.20 ORDER.

7 Upon the filing of the application mentioned in section
8 299.19, the time of hearing shall be determined by the
9 juvenile court or the district court. If, upon hearing, the
10 court determines that the person required to appear has the
11 custody and control of a child who should be required to
12 attend a state school institution under section 299.18, the
13 court shall make an order requiring such the person to keep
3848 14 such child in attendance at such the school institution.

15 Sec. 17. Section 299.22, Code 1989, is amended to read as
16 follows:

17 299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

18 Attendance at the state institution may be excused when the
19 superintendent thereof of the institution is-satisfied
20 determines: that

21 ~~1.---That-the-child-is-in-such-bodily-or-mental-condition-as~~
22 ~~to-prevent-or-render-futile-attendance-at-the-school.~~

23 ~~2.---That-the-child-is-so-diseased-or-possesses-such-habits~~
24 ~~as-to-render-the-child's-presence-a-menace-to-the-health-or~~
25 ~~morals-of-other-pupils.~~

26 3.---That the child is efficiently taught for the scholastic
27 year in a private nonpublic or other school devoted to such
28 the instruction, or by a private tutor, in the branches-taught
29 in public schools, or is shown to be physically or mentally
30 unable to attend school under section 299.5.

31 Sec. 18. DEPARTMENTAL STUDY. The department of education
32 shall assist local school districts in determining the
384833 expected impact of the provisions of this Act on increased
34 enrollment of sixteen and seventeen year-olds, and the
35 characteristics of this population with respect to educational

1 and basic skill level, family support structure, orientation
2 to the traditional school curricula, and orientation to
3 alternative curricula.

4 The department of education, in coordination with the
5 department of human services, the supreme court, the
6 department of public health, and the department of employment
38487 services, shall do the following:

8 1. Identify experiences other states have had, and
9 educational and social support responses they have made, as a
10 result of increasing the compulsory education age from sixteen
11 to eighteen years of age.

12 2. Seek to develop program materials that consider health,
13 employment and training, and human service needs in addition
14 to education needs to assist local districts in serving
15 students affected by this Act.

16 3. Develop definitions of the terms "at-risk student" and
17 "dropout" which are appropriate for students in middle and
18 high schools and which will assist districts in identifying
19 students in need of alternative academic programming.

20 4. Identify "at-risk" middle schools and high schools
21 within the state. For purposes of this section, "at-risk"
22 means schools that are categorized by high levels of one or
23 more of the following: below grade performing students, grade
24 retention, school dropouts, school expulsions, teen pregnancy,
25 poverty, single parent families, substance abuse, teenage
26 suicides, youth unemployment, juvenile delinquency, and child
27 abuse.

28 5. Provided that no other resources are made available for
38489 this purpose, develop a strategy for "at-risk" schools to work
30 in coordination with other service providers, private
31 employers, and parents and students to address student needs
32 and improve student achievement.

33 38487 Sec. 19. ALTERNATIVE PROGRAMS. Schools which provide
34 alternative educational programs, for middle school and high
35 school students, designed to provide incentives for the

1 students to remain in school, shall not be subject to the
2 minimum hours of instruction requirement adopted by the state
3 board of education.

3848 4 Sec. 20. This Act does not apply to students who have
5 dropped out of school before the effective date of this Act.

6 Sec. 21. Sections 299.9, 299.13, 299.14, and 299.15, Code
7 1989, are repealed.

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Page 3

1 basic instruction.

2 c. Alternative teaching methods including indi-
3 vidualized programming.

3931-4 d. Alternative graduation requirements."

5 28. Page 10, lines 23 and 24, by striking the
6 words "Schools which provide alternative" and
7 inserting the following: "Alternative".

8 29. Page 11, by striking lines 4 and 5 and
9 inserting the following:

3860-7 10 "Sec. ____ BAR OF PROSECUTION. Notwithstanding
11 section 802.4, a parent, guardian, or custodian who
12 met the criteria for deferral of prosecutions of
13 chapter 299, under the 1988 Iowa Acts, chapter 1259,
14 section 7, shall not be prosecuted for violations of
15 chapter 299 which occurred between May 16, 1988, and
16 July 1, 1989."

17 30. By renumbering as necessary.

By COMMITTEE ON EDUCATION
OLLIE of Clinton, Chairperson

H-3848 FILED APRIL 5, 1989

Adopted 4-17-89 (p. 1642)

SENATE FILE 149

H-3323

1 Amend Senate File 149, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 3, by striking line 6 and inserting the
4 following:

5 "7. Who is exempted under section".

By SPEAR of Lee

H-3323 FILED MARCH 9, 1989

Adopted 4-17-89 (p. 1642)

SENATE FILE 149

H-3848

1 Amend Senate File 149 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Sec. ____ . Section 256.9, Code 1989, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 35. Develop model guidelines for
8 district in-service training programs for truancy
9 officers."

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10 2. Page 1, by striking lines 18 and 19, and
11 inserting the following: "policy which shall require
12 each child to attend school for at least one hundred
13 forty-eight days, to be met by attendance for at
14 least".

15 3. Page 1, line 32, by striking the words
16 "sixteen eighteen" and inserting the following:
17 "sixteen".

18 4. Page 2, by striking lines 21 through 25, and
19 inserting the following:

20 "~~2.---Whose-educational-qualifications-are-equal-to~~
21 ~~those-of-pupils-who-have-completed-the-eighth-grade."~~

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22 5. Page 3, line 22, by striking the words
23 "sixteen eighteen" and inserting the following:
24 "sixteen".

25 6. Page 3, line 34, by striking the words
26 "sixteen eighteen" and inserting the following:
27 "sixteen".

28 7. Page 4, line 17, by striking the words
29 "sixteen eighteen" and inserting the following:
30 "sixteen".

31 8. Page 5, line 2, by inserting after the word
32 "service." the following: "If mediation services are
33 not available in the community, mediation shall be
34 provided by the county attorney or the county
35 attorney's designee."

36 9. Page 5, line 23, by inserting after the figure
37 "299.6." the following: "The county attorney's office
38 or the mediation service shall require the parent and
39 the school to pay a fee to help defray the
40 administrative cost of mediation services. The county
41 attorney's office or the mediation service shall
42 establish a sliding scale of fees to be charged
43 parents, based upon ability to pay. A parent shall
44 not be denied the services of a mediator solely
45 because of inability to pay the fee."

46 10. Page 5, by striking line 27 and inserting the
47 following: "~~OR-IMPRISONMENT.~~"

48 11. Page 5, lines 33 and 34, by striking the
49 words "imprisonment not exceeding ten days or".

50 12. Page 6, line 2, by striking the words "or

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Page 2

- 1 "imprisonment" and inserting the following: "or
 2 imprisonment".
- 3 13. Page 6, lines 4 and 5, by striking the words
 4 "imprisonment not exceeding twenty days or".
- 5 14. Page 6, line 6, by striking the words ", or
 6 both a fine and imprisonment".
- 7 15. Page 6, line 8, by striking the words "or
 8 imprisonment".
- 9 16. Page 6, line 10, by striking the words
 10 "imprisonment not exceeding thirty days or".
- 11 17. Page 6, line 11, by striking the words ", or
 12 both a fine and imprisonment".
- 13 18. Page 6, line 13, by striking the words "or
 14 imprisonment".
- 15 19. Page 7, line 10, by striking the words
 16 "sixteen eighteen" and inserting the following:
 17 "sixteen".
- 18 20. Page 7, line 26, by inserting after the word
 19 "officer," the following: "Each school district shall
 20 provide an in-service training program for the person
 21 appointed to serve as the district truancy officer.
 22 The training program shall reflect, but is not limited
 23 to, information about school and local legal
 24 procedures relating to the methods of handling truant
 25 children and the children's families."
- 26 21. Page 8, lines 14 and 15, by striking the
 27 words "sixteen eighteen" and inserting the following:
 28 "sixteen".
- 29 22. Page 8, line 16, by striking the word "such"
 30 and inserting the following: "such those".
- 31 23. Page 9, line 14, by striking the words "such
 32 child" and inserting the following: "such the child".
- 33 24. Page 9, line 33, by striking the words "the
 34 provisions of this Act" and inserting the following:
 35 "an increase in the maximum mandatory attendance age
 36 from sixteen to up to eighteen".
- 37 25. Page 10, line 7, by inserting after the word
 38 "shall" the following: "by January 1990,".
- 39 26. Page 10, line 29, by inserting after the word
 40 "develop" the following: "recommendations for".
- 41 27. Page 10, by inserting after line 32 the
 42 following:
- 3931-43 "6. Develop recommendations regarding alternative
 44 programming for students who are at risk of dropping
 45 out of the regular schools and programs. The
 46 recommendations shall include, but are not limited to,
 47 the following:
- 48 a. Modification of the minimum educational
 49 standards contained in section 256.11.
- 50 b. Alternative curricula, including competency-

SENATE FILE 149

H-3884

1 Amend the amendment, H-3848, to Senate File 149 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 9, the
5 following:

6 "_____. Page 1, line 8, by striking the words "one
7 hundred eighty" and inserting the following: "~~one~~
8 ~~hundred-eighty~~ two hundred"."

9 2. Page 1, line 10, by striking the words "and
10 19" and inserting the following: "through 20".

11 3. Page 1, by striking lines 12 through 14 and
12 inserting the following: "each child to attend school
13 for at least one hundred sixty-eight days, to be met
14 by attendance for at least forty-two days each school
15 quarter, for the schools under"."

16 4. Page 1, by inserting after line 21, the
17 following:

18 "_____. Page 2, line 34, by striking the words "one
19 hundred eighty" and inserting the following: "two
20 hundred"."

21 "_____. Page 3, line 1, by striking the words "one
22 hundred forty-eight" and inserting the following:
23 "one hundred sixty-eight"."

24 "_____. Page 3, lines 2 and 3, by striking the word
25 "thirty-seven" and inserting the following: "forty-
26 two"."

27 5. By renumbering as necessary.

By CORBETT of Linn

H-3884 FILED APRIL 6, 1989

NA JOURNAL 4-4-89 (p1640)

SENATE FILE 149

H-3860

1 Amend the amendment, H-3848, to Senate File 149, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, by inserting after line 9 the
5 following:

6 "Sec. ____ . 1988 Iowa Acts, chapter 1259, sections
7 7, 8, and 9, are amended to read as follows:

8 SEC. 7. Notwithstanding section 802.4,
9 prosecutions for violations of chapter 299, which
10 occur between the effective date of this Act and July
11 1, ~~1989~~ 1990, shall be deferred until after July 1,
12 ~~1989~~ 1990 unless the parent, guardian, or custodian
13 fails to meet the requirements of section 299.4.

14 This section does not apply to any parent,
15 guardian, or custodian who has enrolled a child in an
16 equivalent instruction program which meets the
17 requirements of section 299.1 on or prior to the
18 effective date of this Act.

19 SEC. 8. Until July 1, ~~1989~~ 1990, any person
20 providing equivalent instruction under section 299.1
21 shall provide evidence, as part of the report
22 submitted under section 299.4, that any child
23 instructed has complied with the immunization
24 requirements of section 139.9.

25 SEC. 9. Until July 1, ~~1989~~ 1990, a person who is
26 not a certified instructor, but who is providing
27 equivalent instruction under section 299.1, is a
28 mandatory reporter of child abuse under section
29 232.69."

By DAGGETT of Adams

H-3860 FILED APRIL 5, 1989

1137 4-11-89 (2'610)

SENATE FILE 149

H-3952

1 Amend the amendment, H-3848, to Senate File 149, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 21 the
5 following:

6 "8. Page 3, by inserting after line 7 the fol-
7 lowing:

8 "8. Who is attending a noncertified home education
9 or noncertified school program provided for at least
10 one hundred eighty days per calendar year. Attendance
11 in a noncertified home education or noncertified
12 private school program shall be for at least one
13 hundred forty-eight days each year, and shall be met
14 by attendance for at least thirty-seven days each
15 school quarter, or a similar distribution of
16 attendance throughout the calendar year.

17 For purposes of this subsection, "noncertified home
18 education program" means an educational program
19 provided in a home by a noncertificated teacher, who
20 holds a minimum of a high school diploma or its
21 equivalent under chapter 259A, who is a parent or
22 guardian to one or more students, who have reached the
23 age of six and are under sixteen years of age by
24 September 15, and who are siblings.

25 For purposes of this subsection, "noncertified
26 private school program" means an educational program
27 provided in a nonpublic school, which is not
28 accredited by the state board of education under
29 section 256.11 and which employs persons to provide
30 instruction who do not possess a teacher's certificate
31 issued under chapter 260, but who hold a minimum of a
32 bachelor's degree."

By CORBETT of Linn

H-3952 FILED APRIL 10, 1989

RECEIVED 4-17-89 (p1640)

SENATE FILE 149

H-3931

1 Amend the amendment, H-3848, to Senate File 149, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 37 through 40, and
5 inserting the following:

6 "_____. Page 10, by striking lines 4 through 7, and
7 inserting the following:

8 "The department of education shall, by January
9 1990, do the following:"

10 _____. Page 10, line 15, by striking the words
11 "affected by this Act" and inserting the following:
12 "who are at risk of dropping out of the regular
13 schools and programs".

14 _____. Page 10, by striking lines 20 through 32."

15 2. Page 2, line 43, by striking the figure "6."
16 and inserting the following: "4."

17 3. Page 3, line 4, by striking the words
18 "graduation requirements" and inserting the following:
19 "options for graduation".

20 4. Page 3, by inserting after line 4, the
21 following:

22 "_____. Page 10, by inserting before line 33, the
23 following:

24 "The department of education, in coordination with
25 the department of human services, the supreme court,
26 the department of public health, and the department of
27 employment services, by July 1991, shall build a data
28 base which will assist in the identification of at-
29 risk students and middle and high schools within the
30 state having a significant population of at-risk
31 students. At-risk characteristics to be considered
32 may include, but are not limited to, high levels of
33 one or more of the following: below grade level
34 performing students, grade retention, school dropouts,
35 school expulsions, teen pregnancy, poverty, single
36 parent families, substance abuse, teenage suicides,
37 youth underemployment, juvenile delinquency, and child
38 abuse. In building this data base, consideration
39 shall be given to protecting the privacy of the
40 individual student and limiting the data burden on
41 school districts."

42 5. By renumbering as necessary.

By NEUHAUSER of Johnson
CORBETT of Linn

H-3931 FILED APRIL 7, 1989

Adopted 4-17-89 (P.164)

SENATE FILE 149

H-4068

1 Amend amendment H-4057, to Senate File 149, as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 6, by striking the words "each
5 semester" and inserting the word "annually".

By SWARTZ of Marshall

H-4068 FILED APRIL 17, 1989

ADOPTED 4-17-89 (p. 100)

SENATE FILE 149

H-4057

1 Amend Senate File 149, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, line 16, by inserting after the word
4 "number" the following: "and names".

5 2. Page 8, by striking line 20, and inserting the
6 following: "each semester, report this information,
7 along with the number and names of children who in the
8 judgment of the district have an attendance problem,
9 to the".

10 3. Page 8, line 21, by inserting after the words
11 "the department." the following: "The department
12 shall analyze the information and annually advise the
13 districts on possible solutions to local attendance
14 problems."

By SWARTZ of Marshall

H-4057 FILED APRIL 17, 1989

ADOPTED

4-17-89 (p. 100)

S-3750

Page 3

1 from sixteen to up to eighteen".

2 29. Page 10, by striking lines 4 through 7, and
3 inserting the following:

4 "The department of education shall, by January
5 1990, do the following:".

6 30. Page 10, line 15, by striking the words
7 "affected by this Act" and inserting the following:
8 "who are at risk of dropping out of the regular
9 schools and programs".

10 31. Page 10, by striking lines 20 through 32.

11 32. Page 10, by inserting after line 32 the
12 following:

13 "4. Develop recommendations regarding alternative
14 programming for students who are at risk of dropping
15 out of the regular schools and programs. The
16 recommendations shall include, but are not limited to,
17 the following:

18 a. Modification of the minimum educational
19 standards contained in section 256.11.

20 b. Alternative curricula, including competency-
21 based instruction.

22 c. Alternative teaching methods, including indi-
23 vidualized programming.

24 d. Alternative options for graduation."

25 33. Page 10, by inserting before line 33, the
26 following:

27 "The department of education, in coordination with
28 the department of human services, the supreme court,
29 the department of public health, and the department of
30 employment services, by July 1991, shall build a data
31 base which will assist in the identification of at-
32 risk students and middle and high schools within the
33 state having a significant population of at-risk
34 students. At-risk characteristics to be considered
35 may include, but are not limited to, high levels of
36 one or more of the following: below grade level
37 performing students, grade retention, school dropouts,
38 school expulsions, teen pregnancy, poverty, single
39 parent families, substance abuse, teenage suicides,
40 youth underemployment, juvenile delinquency, and child
41 abuse. In building this data base, consideration
42 shall be given to protecting the privacy of the
43 individual student and limiting the data burden on
44 school districts.

45 34. Page 10, lines 33 and 34, by striking the
46 words "Schools which provide alternative" and
47 inserting the following: "Alternative".

48 35. Page 11, by striking lines 4 and 5 and
49 inserting the following:

50 "Sec. ____ . BAR OF PROSECUTION. Notwithstanding

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1 section 802.4, a parent, guardian, or custodian who
2 met the criteria for deferral of prosecutions of
3 chapter 299, under the 1988 Iowa Acts, chapter 1259,
4 section 7, shall not be prosecuted for violations of
5 chapter 299 which occurred between May 16, 1988, and
6 July 1, 1989."

7 36. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3750 FILED APRIL 18, 1989

Senate Concurred 5-5-89 (p.2000)

HOUSE AMENDMENT TO
SENATE FILE 149

S-3750

1 Amend Senate File 149 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Sec. ____ . Section 256.9, Code 1989, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 35. Develop model guidelines for
8 district in-service training programs for truancy
9 officers."

10 2. Page 1, by striking lines 18 and 19, and
11 inserting the following: "policy which shall require
12 each child to attend school for at least one hundred
13 forty-eight days, to be met by attendance for at
14 least".

3894 15 3. Page 1, line 32, by striking the words
16 "sixteen eighteen" and inserting the following:
17 "sixteen".

18 4. Page 2, by striking lines 21 through 25, and
19 inserting the following:

20 "~~2--Whose-educational-qualifications-are-equal-to~~
21 ~~those-of-pupils-who-have-completed-the-eighth-grade-~~"

22 5. Page 3, by striking line 6 and inserting the
23 following:

24 "7. Who is exempted under section".

3894 25 6. Page 3, line 22, by striking the words
26 "sixteen eighteen" and inserting the following:
27 "sixteen".

28 7. Page 3, line 34, by striking the words
29 "sixteen eighteen" and inserting the following:
30 "sixteen".

31 8. Page 4, line 17, by striking the words
32 "sixteen eighteen" and inserting the following:
33 "sixteen".

34 9. Page 5, line 2, by inserting after the word
35 "service." the following: "If mediation services are
36 not available in the community, mediation shall be
37 provided by the county attorney or the county
38 attorney's designee."

39 10. Page 5, line 23, by inserting after the
40 figure "299.6." the following: "The county attorney's
41 office or the mediation service shall require the
42 parent and the school to pay a fee to help defray the
43 administrative cost of mediation services. The county
44 attorney's office or the mediation service shall
45 establish a sliding scale of fees to be charged
46 parents, based upon ability to pay. A parent shall
47 not be denied the services of a mediator solely
48 because of inability to pay the fee."

3894 49 11. Page 5, by striking line 27 and inserting the
50 following: "~~OR-IMPRISONMENT.~~"

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Page 2

1 12. Page 5, lines 33 and 34, by striking the
2 words "imprisonment not exceeding ten days or".

3 13. Page 6, line 2, by striking the words "or
4 imprisonment" and inserting the following: "or
5 imprisonment".

6 14. Page 6, lines 4 and 5, by striking the words
7 "imprisonment not exceeding twenty days or".

8 15. Page 6, line 6, by striking the words ", or
9 both a fine and imprisonment".

10 16. Page 6, line 8, by striking the words "or
11 imprisonment".

12 17. Page 6, line 10, by striking the words
13 "imprisonment not exceeding thirty days or".

14 18. Page 6, line 11, by striking the words ", or
15 both a fine and imprisonment".

16 19. Page 6, line 13, by striking the words "or
17 imprisonment".

18 20. Page 7, line 10, by striking the words
19 "sixteen eighteen" and inserting the following:
20 "sixteen".

21 21. Page 7, line 26, by inserting after the word
22 "officer." the following: "Each school district shall
23 provide an in-service training program for the person
24 appointed to serve as the district truancy officer.
25 The training program shall reflect, but is not limited
26 to, information about school and local legal
27 procedures relating to the methods of handling truant
28 children and the children's families."

3894 29 22. Page 8, lines 14 and 15, by striking the
30 words "sixteen eighteen" and inserting the following:
31 "sixteen".

32 23. Page 8, line 16, by inserting after the word
33 "number" the following: "and names".

34 24. Page 8, line 16, by striking the word "such"
35 and inserting the following: "such those".

3894 36 25. Page 8, by striking line 20, and inserting
37 the following: "annually, report this information,
38 along with the number and names of children who in the
39 judgment of the district have an attendance problem,
40 to the".

41 26. Page 8, line 21, by inserting after the words
42 "the department." the following: "The department
43 shall analyze the information and annually advise the
44 districts on possible solutions to local attendance
45 problems."

46 27. Page 9, line 14, by striking the words "such
47 child" and inserting the following: "such the child".

48 28. Page 9, line 33, by striking the words "the
49 provisions of this Act" and inserting the following:
50 "an increase in the maximum mandatory attendance age

SENATE FILE 149

S-3894

1 Amend House amendment, S-3750, to Senate File 149,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 15 through 17, and
5 inserting the following:

6 "____. Page 1, by striking lines 32 and 33, and
7 inserting the following: "seven-and-under-sixteen
8 years-of-age-by-September-15 is of compulsory
9 attendance age, in proper physical and mental".

10 _____. Page 2, by inserting after line 14, the
11 following:

12 "Sec. _____. NEW SECTION. 299.1A COMPULSORY
13 ATTENDANCE AGE.

14 A child who has reached the age of six and is under
15 sixteen years of age by September 15 is of compulsory
16 attendance age.

17 Sec. _____. NEW SECTION. 299.1B COMPULSORY
18 ATTENDANCE AGE.

19 A child who has reached the age of six and is under
20 eighteen years of age by September 15 is of compulsory
21 attendance age."

22 2. Page 1, by striking lines 25 through 33, and
23 inserting the following:

24 "____. Page 3, by striking lines 21 and 22, and
25 inserting the following: "school over-seven-and-under
26 sixteen-years-of-age who is of compulsory attendance
27 age, the course of study pursued by".

28 _____. Page 3, by striking lines 33 and 34, and
29 inserting the following: "child who by-September-15
30 is-over-seven-and-under-sixteen-years-of-age is of
31 compulsory attendance age, who places the".

32 _____. Page 4, by striking lines 17 and 18 and
33 inserting the following: "seven-and-under-sixteen
34 years-of-age-by-September-15 is of compulsory
35 attendance age, who is physically or mentally".

36 _____. Page 4, line 19, by inserting after the word
37 "school," the following: "or whose presence in school
38 would be injurious to the health of other pupils,"."

39 3. By striking page 1, line 49, through page 2,
40 line 20, and inserting the following:

41 "____. Page 7, line 9, by striking the words "has
42 reached the".

43 _____. Page 7, by striking line 10, and inserting
44 the following: "and-under-sixteen-years-of-age is of
45 compulsory attendance age, who is"."

46 4. Page 2, by striking lines 29 through 33, and
47 inserting the following:

48 "____. Page 8, by striking lines 14 and 15, and
49 inserting the following: "seven-and-under-sixteen
50 years-of-age who are of compulsory attendance age, in

S-3894

Page 2

1 their respective districts, the".

2 5. Page 2, by striking lines 36 through 45.

3 6. By striking page 3, line 48, through page 4,
4 line 6, and inserting the following:

5 "____. Page 11, by inserting after line 5, the
6 following:

7 "Sec. ____ Section 299.1A is repealed effective
8 June 30, 1994.

9 Sec. ____ Section 299.1B takes effect July 1,
10 1994."

By PAT DELUHERY
LARRY MURPHY

S-3894 FILED APRIL 25, 1989

3894A - Adopted 5-5-89 (p.1998)
3894B - Adopted 5-5-89 (p.1999)

S-4025

SENATE FILE 149

1 Amend the House amendment, S-3750, to Senate File
2 149, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 17 the fol-
5 lowing:
6 " ". By striking page 6, line 24, through page
7 7, line 5."

BY WILLIAM DIELEMAN

S-4025 FILED MAY 1, 1989

LOST 5-5-89 (p.1999)

SENATE FILE 149

S-4138

1 Amend the amendment, S-3894, to the House
2 amendment, S-3750, to Senate File 149, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 2, line 8, by striking the figure "1994"
5 and inserting the following: "1999".
6 2. Page 2, line 10, by striking the figure "1994"
7 and inserting the following: "1999".

By LARRY MURPHY

S-4138 FILED MAY 5, 1989

LOST 5-5-89 (p.1998)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 149
H-4501

1 Amend House amendment, S-3750, to Senate File 149,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 15 through 17, and
5 inserting the following:

6 "____. Page 1, by striking lines 32 and 33, and
7 inserting the following: "~~seven-and-under-sixteen~~
8 years-of-age-by-September-15 is of compulsory
9 attendance age, in proper physical and mental".

10 _____. Page 2, by inserting after line 14, the
11 following:

12 "Sec. _____. NEW SECTION. 299.1A COMPULSORY
13 ATTENDANCE AGE.

14 A child who has reached the age of six and is under
15 sixteen years of age by September 15 is of compulsory
16 attendance age.

17 Sec. _____. NEW SECTION. 299.1B COMPULSORY
18 ATTENDANCE AGE.

19 A child who has reached the age of six and is under
20 eighteen years of age by September 15 is of compulsory
21 attendance age."

22 2. Page 1, by striking lines 25 through 33, and
23 inserting the following:

24 "____. Page 3, by striking lines 21 and 22, and
25 inserting the following: "school ever-seven-and-under
26 sixteen-years-of-age who is of compulsory attendance
27 age, the course of study pursued by".

28 _____. Page 3, by striking lines 33 and 34, and
29 inserting the following: "child who by-September-15
30 is-over-seven-and-under-sixteen-years-of-age is of
31 compulsory attendance age, who places the".

32 _____. Page 4, by striking lines 17 and 18 and
33 inserting the following: "seven-and-under-sixteen
34 years-of-age-by-September-15 is of compulsory
35 attendance age, who is physically or mentally".

36 _____. Page 4, line 19, by inserting after the word
37 "school," the following: "or whose presence in school
38 would be injurious to the health of other pupils,"."

39 3. By striking page 1, line 49, through page 2,
40 line 20, and inserting the following:

41 "____. Page 7, line 9, by striking the words "has
42 reached the".

43 _____. Page 7, by striking line 10, and inserting
44 the following: "and-under-sixteen-years-of-age is of
45 compulsory attendance age, who is"."

46 4. Page 2, by striking lines 29 through 33, and
47 inserting the following:

48 "____. Page 8, by striking lines 14 and 15, and
49 inserting the following: "seven-and-under-sixteen
50 years-of-age who are of compulsory attendance age, in

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1 their respective districts, the".

2 5. Page 2, by striking lines 36 through 45.

3 6. By striking page 3, line 48, through page 4,
4 line 6, and inserting the following:

5 "____. Page 11, by inserting after line 5, the
6 following:

7 "Sec. _____. Section 299.1A is repealed effective
8 June 30, 1994.

9 Sec. _____. Section 299.1B takes effect July 1,
10 1994."

RECEIVED FROM THE SENATE

H-4501 FILED MAY 7, 1989

Have referred to committee (1/15/90) (p 78)
Done by committee (1/15/90)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 149

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 149, a bill for An Act relating to the compulsory attendance and truancy laws and providing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4501.
2. That the House recedes from its amendment, S-3750.
3. That Senate File 149, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 256.9, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 39. Develop model guidelines for district in-service training programs for truancy officers and direct the area education agencies to assist local school districts in providing the programs.

NEW SUBSECTION. 40. Prepare a plan and a report for ensuring that all Iowa children will be able to satisfy the requirements for high school graduation. The plan and report shall include a statement of the dimensions of the dropout

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problem in Iowa; a survey of existing programs geared to dropout prevention; a plan for use of competency-based outcome methods and measures; proposals for alternative means for satisfying graduation requirements including alternative high school settings, supervised vocational experiences, education experiences within the correctional system, screening and assessment mechanisms for identifying students who are at-risk of dropping out and the development of an individualized education plan for identified students; a requirement that schools provide information to students who drop out of school on options for pursuing education at a later date; the development of basic materials and information for schools to present to students leaving school; a requirement that students notify their school districts of residence when the student discontinues school, including the reasons for leaving school and future plans for career development; a requirement that, unless a student chooses to make the information relating to the student leaving school confidential, schools make the information available to community colleges, area education agencies, and other educational institutions upon request; and recommendations for the establishment of pilot projects for the development of model alternative options education programs; a plan for implementation of any recommended courses of action to attain a zero dropout rate by the year 2000; and other requirements necessary to achieve the goals of this subsection. Alternative means for satisfying graduation requirements which relate to the development of individualized education plans for students who have dropped out of the regular school program shall include, but are not limited to, a tracking component that requires a school district to maintain periodic contact with a student, assistance to a dropout in curing any of the student's academic deficiencies, an assessment of the student's employability skills and plans to improve those skills, and treatment or counseling for a student's social needs. The department shall also prepare a cost estimate associated with

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implementation of proposals to attain a zero dropout rate, including but not limited to evaluation of existing funding sources and a recommended allocation of the financial burden among federal, state, local, and family resources. The department, in conjunction with the plan and report, shall prepare an education bill of rights that delineates education opportunities that are to be legal entitlements for Iowa children. The report and plan shall be submitted to the general assembly by January 15, 1993.

NEW SUBSECTION. 41. Establish a curriculum clearinghouse for purposes of reviewing and analyzing home schooling curriculum, that is being marketed in Iowa, for educational content and usefulness.

NEW SUBSECTION. 42. Designate a person in the department of education to act as a competent private instruction liaison for parents and guardians who place a child under competent private instruction under chapter 299B.

Sec. 2. NEW SECTION. 256.15A COMPETENT PRIVATE INSTRUCTION ADVISORY COMMITTEE.

A competent private instruction advisory committee is established which consists of five members, to be appointed by the governor, each of whom is a citizen of the United States and a resident of the state of Iowa. The terms of office of the members is four years. The duties of the committee are to advise the state board and the director on matters affecting competent private instruction under chapter 299B. Notice of meetings of the state board shall be sent by the director to members of the committee.

Committee members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.6. The expense money shall be paid from the appropriations to the department of education.

Sec. 3. Section 279.10, subsection 1, Code 1989, is amended to read as follows:

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1. The school year shall begin on the first day of July and each regularly established elementary and secondary school shall begin no sooner than a day during the calendar week in which the first day of September falls but no later than the ~~first-Monday-in-December~~ September 15. School shall continue for at least one hundred eighty days, except as provided in subsection 3, and may be maintained during the entire calendar year. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

Sec. 4. Section 280.2, Code 1989, is amended to read as follows:

280.2 DEFINITIONS.

The term "public school" means any school directly supported in whole or in part by taxation. The term "nonpublic school" means any other school which is accredited or which uses licensed practitioners as instructors.

Sec. 5. Section 280.3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status or place of national origin.

Sec. 6. NEW SECTION. 280.19A ALTERNATIVE OPTIONS EDUCATION PROGRAMS.

By January 15, 1995, each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have

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dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

Sec. 7. Section 299.1, Code Supplement 1989, is amended to read as follows:

299.1 ATTENDANCE REQUIREMENTS.

The Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is over seven-and-under-sixteen-years-of-age-by-September-15, in proper-physical-and-mental-condition-to-attend-school is of compulsory attendance age, shall enroll cause the child in to attend some public school, commencing-as-provided accredited nonpublic school or an unaccredited nonpublic school using licensed instructors as defined under section 280.2, or competent private instruction in accordance with the provisions of chapter 299B for at least one hundred forty-eight days per school year, as defined under section 279.10. The board of directors of a public school district or the governing body of a nonpublic school shall set the number of days of required attendance for the schools under its control.

The board A public or nonpublic school may, by resolution, require attendance in-the-public-schools for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.

A-child-shall-attend-an-accredited-or-approved-school-for at-least-one-hundred-twenty-days-each-school-year.--The requirement-shall-be-met-by-attendance-for-at-least-thirty days-each-school-quarter, or-a-similar-distribution-of attendance-throughout-the-school-year.

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~~In-lieu-of-such-attendance-such-child-may-attend-upon
equivalent-instruction-by-a-licensed-teacher-elsewhere.~~

A child who fails to attend school or competent private instruction as provided in this chapter or chapter 299B is presumed to be truant as defined in section 299.8 and the parent, guardian, or custodian of the child is presumed to have committed a violation of this chapter.

Sec. 8. NEW SECTION. 299.1A COMPULSORY ATTENDANCE AGE.

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, on and after July 1, 1995, the state board of education may set the compulsory attendance age by rule, provided that the maximum age shall not be less than sixteen years of age.

Sec. 9. Section 299.2, Code 1989, is amended to read as follows:

299.2 EXCEPTIONS.

Section 299.1 shall not apply to any child:

~~1.--Who-is-over-the-age-of-fourteen-and-is-regularly
employed.~~

~~2.--Whose-educational-qualifications-are-equal-to-these-of
pupils-who-have-completed-the-eighth-grade.~~

1. Who has completed the requirements for graduation in an accredited school or has obtained a high school equivalency diploma under chapter 259A.

2. Who is excused for sufficient reason by any court of record or judge.

3. While attending religious services or receiving religious instructions.

4. Who is attending a private college preparatory school accredited or probationally accredited under section 256.11, subsection 13.

5. Who is attending an alternative options education program approved by the department of education.

6. Who has been excused under section 299.22.

7. Who is exempted under section 299.24.

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Sec. 10. Section 299.3, Code 1989, is amended to read as follows:

299.3 REPORTS FROM PRIVATE NONPUBLIC SCHOOLS.

~~Within ten days from receipt of notice from the secretary of the school district within which any private school is conducted~~ On or before the third Friday in September of each school year, and at any time when requested in individual cases, the principal of such a nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to such the secretary of the public school district, within which the nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names, ages, and number of days attendance of each pupil of such the nonpublic school over seven and under sixteen years of age who is of compulsory attendance age, the course of study pursued by ~~each such child~~ the pupil, the texts used, and the names of the teachers, during the preceding year and from the time of the last preceding report to the time at which a report is required. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

Sec. 11. Section 299.4, Code 1989, is amended to read as follows:

299.4 REPORTS AS TO COMPETENT PRIVATE INSTRUCTION.

The parent, guardian, or legal or actual custodian of a child who ~~by September 15 is over seven and under sixteen years of age~~ is of compulsory attendance age, who places the child under competent private instruction under chapter 299B, ~~not in an accredited or approved school,~~ shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private

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instruction for the school year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal or actual custodian of a child, who is placing the child under competent private instruction, for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139.9. The term "outline of course of study" shall include, but is not limited to, subjects covered, weekly lesson plans, and time spent on the areas of study.

Sec. 12. Section 299.5, Code 1989, is amended to read as follows:

299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

The parent, guardian, or custodian of a child who ~~is over seven-and-under-sixteen-years-of-age-by-September-15~~ is of compulsory attendance age, who is physically or mentally unable to attend school, or whose presence in school would be injurious to the health of other pupils, shall furnish proofs by affidavit certificate under sections 281.5 and 281.7 as to the physical or mental condition of the child.

Sec. 13. NEW SECTION. 299.5A MEDIATION.

If a child is truant as defined in section 299.8, school officers shall attempt to find the cause for the child's absence and use every means available to the school to assure that the child does attend. If the parent, guardian, or legal or actual custodian, or child refuses to accept the school's attempt to assure the child's attendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the county attorney for mediation or prosecution.

If the matter is referred for mediation, the county attorney shall cause a notice of the referral to be sent to the parent, guardian, or legal or actual custodian and designate a person to serve as mediator in the matter. If mediation services are available in the community, those services may be used as the designated mediation service. If mediation services are not available in the community,

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mediation shall be provided by the county attorney or the county attorney's designee. The mediator shall contact the school, the parent, guardian, or legal or actual custodian, and any other person the mediator deems appropriate in the matter and arrange meeting dates and times for discussion of the child's nonattendance. The mediator shall attempt to ascertain the cause of the child's nonattendance, attempt to cause the parties to arrive at an agreement relative to the child's attendance, and initiate referrals to any agencies or counseling that the mediator believes to be appropriate under the circumstances.

If the parties reach an agreement, the agreement shall be reduced to writing and signed by a school officer, parent, guardian, or legal or actual custodian, and the child. The mediator, the school, and the parent, guardian, or legal or actual custodian shall each receive a copy of the agreement, which shall set forth the settlement of the issues and future responsibilities of each party.

The school district shall be responsible for monitoring any agreements arrived at through mediation. If a parent, guardian, or legal or actual custodian refuses to engage in mediation or violates a term of the agreement, the matter shall be rereferred to the county attorney for prosecution under section 299.6. The county attorney's office or the mediation service shall require the parent, guardian, or legal or actual custodian and the school to pay a fee to help defray the administrative cost of mediation services. The county attorney's office or the mediation service shall establish a sliding scale of fees to be charged parents, guardians, and legal or actual custodians based upon ability to pay. A parent, guardian, or legal or actual custodian shall not be denied the services of a mediator solely because of inability to pay the fee.

Sec. 14. Section 299.6, Code 1989, is amended to read as follows:

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299.6 VIOLATIONS -- COMMUNITY SERVICE ~~IN-STEAD-OF~~ OR FINE OR IMPRISONMENT.

Any person who ~~shall-violate~~ violates a mediation agreement under section 299.5A or any of the provisions of sections 299.1 through 299.5 or refuses to participate in mediation under section 299.5A, inclusive, shall-be for a first offense, is guilty of a simple misdemeanor and-the-court-shall;

A first offense conviction is punishable by imprisonment not exceeding ten days or a fine not exceeding one hundred dollars. The court may order the person to perform not more than forty hours of unpaid community service instead of any fine or imprisonment. A person convicted of a second or subsequent violation is guilty of a serious misdemeanor.

A second offense conviction is punishable by imprisonment not exceeding twenty days or a fine not exceeding five hundred dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

A third or subsequent offense conviction is punishable by imprisonment not exceeding thirty days or a fine not exceeding one thousand dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

If community service is imposed as part of a sentencing order, the court may require that part or all of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances.

If a parent, guardian, or legal or actual custodian of a child who is truant, has made an objective and reasonable good faith effort to comply with the provisions of sections 299.1 through 299.5, the parent, guardian, or legal or actual custodian shall not be criminally liable for the child's nonattendance.

Sec. 15. NEW SECTION. 299.6A INVESTIGATION OF TRUANT CHILDREN.

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The truancy officer shall report to the county attorney a child who is truant under section 299.8, or who has accumulated fifteen unexcused absences, as defined under the board of directors' or other governing body's attendance policy, during a three-year period. The county attorney shall investigate the report and may file a petition under section 232.87 for a judicial determination of whether the child is a child in need of assistance, as defined in section 232.2, subsection 6.

Upon a third or subsequent conviction of a parent, guardian, or legal or actual custodian for violations of sections 299.1 through 299.5 relating to the same child, the county attorney shall investigate whether the child is a child in need of assistance and shall file a petition if there are sufficient facts to bring the child within the jurisdiction of the court.

Sec. 16. Section 299.8, Code 1989, is amended to read as follows:

299.8 "TRUANT" DEFINED.

Any "Truant" means a child over-seven who and-under-sixteen years-of-age, in-proper-physical-and-mental-condition-to attend-school is of compulsory attendance age, who is not exempted from attendance under section 299.2, and who fails to attend school or competent private instruction regularly as provided-in-this-chapter, without-reasonable-excuse-for-the absence, shall-be-deemed-to-be-a-truant required by the school board's or school governing body's attendance policy or chapter 299B.

Sec. 17. Section 299.10, Code 1989, is amended to read as follows:

299.10 TRUANCY OFFICERS -- APPOINTMENT ---COMPENSATION.

The board of each school district ~~may, and in school districts having a population of twenty-thousand shall,~~ appoint a truancy officer.

~~in districts having therein a city, the~~ The board may appoint a member of the police force, or marshal, ~~as such~~

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~~officer, and other districts may appoint a constable a~~
teacher, school official, or other suitable person to serve as
the district truancy officer. Each school district shall
provide an in-service training program for the person
appointed to serve as the district truancy officer. The
training program shall reflect, but is not limited to,
information about school and local legal procedures relating
to the methods of handling truant children and the children's
families.

~~Such officers shall be paid a reasonable compensation by~~
~~the board.~~

Sec. 18. Section 299.11, Code 1989, is amended to read as follows:

299.11 DUTIES OF TRUANCY OFFICER.

The truancy officer ~~shall~~ may take into custody without warrant any apparently truant child and place the child in the charge of the ~~teacher-in-charge-of-the-public~~ school principal, or the principal's designee, designated by the board of directors of the school district in which ~~said~~ the child resides, or of any private nonpublic school designated by the ~~person-having-legal-control-of-the-child~~ parent, guardian, or legal or actual custodian, or of the person providing competent private instruction under chapter 299B; but if it is other than a public school, the instruction and maintenance of the child therein shall be without expense to the school district.

The truancy officer shall promptly institute ~~criminal~~ proceedings against any person violating any of the provisions of sections 299.1 ~~to~~ through 299.5.

Sec. 19. Section 299.16, Code 1989, is amended to read as follows:

299.16 FAILURE TO ATTEND.

School officers shall ascertain the number of children over ~~seven-and-under-sixteen-years-of-age~~ who are of compulsory attendance age, in their respective districts, the number of such ~~those~~ children who ~~do not attend school~~ are truant under

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section 299.8 or who have accumulated fifteen unexcused absences during a three-year period, and so far as possible the cause of the failure to attend. School officers shall, until July 1, 1999, biennially report this information to the department of education on forms provided by the department. The department shall attach a summary of the reports, an analysis of the data, and policy recommendations based on the data analysis, along with the department's annual report under section 256.9, subsection 28.

Sec. 20. Section 299.18, Code 1989, is amended to read as follows:

299.18 EDUCATION -- STATE SCHOOL.

Children over-seven who have reached the age of six and are under nineteen eighteen years of age and who are so deaf or blind or severely handicapped as to be unable to obtain an education in the common public or nonpublic schools shall be sent to the proper appropriate state school-therefor institution, or shall receive appropriate special education under chapter 281, unless exempted, and any person having such a child under the person's control or custody shall see that such the child attends such the school institution or special education program during the scholastic year.

Sec. 21. Section 299.20, Code 1989, is amended to read as follows:

299.20 ORDER.

Upon the filing of the application mentioned in section 299.19, the time of hearing shall be determined by the juvenile court or the district court. If, upon hearing, the court determines that the person required to appear has the custody and control of a child who should be required to attend a state school institution under section 299.18, the court shall make an order requiring such the person to keep such the child in attendance at such the school institution.

Sec. 22. Section 299.22, Code 1989, is amended to read as follows:

299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

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Attendance at the state institution may be excused when the superintendent thereof ~~is satisfied:~~

~~1. That the child is in such bodily or mental condition as to prevent or render futile attendance at the school;~~

~~2. That the child is so diseased or possesses such habits as to render the child's presence a menace to the health or morals of other pupils;~~

3. ~~That~~ of the institution determines that the child is efficiently taught for the scholastic year in a private nonpublic or other school devoted to such the instruction, or by a private tutor, in the branches taught in public schools, or is shown to be physically or mentally unable to attend school under section 299.5.

Sec. 23. NEW SECTION. 299B.1 COMPETENT PRIVATE INSTRUCTION.

The parent, guardian, or legal or actual custodian of a child of compulsory attendance age who places the child under private instruction shall provide, unless otherwise exempted, competent private instruction in accordance with this chapter. A parent, guardian, or legal or actual custodian of a child of compulsory attendance age who places the child under private instruction which is not competent private instruction, or otherwise fails to comply with the requirements of this chapter, shall be presumed to have violated the provisions of sections 299.1 through 299.4 and is subject to the penalties provided in section 299.6.

For purposes of this chapter, "competent private instruction" means private instruction provided on a daily basis for at least one hundred forty-eight days during a school year by a licensed practitioner, or other person under section 299B.3, which results in the student making adequate progress.

For purposes of this chapter and chapter 299, "private instruction" means formal instruction in a setting other than and not affiliated with a public or a nonpublic school as defined in section 280.2.

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Sec. 24. NEW SECTION. 299B.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED PRACTITIONER.

If a licensed practitioner provides competent instruction to a child of compulsory attendance age, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 260 and which is appropriate to the ages and grade levels of the children to be taught. Sections 299B.3 through 299B.8 do not apply to competent private instruction provided by a licensed practitioner under this section, except that the parent, guardian, or legal or actual custodian shall provide the report required under section 299B.3, subsection 4.

Sec. 25. NEW SECTION. 299B.3 PRIVATE INSTRUCTION BY NONLICENSED PERSON.

A parent, guardian, or legal or actual custodian of a child of compulsory attendance age providing competent private instruction to the child shall meet all of the following requirements:

1. Complete and send, in a timely manner, the report required under section 299.4 to the school district of residence of the child.
2. Ensure that the child under the parent's, guardian's, or legal or actual custodian's instruction is tested annually to determine whether the child is making adequate progress, as defined in section 299B.7.
3. Report the child's annual test results to the school district of residence of the child and to the department of education by a date not later than June 30 of each year in which the child is under private instruction.
4. By June 1 of the year before placing a child under competent private instruction, provide the results of an initial screening and evidence that a subsequent evaluation is in progress or completed, or that an evaluation is required as a result of the screening, for vision, hearing, speech, and motor skills and to determine eligibility for special education services. The initial screening and any subsequent

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evaluation may be performed either by area education agency personnel or by personnel not employed by the area education agency, if the other personnel have been approved by the department of education to conduct screenings or evaluations. If the area education agency performs the screening, the screening shall be at a time and place determined by the area education agency. If the screening or evaluation is performed by personnel other than those employed by the area education agency, the parent, guardian, or legal or actual custodian shall pay for the cost of any screening and any subsequent evaluations. If the screening shows the presence of a vision, hearing, speech, or motor impairment, the parent, guardian, or legal or actual custodian shall annually provide evidence that appropriate services are being provided for the child. Services may be provided either by the area education agency or by means of the parent, guardian, or legal or actual custodian contracting with, and paying for the services of, private special education services providers. If the screening or evaluation shows the need for special education services requiring removal of the child from the intended educational environment, the child shall not be placed in a competent private instruction program under this chapter without the approval of the placement by the director of the department of education in cooperation with the special education director of the area education agency in accordance with the rules adopted by the state board of education and the procedures specified in section 281.6.

Sec. 26. NEW SECTION. 299B.4 DUAL ENROLLMENT.

A child who is receiving competent private instruction under this chapter shall also be registered in a public school for dual enrollment purposes. The child shall be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group. The child shall be included in the public school's basic enrollment under section 442.4 and shall be counted as one pupil.

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Each school district shall hire licensed personnel to provide instructional services on a consulting basis to parents of students receiving competent private instruction. Each district shall determine the number of licensed personnel needed for the instructional services and develop an alternative school program for the instructional services provided under this section. The program shall include, but is not limited to, providing assistance in instructional planning to parents, guardians, or legal or actual custodians providing competent private instruction, to accelerate academic progress in one or more subject areas.

Sec. 27. NEW SECTION. 299B.5 ANNUAL ACHIEVEMENT TESTS -- REQUIREMENTS AND PROCEDURE.

1. Each child of compulsory attendance age who is receiving competent private instruction shall be tested annually by May 1, using a nationally recognized standardized achievement test chosen by the child's parent, guardian, or legal or actual custodian from a list of approved tests provided by the department of education.
2. A child, who is seven years of age and is receiving competent private instruction or who is placed under competent private instruction for the first time, shall be administered a test for purposes of obtaining educational baseline data, unless the child has been tested using a standardized achievement test within the school year in which the child is placed under competent private instruction.
3. The director of the department of education, or the director's designee, which may include a school district or an area education agency, shall administer each test required of children placed under competent private instruction.
4. The parent, guardian, or legal or actual custodian of a child receiving competent private instruction may be present when the child is tested, but only if both the parent, guardian, or legal or actual custodian and the child are under the supervision of the test administrator.

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5. The administration of tests shall include, but is not limited to, purchasing of test materials, giving the tests, scoring and interpreting the tests, and reporting the test results.

6. The public school district of residence of a child who is placed under competent private instruction and is being tested shall reimburse the entity providing the test administration for the cost of testing required by this chapter.

Sec. 28. NEW SECTION. 299B.6 REPORTING OF TEST RESULTS.

The results of tests administered to children of compulsory attendance age who are receiving competent private instruction shall be reported by the test administrator to the child's parent, guardian, or legal or actual custodian, the school district of residence of the child, and to the department of education. Personally identifiable information relating to or contained in the test scores is confidential and shall not be released without the prior consent of the child's parent, guardian, or legal or actual custodian except as otherwise permitted by law or required by this section.

Sec. 29. NEW SECTION. 299B.7 FAILURE TO MAKE ADEQUATE PROGRESS.

If the results of tests, administered to a child of compulsory attendance age who is receiving competent private instruction, indicate that the student has failed to make adequate progress, the parent, guardian, or legal or actual custodian shall cause the child to attend an accredited public or a nonpublic school, as defined in section 280.2, at the beginning of the next school year unless, before the beginning of the next school year, the child retakes the same test and the results indicate that adequate progress has been made or the director of the department of education, or the director's designee, grants approval for competent private instruction to continue under a plan for remediation. A child retaking a test under this paragraph, shall be permitted to retake the test one time and the procedures used during the retaking of

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the test shall be the same as those used during the taking of the tests which indicated that the child failed to make adequate progress.

A child who is required to attend an accredited public or a nonpublic school, as defined in section 280.2, under this section shall continue attendance at an accredited public or a nonpublic school until the child achieves adequate progress.

For purposes of this chapter, "adequate progress" means, for children in all grade levels of competent private instruction, test scores which are above the thirtieth percentile, nationally normed, in each of the areas of reading, mathematics, and language arts, and which indicate either that the child has made six months' progress from the previous test results or that the child is at or above grade level for the child's age. For children in grade levels six and above, "adequate progress" also means that the child has achieved test scores in both science and social studies which are above the thirtieth percentile, nationally normed, and which either indicate that the child has made six months' progress from the previous test results or that the child is at or above grade level for the child's age.

Sec. 30. NEW SECTION. 299B.8 NOTICE TO PARENTS --
REMEDICATION.

If a child is placed under competent private instruction and the child fails to make adequate progress, the director of the department of education, or the director's designee, shall notify the parent, guardian, or legal or actual custodian of the child that the child is required to attend an accredited public or a nonpublic school, as defined under section 280.2, unless approval for competent private instruction under a remediation plan is granted. The director, or the director's designee, may provisionally approve continued competent private instruction under an approved remediation plan designed to improve instruction for up to one year. All remediation plans shall be negotiated agreements between the parent, guardian, or legal or actual custodian and the

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superintendent of the public school district or the person in charge of a nonpublic school, within thirty days of the obtaining of test results indicating that a child has failed to make adequate progress. If negotiations fail to result in the formation of a remediation plan, the parent, guardian, or legal or actual custodian may appeal from the action of a public school superintendent under chapter 290.

Sec. 31. NEW SECTION. 299B.9 CHILDREN REQUIRING SPECIAL EDUCATION.

A child of compulsory attendance age who is identified as requiring special education under chapter 281 is not eligible for placement under competent private instruction without prior approval of the placement by the director of the department of education, in cooperation with the director of special education of the area education agency of the child's district of residence.

A child who has been placed under competent private instruction, whose performance on the tests required under this chapter indicates that the child may require special education, shall be referred for evaluation under chapter 281 and the rules of the state board of education.

Sec. 32. NEW SECTION. 299B.10 INSTRUCTOR OTHERWISE NOT QUALIFIED.

A person providing competent private instruction under this chapter, who does not hold a valid teacher's certificate or license issued by the state board of educational examiners, is not a licensed teacher.

Sec. 33. NEW SECTION. 299B.11 NOT TAX EXEMPT.

A home used for providing competent private instruction under this chapter is not eligible for tax exemption under section 427.1, due to the providing of competent private instruction on the premises. If, however, the home otherwise qualifies for tax exemption under section 427.1, this section shall not prevent the home from being exempt under that section.

Sec. 34. NEW SECTION. 299B.12 RULEMAKING.

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The department of education shall develop and recommend and the state board of education shall adopt rules to implement this chapter.

Sec. 35. BAR OF PROSECUTION.

Notwithstanding section 802.4, a parent, guardian, or custodian who met the criteria for deferral of prosecutions of chapter 299, under the 1988 Iowa Acts, chapter 1259, section 7, shall not be prosecuted for violations of chapter 299 which occurred between May 16, 1988, and July 1, 1989.

Sec. 36. DEPARTMENTAL STUDY.

The department of education shall assess the expected impact of an increase in the maximum compulsory attendance age from sixteen to up to eighteen on increased enrollment of sixteen and seventeen-year-olds, and the characteristics of this population with respect to educational and basic skill level, family support structure, orientation to the traditional school curricula, and orientation to alternative curricula.

The department of education shall, by January 1992, do the following:

1. Identify experiences other states have had, and educational and social support responses they have made, as a result of increasing the compulsory attendance age from sixteen to eighteen years of age.
2. Seek to develop program materials that consider health, employment and training, and human service needs in addition to education needs to assist local districts in serving students who are at risk of dropping out of the regular schools and programs.
3. Develop definitions of the terms "at-risk student" and "dropout" which are appropriate for students in middle and high schools and which will assist districts in identifying students in need of alternative academic programming.
4. Develop recommendations regarding alternative programming for students who are at risk of dropping out of the regular schools and programs. The recommendations shall include, but are not limited to, the following:

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- a. Modification of the minimum educational standards contained in section 256.11.
- b. Alternative curricula, including competency-based instruction.
- c. Alternative teaching methods, including individualized programming.
- d. Alternative options for graduation.

The department of education, in coordination with the department of human services, the supreme court, the department of public health, and the department of employment services, by July 1992, shall build a data base which will assist in the identification of at-risk students and middle and high schools within the state having a significant population of at-risk students. At-risk characteristics to be considered may include, but are not limited to, high levels of one or more of the following: below grade level performing students, grade retention, school dropouts, school expulsions, teen pregnancy, poverty, single parent families, substance abuse, teenage suicides, youth underemployment, juvenile delinquency, and child abuse. In building this data base, consideration shall be given to protecting the privacy of the individual student and limiting the data burden on school districts.

Sec. 37. ALTERNATIVE PROGRAMS.

Alternative options education programs, for middle school and high school students, designed to provide incentives for the students to remain in school, shall not be subject to the minimum hours of instruction requirement adopted by the state board of education.

Sec. 38.

Section 4 and sections 6 through 22 of this Act do not apply to students who have dropped out of school before the effective date of this Act.

Sec. 39.

If any of the provisions of sections 23 through 35 of this Act or the application thereof to any person is invalid, the

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invalidity shall not affect the remaining provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end those provisions of this Act are severable.

Sec. 40. Sections 299.9, 299.13, 299.14, and 299.15, Code 1989, are repealed."

2. Title page, line 2, by inserting after the word "penalties" the following: "and applicability provisions".

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE:

PATRICK DELUHERY, Chairperson

PATRICIA HARPER, Chairperson

CHARLES BRUNER

JANET ADAMS

JOY CORNING

RAY LAGESCHULTE

WALLY HORN

DON SHOULTZ

CCR-149 FILED APRIL 6, 1990

ADOPTED (p. 1635)

SENATE FILE 149
BY (PROPOSED COMMITTEE ON
EDUCATION BILL)

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

A BILL FOR

1 An Act relating to the compulsory attendance and truancy laws and
2 providing penalties.

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

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1 Section 1. Section 279.10, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The school year shall begin on the first day of July
4 and each regularly established elementary and secondary school
5 shall begin no sooner than a day during the calendar week in
6 which the first day of September falls but no later than the
7 ~~first-Monday-in-December~~ September 15. School shall continue
8 for at least one hundred eighty days, except as provided in
9 subsection 3, and may be maintained during the entire calendar
10 year. A school corporation may begin employment of personnel
11 for in-service training and development purposes before the
12 date to begin elementary and secondary school.

13 Sec. 2. Section 280.3, unnumbered paragraph 1, Code 1989,
14 is amended to read as follows:

15 The board of directors of each public school district and
16 the authorities in charge of each nonpublic school shall
17 prescribe the minimum educational program and an attendance
18 policy for the schools under their jurisdictions. The minimum
19 educational program shall be the curriculum set forth in
20 section 256.11, except as otherwise provided by law. The
21 board of directors of a public school district shall not allow
22 discrimination in any educational program on the basis of
23 race, color, creed, sex, marital status or place of national
24 origin.

25 Sec. 3. Section 299.1, Code 1989, is amended to read as
26 follows:

27 299.1 ATTENDANCE REQUIREMENTS.

28 The Except as provided in section 299.2, the parent,
29 guardian, or legal or actual custodian of a child who ~~is-ever~~
30 seven has reached the age of six and is under sixteen eighteen
31 years of age by September 15, in proper physical and mental
32 condition to attend school, shall ~~enroll~~ be responsible for
33 ~~the child~~ child's attendance in some public school, commencing
34 as provided under section 279.10.

35 The board of directors of a public school district or the

1 governing body of an accredited nonpublic school shall set the
2 number of days of required attendance for the schools under
3 its control.

4 ~~The board may, by resolution, require attendance in the~~
5 ~~public schools for the entire time when the schools are in~~
6 ~~session in any school year.~~

7 ~~A child shall attend an accredited or approved school for~~
8 ~~at least one hundred twenty days each school year. The~~
9 ~~requirement shall be met by attendance for at least thirty~~
10 ~~days each school quarter, or a similar distribution of~~
11 ~~attendance throughout the school year.~~

12 ~~In lieu of such attendance such child may attend upon~~
13 ~~equivalent instruction by a certified teacher elsewhere.~~

14 Sec. 4. Section 299.2, Code 1989, is amended to read as
15 follows:

16 299.2 EXCEPTIONS.

17 Section 299.1 shall not apply to any child:

18 ~~1. Who is over the age of fourteen and is regularly~~
19 ~~employed:~~

20 2 1. Whose educational qualifications are equal to those
21 of pupils who have completed the eighth twelfth grade.

22 3 2. Who is excused for sufficient reason by any court of
23 record or judge.

24 4 3. While attending religious services or receiving
25 religious instructions.

26 5 4. Who is attending a private college preparatory school
27 accredited or probationally accredited under section 256.11,
28 subsection 13.

29 5. Who is attending private instruction provided by a
30 certificated teacher for at least one hundred eighty days per
31 calendar year. A day of private instruction must consist of
32 at least five and one-half hours of instruction in one twenty-
33 four hour period.

34 If members or representatives of a local congregation of a
35 recognized church or religious denomination established for

1 ten years or more within the state of Iowa prior to July 1,
2 1967, which professes principles or tenets that differ
3 substantially from the objectives, goals, and philosophy of
4 education embodied in standards set forth in section 256.11,
5 and rules adopted to implement the standards, file with the
6 director of the department of education proof of the existence
7 of such conflicting principles or tenets, together with a list
8 of the names, ages, and post-office addresses of all pupils of
9 compulsory school age desiring to be exempted from the
10 compulsory education law and the educational standards law,
11 whose parents or guardians are members of the congregation or
12 religious denomination, the director, subject to the approval
13 of the state board of education, may exempt the members of the
14 congregation or religious denomination from compliance with
15 any or all requirements of the compulsory education law and
16 the educational standards law for two school years. If the
17 exemption has once been granted, renewal of such exemptions
18 for each succeeding school year may be conditioned by the
19 director, with the approval of the state board, upon proof of
20 achievement in the basic skills of arithmetic, the
21 communicative arts of reading, writing, grammar, and spelling,
22 and an understanding of United States history, history of
23 Iowa, and the principles of American government, by pupils of
24 compulsory school age exempted in the preceding year, which
25 shall be determined on the basis of tests or other means of
26 evaluation selected by the director with the approval of the
27 state board. The testing or evaluation, if required, shall be
28 accomplished prior to submission of the request for renewal of
29 the exemption. Renewal requests shall be filed with the
30 director on or before April 15 of the school year preceding
31 the school year for which the applicants desire exemption.

32 Sec. 5. Section 299.3, Code 1989, is amended to read as
33 follows:

34 299.3 REPORTS FROM PRIVATE SCHOOLS.

35 ~~Within-ten-days-from-receipt-of-notice-from-the-secretary~~

1 of-the-school-district-within-which-any-private-school-is
2 conducted On or before the third Friday in September of each
3 school year, and at any time when requested in individual
4 cases, the principal of such a nonpublic school shall, ~~once~~
5 ~~during each school year, and at any time when requested in~~
6 ~~individual cases,~~ furnish to such the secretary of the public
7 school district, within which the nonpublic school is located,
8 a certificate and report in duplicate of the names, ages, and
9 number of days attendance of each pupil of such the nonpublic
10 school over-seven who has reached the age of six and is under
11 sixteen eighteen years of age, the course of study pursued by
12 each such-child the pupil, the texts used, and the names of
13 the teachers, during the preceding year and from the time of
14 the last preceding report to the time at which a report is
15 required. The secretary shall retain one of the reports and
16 file the other with the secretary of the area education
17 agency.

18 Sec. 6. Section 299.4, Code 1989, is amended to read as
19 follows:

20 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

21 The parent, guardian, or legal or actual custodian of a
22 child who by September 15 ~~is-over-seven~~ has reached the age of
23 six and is under sixteen eighteen years of age, who places the
24 child under private instruction, not in an accredited or
25 approved school, shall furnish a report in duplicate, to the
26 district by the earliest starting date specified in section
27 279.10, subsection 1. The secretary shall retain and file one
28 copy and forward the other copy to the district's area
29 education agency. The report shall state the name and age of
30 the child, the period of time during which the child has been
31 or will be under private instruction for the school year, an
32 outline of the course of study, texts used, and the name and
33 address of the instructor. The term "outline of course of
34 study" shall include, but is not limited to, subjects covered,
35 weekly lesson plans, and time spent on the areas of study.

1 Sec. 7. Section 299.5, Code 1989, is amended to read as
2 follows:

3 299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

4 The parent, guardian, or custodian of a child who ~~is over~~
5 seven has reached the age of six and is under sixteen eighteen
6 years of age by September 15, who is physically or mentally
7 unable to attend school, shall furnish proofs by affidavit as
8 to the physical or mental condition of the child.

9 Sec. 8. Section 299.6, Code 1989, is amended to read as
10 follows:

11 299.6 VIOLATIONS -- COMMUNITY SERVICE ~~IN-STEAD-OF~~ OR FINE
12 OR IMPRISONMENT.

13 Any person who ~~shall-violate~~ violates any of the provisions
14 of sections 299.1 to through 299.5, ~~inclusive,~~ shall-be for a
15 first offense, is guilty of a simple misdemeanor and-the-court
16 shall.

17 A first offense conviction is punishable by imprisonment of
18 up to ten days, which may be suspended, or a fine of up to one
19 hundred dollars. The court may order the person to perform
20 not more than forty hours of unpaid community service instead
21 of any fine or imprisonment. A person convicted of a second
22 or subsequent violation is guilty of a serious misdemeanor.

23 A second offense conviction is punishable by imprisonment
24 of up to twenty days, which may be suspended, or a fine of up
25 to five hundred dollars, or both a fine and imprisonment. The
26 court may order the person to perform unpaid community service
27 instead of any fine or imprisonment.

28 A third or subsequent offense conviction is punishable by
29 imprisonment of up to thirty days, which may be suspended, or
30 a fine of up to one thousand dollars, or both a fine and
31 imprisonment. The court may order the person to perform
32 unpaid community service instead of any fine or imprisonment.

33 If a parent, guardian, or legal or actual custodian of a
34 child who is truant, has made a good faith effort to comply
35 with the provisions of sections 299.1 through 299.5, the

1 parent, guardian, or custodian shall not be criminally liable
 2 for the child's nonattendance.

3 Sec. 9. NEW SECTION. 299.6A INVESTIGATION OF TRUANT
 4 CHILDREN.

5 After a child has accumulated fifteen unexcused absences,
 6 as defined by the board of director's or other governing
 7 body's attendance policy, from school during a school year,
 8 the truancy officer shall report the absences to the county
 9 attorney. The county attorney shall investigate the report
 10 and may file a petition under section 232.87 for a judicial
 11 determination of whether the child is a child in need of
 12 assistance, as defined in section 232.2, subsection 6.

13 Upon a third or subsequent conviction of a parent,
 14 guardian, or legal or actual custodian for violations of
 15 sections 299.1 through 299.5, the county attorney shall
 16 investigate whether the child is a child in need of assistance
 17 and shall file a petition alleging the facts which bring the
 18 child within the jurisdiction of the court.

19 Sec. 10. Section 299.8, Code 1989, is amended to read as
 20 follows:

21 299.8 "TRUANT" DEFINED.

22 Any "Truant" means a child ever-seven who has reached the
 23 age of six and is under sixteen eighteen years of age, who is
 24 in proper physical and mental condition to attend school, and
 25 who fails to attend school regularly as provided-in-this
 26 chapter, -without-reasonable-excuse-for-the-absence, -shall-be
 27 deemed-to-be-a-truant required by the school board's or school
 28 governing body's attendance policy.

29 Sec. 11. Section 299.10, Code 1989, is amended to read as
 30 follows:

31 299.10 TRUANCY OFFICERS --APPOINTMENT ---COMPENSATION.

32 The board of each school district ~~may, -and-in-school~~
 33 ~~districts-having-a-population-of-twenty-thousand~~ shall,
 34 appoint a truancy officer.

35 ~~In-districts-having-therein-a-city, -the~~ The board may

1 appoint a member of the police force, or marshal, as-such
2 officer, ~~and other districts may appoint a constable a~~
3 teacher, school official, or other suitable person to serve as
4 the district truancy officer.

5 ~~Such officers shall be paid a reasonable compensation by~~
6 ~~the board.~~

7 Sec. 12. Section 299.11, Code 1989, is amended to read as
8 follows:

9 299.11 DUTIES OF TRUANCY OFFICER.

10 The truancy officer shall take into custody without warrant
11 any apparently truant child and place the child in the charge
12 of the ~~teacher-in-charge-of-the-public~~ school principal, or
13 the principal's designee, designated by the board of directors
14 of the school district in which ~~said~~ the child resides, or of
15 any private nonpublic school designated by the ~~person having~~
16 ~~legal control of the child~~ parent, guardian, or legal or
17 actual custodian; but if it is other than a public school, the
18 instruction and maintenance of the child therein shall be
19 without expense to the school district.

20 The truancy officer shall promptly institute ~~criminal~~
21 proceedings against any person violating any of the provisions
22 of sections 299.1 ~~to~~ through 299.5.

23 Sec. 13. Section 299.15, Code 1989, is amended to read as
24 follows:

25 299.15 REPORTS BY SCHOOL OFFICERS AND EMPLOYEES.

26 All school officers and employees ~~shall~~ may promptly report
27 to the secretary of the school corporation any violations of
28 the ~~truancy-law~~ attendance policy of which they have
29 knowledge, and the ~~secretary~~ principal or the principal's
30 designee shall inform the president of the board of directors
31 who shall, if necessary, call a meeting of the board to take
32 such action ~~thereon~~ as the facts justify.

33 Sec. 14. Section 299.16, Code 1989, is amended to read as
34 follows:

35 299.16 FAILURE TO ATTEND.

1 School officers shall ascertain the number of children over
2 seven who have reached the age of six and are under sixteen
3 eighteen years of age, in their respective districts, the
4 number of such children who do not attend school, and so far
5 as possible the cause of the failure to attend and send copies
6 on a biannual basis of a report summarizing their findings to
7 the chairpersons and ranking members of the house and senate
8 standing committees on education.

9 Sec. 15. Section 299.18, Code 1989, is amended to read as
10 follows:

11 299.18 EDUCATION -- STATE SCHOOL.

12 Children ~~over-seven~~ who have reached the age of six and are
13 under ~~nineteen~~ eighteen years of age and who are so deaf or
14 blind or severely handicapped as to be unable to obtain an
15 education in the common schools shall be sent to the proper
16 state ~~school-therefor~~ institution, or shall receive
17 appropriate special education under chapter 281, unless
18 exempted, and any person having such a child under the
19 person's control or custody shall see that such child attends
20 such ~~school~~ institution or special education during the
21 scholastic year.

22 Sec. 16. Section 299.20, Code 1989, is amended to read as
23 follows:

24 299.20 ORDER.

25 Upon the filing of the application mentioned in section
26 299.19, the time of hearing shall be determined by the
27 juvenile court or the district court. If, upon hearing, the
28 court determines that the person required to appear has the
29 custody and control of a child who should be required to
30 attend a state ~~school~~ institution under section 299.18, the
31 court shall make an order requiring such person to keep such
32 child in attendance at such ~~school~~ institution.

33 Sec. 17. Section 299.22, Code 1989, is amended to read as
34 follows:

35 299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

1 Attendance at the state institution may be excused when the
2 superintendent thereof of the institution is satisfied: that

3 ~~1.--That the child is in such bodily or mental condition as~~
4 ~~to prevent or render futile attendance at the school;~~

5 ~~2.--That the child is so diseased or possesses such habits~~
6 ~~as to render the child's presence a menace to the health or~~
7 ~~morals of other pupils;~~

8 3.--That the child is efficiently taught for the scholastic
9 year in a private nonpublic or other school devoted to such
10 instruction or by a private tutor, or in the branches taught
11 in public schools.

12 Sec. 18. Sections 299.9, 299.13, 299.14, and 299.24, Code
13 1989, are repealed.

14 EXPLANATION

15 This bill changes the compulsory attendance ages to require
16 children to attend school starting at age six and until they
17 reach eighteen. Compulsory attendance policy is to be set by
18 the board of directors of a school district or other governing
19 or nonpublic body of a private school. The exception to the
20 compulsory attendance law for fourteen-year-old employed
21 children is repealed. The section relating to exemptions for
22 certain religious denominations has been transferred to
23 section 299.2, and a one-hundred-eighty day, five and one-half
24 hours of instruction, requirement has been imposed upon
25 private instruction. Reports from private schools must be
26 made by the third Friday in September. The penalty for
27 violation of the compulsory attendance law has been changed to
28 increasing terms of imprisonment, fines, or community service
29 instead of fine or imprisonment. Truancy will trigger
30 investigation by a county attorney and potential child in need
31 of assistance proceedings. If the parent, guardian, or
32 custodian is convicted three or more times for violating the
33 compulsory attendance law, investigation and court proceedings
34 will follow. A census summary relating to attendance and
35 school population must be provided to the education standing

1 committees of the general assembly.

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