

FILED FEB 7 1996

SENATE FILE 2143  
BY BOSWELL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishing of a truancy school in each  
2 area education agency, defining certain truants as children in  
3 need of assistance or as delinquents, making an appropriation,  
4 providing for properly related matters, and providing a  
5 conditional effective date.

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

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

S.F. 2143

1 Section 1. Section 232.2, subsection 6, Code Supplement  
2 1995, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. p. Whose parent, guardian, or custodian is  
4 unwilling or unable to cause the child to attend school as  
5 required under chapter 299.

6 Sec. 2. Section 232.2, subsection 12, Code Supplement  
7 1995, is amended by adding the following new paragraph:

8 NEW PARAGRAPH. c. The violation of the truancy provisions  
9 of chapter 299 if the child has been expelled from or refuses  
10 to attend a truancy school established under section 273.14,  
11 and in accordance with section 299.5A.

12 Sec. 3. Section 232.97, subsection 1, Code 1995, is  
13 amended to read as follows:

14 1. The court shall not make a disposition of the petition  
15 until two working days after a social report has been  
16 submitted to the court and counsel for the child and has been  
17 considered by the court. The court may waive the two-day  
18 requirement upon agreement by all the parties. The court may  
19 direct ~~either-the~~ a juvenile court officer, truancy officer,  
20 or the department of human services or any other agency  
21 licensed by the state to conduct a social investigation and to  
22 prepare a social report which may include any evidence  
23 provided by an individual providing foster care for the child.  
24 A report prepared shall include any founded reports of child  
25 abuse.

26 Sec. 4. Section 235A.15, subsection 2, paragraph d,  
27 subparagraph (5), Code Supplement 1995, is amended to read as  
28 follows:

29 (5) To a probation or parole officer, truancy officer,  
30 juvenile court officer, or adult correctional officer having  
31 custody or supervision of, or conducting an investigation for  
32 a court or the board of parole regarding, a person named in a  
33 report as a victim of child abuse or as having abused a child.

34 Sec. 5. Section 256.7, Code 1995, is amended by adding the  
35 following new subsection:

1 NEW SUBSECTION. 21. If funds are appropriated for truancy  
2 schools as provided in section 273.14, prescribe guidelines  
3 and standards, in consultation with the truancy school  
4 advisory council established pursuant to section 273.15, for  
5 the administration and operation of truancy schools  
6 established in area education agencies pursuant to section  
7 273.14.

8 Sec. 6. Section 257.6, subsection 1, paragraph a, Code  
9 1995, is amended to read as follows:

10 a. Resident pupils who were enrolled in a truancy school  
11 at the area education agency serving the district or enrolled  
12 in public schools within the district in grades kindergarten  
13 through twelve and including prekindergarten pupils enrolled  
14 in special education programs.

15 Sec. 7. Section 273.3, subsection 6, Code 1995, is amended  
16 to read as follows:

17 6. Area education agencies may ~~co-operate~~ cooperate and  
18 contract between themselves and with other public agencies to  
19 provide special education programs and services, media  
20 services, individual and family counseling services for  
21 students enrolled in truancy schools pursuant to section  
22 273.14, and educational services to schools and children  
23 residing within their respective areas. Area education  
24 agencies may provide print and nonprint materials to public  
25 and private colleges and universities that have teacher  
26 education programs approved by the state board of education.

27 Sec. 8. NEW SECTION. 273.14 TRUANCY SCHOOLS.

28 1. If the general assembly appropriates moneys for the  
29 establishment of truancy schools, the board of directors of  
30 each area education agency shall, in conjunction with a  
31 truancy school advisory council created under section 273.15  
32 and in accordance with guidelines and standards developed by  
33 the state board of education, develop and implement a plan for  
34 the establishment of a truancy school within the area  
35 education agency to provide for the education of children

1 deemed truant as defined in section 299.8.

2 2. Special education programs and services, media  
3 services, and educational programs and services provided by  
4 the area education agency pursuant to section 273.3,  
5 subsection 5, shall be made available to the truancy school.

6 3. Each truancy school shall meet the minimum educational  
7 standards provided in section 256.11, and shall provide  
8 individual and family counseling designed to determine and  
9 correct the cause of a student's truant behavior and to ensure  
10 the successful readmittance of the student to the prior school  
11 of enrollment.

12 4. An area education agency, with the approval of the  
13 state board of education, may enter into a contractual  
14 agreement with a private agency for the operation of a truancy  
15 school.

16 5. a. If the terms of a mediation agreement reached  
17 pursuant to section 299.5A require a child to enroll in a  
18 truancy school as provided for in this section, the county  
19 attorney's office or the mediation service shall establish a  
20 sliding scale of tuition to be charged the parents, including  
21 a noncustodial parent, guardian, or legal or actual custodian  
22 based upon the ability to pay. The tuition shall be paid to  
23 the area education agency, and shall not exceed the agency's  
24 average cost, including transportation costs, for the previous  
25 fiscal year of providing the services required under this  
26 section, divided by the number of students enrolled in the  
27 truancy school in the previous fiscal year.

28 b. If the student has been placed in the truancy school by  
29 the district court, the court may order the parents, including  
30 the noncustodial parent, guardian, or legal or actual  
31 custodian, to pay tuition to the area education agency  
32 providing the truancy school services in an amount not to  
33 exceed the agency's average cost for the previous fiscal year  
34 of providing the services required under this section, divided  
35 by the number of students enrolled in the truancy school in

1 the previous school year.

2 c. A student enrolled in a truancy school shall be  
3 counted, for state school foundation aid purposes, in the  
4 student's district of residence, in accordance with section  
5 257.6, subsection 1. A student's residence, for purposes of  
6 this section, means a residence under section 282.1. The  
7 board of directors of the district of residence shall pay to  
8 the area education agency operating the truancy school in  
9 which the student is enrolled the district's cost per pupil,  
10 plus any moneys received for the student as a result of non-  
11 English speaking weighting under section 280.4, subsection 3,  
12 for each school year. The district of residence shall also  
13 transmit the phase III moneys allocated to the district for  
14 the full-time equivalent attendance of the student, to the  
15 area education agency in which the student is enrolled.

16 d. Payment required of a noncustodial parent in accordance  
17 with paragraph "a" or "b" shall be in addition to any other  
18 court-ordered child support obligation, unless otherwise  
19 prohibited by federal or state law.

20 6. There is appropriated from the general fund of the  
21 state to the department of education for each fiscal year an  
22 amount sufficient to pay the difference between each area  
23 education agency's truancy program costs for the previous  
24 school year and the amount received by each area education  
25 agency under subsection 5.

26 Sec. 9. NEW SECTION. 273.15 TRUANCY SCHOOL ADVISORY  
27 COUNCIL.

28 1. A truancy school advisory council is established. The  
29 council consists of ten members and shall include the  
30 following: three persons appointed by the Iowa organization  
31 of area education agency chief administrators; three persons  
32 appointed by the director of the department of education; one  
33 person appointed by the Iowa organization of area education  
34 agency directors of educational services; one person appointed  
35 by the Iowa organization of area education agency media center

1 directors; one person appointed by the Iowa association of  
2 area education agency directors of special education; and one  
3 person appointed by the school administrators of Iowa. The  
4 council shall be bipartisan and gender-balanced in accordance  
5 with sections 69.16 and 69.16A.

6 2. Members shall serve staggered terms of three years  
7 beginning on May 1 of the year of appointment. Vacancies on  
8 the council shall be filled in the same manner as the original  
9 appointment. A person appointed to fill a vacancy shall  
10 commence service on the date of appointment and shall serve  
11 only for the unexpired portion of the term. Members may also  
12 be eligible to receive compensation as provided in section  
13 7E.6. The director of the department of education shall  
14 determine the length of the initial terms of office and call  
15 the initial meeting of the advisory council. The advisory  
16 council shall elect from its membership a chairperson and  
17 vice-chairperson for one-year terms.

18 3. The advisory council shall assist and advise the state  
19 board of education in the development of guidelines and  
20 standards for the administration and operation of truancy  
21 schools established under section 273.14, and shall assist and  
22 advise the board of directors of each area education agency in  
23 establishing and coordinating the operation of a truancy  
24 school in the area education agency pursuant to section 256.7,  
25 subsection 21. The board of each area education agency shall  
26 submit to the advisory council substantial issues related to  
27 the truancy schools. The advisory council shall formulate  
28 recommendations on each issue referred to it by the board of  
29 directors of an area education agency within a reasonable time  
30 period. Subsequent to the establishment of truancy schools as  
31 provided under section 273.14, the advisory council shall  
32 monitor and evaluate the efficacy of truancy schools on the  
33 children enrolled and shall make recommendations for  
34 improvements and act as a clearinghouse sharing information  
35 about the most successfully implemented truancy schools

1 throughout the state. Administrative support and staffing for  
2 the advisory council shall be provided by the department of  
3 education.

4 Sec. 10. Section 299.5A, unnumbered paragraphs 1 and 3,  
5 Code 1995, are amended to read as follows:

6 If a child is truant as defined in section 299.8, school  
7 officers shall attempt to find the cause for the child's  
8 absence and use every means available to the school to assure  
9 that the child ~~does-attend~~ attends school. School officials  
10 may afford the child the opportunity to enroll in a truancy  
11 school established under section 273.14.

12 PARAGRAPH DIVIDED. If the parent, guardian, or legal or  
13 actual custodian, or child refuses to accept the school's  
14 attempt to assure the child's attendance or the school's  
15 attempt to assure the child's attendance is otherwise  
16 unsuccessful, the truancy officer shall refer the matter to  
17 the county attorney for mediation or prosecution. If the  
18 child has been offered the opportunity to enroll at a truancy  
19 school and the parent, guardian, legal or actual custodian, or  
20 child has refused the offer, or the child failed to meet the  
21 standards at the truancy school, the matter shall be referred  
22 to the juvenile court intake officer for consideration of  
23 proceedings under section 232.28 or 232.87.

24 If the parties reach an agreement, the agreement shall be  
25 reduced to writing and signed by a school officer, parent,  
26 guardian, or legal or actual custodian, and the child. The  
27 mediator, the school, and the parent, guardian, or legal or  
28 actual custodian shall each receive a copy of the agreement,  
29 which shall set forth the settlement of the issues and future  
30 responsibilities of each party. A mediation agreement may  
31 include a provision that the child enroll in a truancy school  
32 established pursuant to section 273.14.

33 Sec. 11. Section 299.8, Code 1995, is amended to read as  
34 follows:

35 299.8 "TRUANT" DEFINED.

1 Any child of compulsory attendance age who fails to attend  
2 school as provided in this chapter, or as required by the  
3 school board's or school governing body's attendance policy,  
4 or who fails to attend competent private instruction under  
5 chapter 299A, without reasonable excuse for the absence, shall  
6 be deemed to be a truant. ~~A finding that a child is truant,~~  
7 ~~however, shall not by itself mean that the child is a child in~~  
8 ~~need of assistance within the meaning of chapter 232 and shall~~  
9 ~~not be the sole basis for a child in need of assistance~~  
10 petition.

11 Sec. 12. Section 299.10, Code 1995, is amended to read as  
12 follows:

13 299.10 TRUANCY OFFICERS -- APPOINTMENT.

14 The board of each school district ~~may~~ shall appoint a  
15 truancy officer, who shall have the qualifications prescribed  
16 for juvenile court officers by the supreme court. However,  
17 two or more school districts may contract to share the  
18 services of a truancy officer. ~~The board of each school~~  
19 ~~district, which does not appoint a truancy officer for the~~  
20 ~~district, shall designate a suitable person to collect~~  
21 ~~information on the numbers of children in the district who are~~  
22 ~~truant.~~

23 ~~The board may appoint a member of the police force,~~  
24 ~~marshal, teacher, school official, or other suitable person to~~  
25 ~~serve as the district truancy officer.~~

26 Sec. 13. Section 299.11, Code 1995, is amended by adding  
27 the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. A truancy officer is designated  
29 as a peace officer and has the same powers conferred by law on  
30 peace officers for the purpose of performing the duties  
31 established under this section. The juvenile court may direct  
32 a truancy officer to conduct investigations and submit reports  
33 to the court as provided under sections 232.48 and 232.97.

34 Sec. 14. CONDITIONAL EFFECTIVE DATE. This Act shall not  
35 take effect unless an appropriation is made fully funding or

1 specifying the proportion of the cost to political  
2 subdivisions of the implementation of this Act that is the  
3 state's share of total costs.

4 EXPLANATION

5 This bill provides for the establishment of a truancy  
6 school in each area education agency, providing schools,  
7 county attorneys, and the courts with the truancy school  
8 option in handling a child who is deemed truant under the  
9 compulsory education law.

10 This bill amends or creates the following Code sections or  
11 subunits:

12 232.2(6)(p): Includes in the definition of a "child in  
13 need of assistance" a child whose parent, guardian, or  
14 custodian is unwilling or unable to cause the child to attend  
15 school as required under chapter 299.

16 232.2(12)(c): Includes in the definition of "delinquent  
17 act" a violation of the truancy provisions of chapter 299 if  
18 the child has been expelled from or refuses to attend a  
19 truancy school.

20 232.97(1) and 235A.15(2)(d)(5): Permit the juvenile court  
21 to direct a truancy officer to conduct a social investigation  
22 and prepare a social report, which shall include any founded  
23 reports of child abuse. The bill allows the truancy officer  
24 access to founded reports of child abuse in conducting an  
25 investigation for the court.

26 256.7(21): Directs the state board of education to  
27 prescribe, if funds are appropriated for purposes of truancy  
28 schools established under the bill, guidelines and standards  
29 for the administration and operation of truancy schools in  
30 consultation with the truancy school advisory council  
31 established under the bill.

32 257.6(1)(a): Provides that the actual enrollment for  
33 purposes of financing school programs shall include resident  
34 pupils enrolled in a truancy school in the area education  
35 agency serving the school district.

1 273.3(6): Permits area education agencies to cooperate and  
2 contract between themselves and with other public agencies to  
3 provide individual and family counseling services for students  
4 enrolled in truancy schools.

5 273.14: Directs the board of directors of an area  
6 education agency, if the general assembly appropriates moneys  
7 for the establishment of truancy schools, to develop and  
8 implement a plan for the establishment of a truancy school  
9 within the agency, in conjunction with a truancy school  
10 advisory council created under the bill, to provide for the  
11 education of children deemed truant.

12 Under the bill, special education programs and services,  
13 media services, and educational programs and services provided  
14 by the area education agency shall be made available to the  
15 truancy school. Each truancy school shall meet the minimum  
16 educational standards provided in section 256.11, and shall  
17 provide individual and family counseling designed to determine  
18 and correct the cause of a student's truant behavior and to  
19 ensure the successful readmittance of the student to the prior  
20 school of enrollment.

21 The bill permits an area education agency to enter into a  
22 contractual agreement with a private agency for the operation  
23 of truancy schools with the approval of the state board of  
24 education.

25 If the terms of a mediation agreement require a child to  
26 enroll in a truancy school, the county attorney's office or  
27 the mediation service shall establish a sliding scale of  
28 tuition to be charged the parents, including a noncustodial  
29 parent, guardian, or legal or actual custodian based upon the  
30 ability to pay. If the student has been placed in the truancy  
31 school by the district court, the court may order the parents,  
32 including the noncustodial parent, guardian, or legal or  
33 actual custodian, to pay tuition. Tuition shall not exceed  
34 the agency's average cost, including transportation costs, for  
35 the previous fiscal year of providing the services required

1 under this section, divided by the number of students enrolled  
2 in the truancy school in the previous fiscal year.

3 A student enrolled in a truancy school shall be counted,  
4 for state school foundation aid purposes, in the student's  
5 district of residence. The board of directors of the district  
6 of residence shall pay to the area education agency operating  
7 the truancy school in which the student is enrolled the  
8 district's cost per pupil, plus any moneys received for the  
9 student as a result of non-English speaking weighting, for  
10 each school year. The district of residence shall also  
11 transmit the phase III moneys allocated to the district for  
12 the full-time equivalent attendance of the student, to the  
13 area education agency in which the student is enrolled.

14 Payment of tuition required of a noncustodial parent under  
15 this bill is in addition to any other court-ordered child  
16 support obligation.

17 The bill includes an appropriation from the general fund of  
18 the state to the department of education for each fiscal year  
19 in an amount sufficient to pay the difference between each  
20 area education agency's truancy program costs for the previous  
21 school year and the amount of tuition and foundation aid  
22 received by each area education agency.

23 273.15: Creates a truancy school advisory council  
24 consisting of 10 members. Members include area education  
25 agency chief administrators, persons appointed by the director  
26 of the department of education, and area education agency  
27 directors of educational services, media center directors,  
28 directors of special education, and one person appointed by  
29 the school administrators of Iowa. Members may also be  
30 eligible to receive compensation as provided in section 7E.6.  
31 The director of the department of education shall determine  
32 the length of the initial terms of office and call the initial  
33 meeting of the advisory council.

34 The advisory council shall assist and advise the state  
35 board of education in developing guidelines and standards for

1 the operation of truancy schools, and the board of directors  
2 of each area education agency in establishing and coordinating  
3 the operation of the truancy schools. The board of each area  
4 education agency shall submit to the advisory council  
5 substantial issues related to the truancy schools. The  
6 advisory council shall formulate recommendations on each issue  
7 referred to it by the board within reasonable time periods.  
8 Subsequent to the establishment of truancy schools, the  
9 advisory council shall monitor and evaluate the efficacy of  
10 truancy schools on the children enrolled and shall make  
11 recommendations for improvements and act as a clearinghouse  
12 sharing information about the most successfully implemented  
13 truancy schools throughout the state. Administrative support  
14 and staffing for the advisory council shall be provided by the  
15 department of education.

16 299.5A: Authorizes school officials to afford a child  
17 deemed truant an opportunity to enroll in a truancy school.  
18 If the child, the parent, guardian, or legal or actual  
19 custodian refuses the offer, or if the child failed to meet  
20 the standards at the truancy school, the bill provides that  
21 the matter may be referred to the juvenile court intake  
22 officer for consideration of juvenile delinquency or child-in-  
23 need-of-assistance proceedings. A mediation agreement may  
24 include a provision that the child enroll in a truancy school.

25 299.8: Eliminates language that provided that a finding  
26 that a child is truant does not by itself mean that the child  
27 is a child in need of assistance and shall not be the sole  
28 basis for a child in need of assistance petition.

29 299.10: Requires the board of each school district to  
30 appoint a truancy officer with the qualifications prescribed  
31 by the supreme court for juvenile court officers. Permits two  
32 or more districts to contract to share the services of a  
33 truancy officer.

34 299.11: Grants a truancy officer the status of a peace  
35 officer for the purpose of performing the duties of a truancy

1 officer. The juvenile court may direct a truancy officer to  
2 conduct investigations and submit reports to the court.

3 This bill may include a state mandate as defined in section  
4 25B.3. Under the last provision of the bill, the bill shall  
5 not take effect unless an appropriation is made fully funding  
6 or specifying the proportion of the cost to political  
7 subdivisions of the implementation of this bill that is the  
8 state's share of total costs. This provision is included to  
9 comply with the state mandate funding requirement contained in  
10 section 25.2.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35