

FILED MAR 13 1997

*Substituted
for S.F. H.F. 597
4/9/97 (p. 1076)*

SENATE FILE **453**
BY COMMITTEE ON EDUCATION

WITHDRAWN
4-11-97
(P. 1125) (SUCCESSOR TO SSB 191)

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

A BILL FOR

1 An Act relating to school attendance and interagency efforts to
2 address children's problems by applying school attendance
3 requirements under the family investment program, providing
4 for interagency agreements and attendance teams, and providing
5 a civil penalty for truancy.

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

WITHDRAWN

S.F. 453

1 Section 1. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

2 1. As a condition of eligibility for assistance under this
3 chapter, the department shall require a child's parent or
4 other specified relative whose needs are included in the cash
5 assistance grant payable to the child's family to cooperate
6 with efforts to ensure that the child completes educational
7 requirements through the sixth grade. The required
8 cooperation shall include but is not limited to participation
9 in a school attendance cooperation meeting and agreement in
10 accordance with section 299.12.

11 2. If the department receives notification from a school
12 truancy officer in accordance with section 299.12 that a child
13 receiving assistance under this chapter is deemed to be
14 truant, the child's family shall be subject to sanction as
15 provided in this section. The sanction shall continue to
16 apply until the department of human services receives written
17 notification from the school truancy officer of any of the
18 following:

19 a. The child is complying with the attendance policy
20 applicable to the child's school.

21 b. The child has satisfactorily completed educational
22 requirements through the sixth grade.

23 c. The child's school has determined there is good cause
24 for the child's nonattendance and the school withdraws the
25 written notification.

26 d. The child is no longer enrolled in the school for which
27 the written notification was provided and the child's family
28 demonstrates that the child is enrolled in and is attending
29 another school or is otherwise receiving equivalent schooling
30 as authorized under state law.

31 3. The sanction under this section shall be a deduction
32 from the cash assistance grant payable to the child's family
33 in an amount equivalent to twenty-five percent of the family
34 investment program payment standard applicable to the family.
35 If more than one child in the family is deemed to be truant,

1 the sanction shall continue to apply until the department
2 receives written notification from the school truancy officer
3 concerning each child as provided in subsection 2.

4 4. Notwithstanding any contrary provision of chapter 239,
5 unless prohibited by federal law, the department may release
6 information to a school truancy officer, as defined in section
7 299.12, regarding persons receiving assistance under this
8 chapter as necessary to verify the family investment program
9 assistance status of a child of a family who may be subject to
10 sanction under this section. The department may adopt rules
11 as necessary to administer this section.

12 Sec. 2. Section 279.9A, Code 1997, is amended to read as
13 follows:

14 279.9A INFORMATION SHARING.

15 1. The rules referred to in section 279.9 shall provide
16 that upon the request of school officials of a school to which
17 the student seeks to transfer or has transferred, school
18 officials of the sending school shall provide an accurate
19 record of any suspension or expulsion actions taken, and the
20 basis for those actions taken, against the student under
21 sections 279.9, 280.19A, 282.3, 282.4, and 282.5. The
22 designated representative shall disclose this information only
23 to those school employees whose duties require them to be
24 involved with the student. For purposes of this section,
25 "school employees" means persons employed by a nonpublic
26 school or school district, or any area education agency staff
27 member who provides services to a school or school district.

28 2. a. The board of directors of each public school and
29 the authorities in charge of each accredited nonpublic school
30 shall adopt rules which provide that the school district or
31 school may share information contained within a student's
32 permanent record pursuant to an interagency agreement with the
33 department of human services, school and law enforcement
34 authorities, and other signatory agencies. The board of
35 directors or authorities shall limit the information shared

1 pursuant to an interagency agreement to that information which
2 is necessary to achieve the purpose of the agreement. The
3 purpose of the agreement shall be to reduce juvenile crime by
4 promoting cooperation and collaboration and the sharing of
5 appropriate information between the parties in a joint effort
6 to improve school safety, reduce truancy, reduce school
7 suspensions and expulsions, and to support alternatives to
8 suspensions and expulsions which provide structured and well-
9 supervised educational programs supplemented by coordinated
10 and appropriate services designed to correct behaviors that
11 lead to truancy, suspension, and expulsions and to support
12 students in successfully completing their education.

13 Information shared under the agreement shall be used solely
14 for determining the programs and services appropriate to the
15 needs of the student or the student's family, or coordinating
16 the delivery of programs and services to the student or the
17 student's family. Information shared under the agreement is
18 not admissible in any court proceedings which take place prior
19 to a disposition hearing, unless written consent is obtained
20 from a student's parent, guardian, or legal or actual
21 custodian.

22 b. A school or school district entering into an
23 interagency agreement under this section shall adopt a policy
24 implementing the provisions of the interagency agreement. The
25 policy shall include, but not be limited to, the provisions of
26 the interagency agreement and the procedures to be used by the
27 school or school district to share information from the
28 student's permanent record with participating agencies. The
29 policy shall be published in the student handbook.

30 Sec. 3. NEW SECTION. 299.6A CIVIL PENALTY --
31 DISTRIBUTION OF FUNDS.

32 1. In lieu of proceeding under section 299.6, a county
33 attorney may bring a civil action against a parent, guardian,
34 or legal or actual custodian of a child who is of compulsory
35 attendance age, has not completed educational requirements,

1 and is truant, if the parent, guardian, or legal or actual
2 custodian has failed to cause the child to attend a public
3 school, an accredited nonpublic school, or competent private
4 instruction in the manner provided in this chapter. If the
5 court finds that the parent, guardian, or legal or actual
6 custodian has failed to cause the child to attend as required
7 in this section, the court shall assess a civil penalty of not
8 less than one hundred but not more than one thousand dollars,
9 for each violation established. However, if the court finds
10 that the parent, guardian, or legal or actual custodian of the
11 child has been subject to sanction under section 239.5B as a
12 result of the child's truancy, the court may waive the civil
13 penalty under this section.

14 2. Funds received from civil penalties assessed pursuant
15 to this section shall be paid to the school district of
16 residence or school district of enrollment, if open enrolled,
17 of the student on whose account the court assessed the
18 penalty. The school district shall use moneys received under
19 this subsection to support programs for students who meet the
20 definition of at-risk children adopted by the department of
21 education.

22 Sec. 4. NEW SECTION. 299.12 VIOLATION OF ATTENDANCE
23 POLICY -- FAMILY INVESTMENT PROGRAM.

24 1. For the purposes of this section:

25 a. "Attendance tracker" means a person designated by the
26 juvenile court, public school board, or governing body of an
27 accredited nonpublic school to monitor compliance with an
28 attendance cooperation agreement.

29 b. "School truancy officer" means a truancy officer
30 appointed under section 299.10 or any other person designated
31 by a public school board or a governing body of an accredited
32 nonpublic school to administer provisions of this section.

33 2. If a school truancy officer determines a child is at-
34 risk of being deemed to be truant, the school truancy officer
35 shall contact the child's parent, guardian, or legal or actual

1 custodian to participate as a member of an attendance team for
2 the child. Parties who are members of an attendance team may
3 include the child and shall include the child's parent,
4 guardian, or legal or actual custodian and the school truancy
5 officer. If the child is a member of a family receiving
6 assistance under the family investment program, the attendance
7 team shall include the child's parent or specified relative
8 whose needs are included in the child's assistance grant and a
9 representative of the department of human services. Other
10 school officials, designee of the juvenile court, the county
11 attorney or the county attorney's designee, and other persons
12 deemed appropriate by the school truancy officer may be
13 invited to participate in the attendance team.

14 3. The attendance team shall hold an attendance
15 cooperation meeting. The purpose of the attendance
16 cooperation meeting is for the parties participating in the
17 meeting to attempt to ascertain the cause of the child's
18 nonattendance, to cause the parties to arrive at an agreement
19 relative to addressing the child's attendance, and to initiate
20 referrals to any services or counseling that the attendance
21 team believes to be appropriate under the circumstances. The
22 department of human services shall monitor and assist with
23 referrals for counseling or other social services. The terms
24 agreed to shall be reduced to writing in an attendance
25 cooperation agreement and signed by the parties to the
26 agreement. Each party signing the agreement shall receive a
27 copy of the agreement, which shall set forth the cause
28 identified for the child's nonattendance and future
29 responsibilities of each party.

30 4. If an attendance team determines that an attendance
31 tracker would improve compliance with the attendance
32 cooperation agreement, the attendance team may arrange for an
33 attendance tracker to monitor the agreement. An attendance
34 tracker shall contact parties to the attendance cooperation
35 agreement on a periodic basis as appropriate to monitor

1 performance of the agreement.

2 5. If the parties fail to enter into an attendance
3 cooperation agreement, or the child's parent, guardian, or
4 custodian acting as a party violates a term of the attendance
5 cooperation agreement or fails to participate in an attendance
6 cooperation meeting, the child may be deemed to be truant.

7 6. a. If a child deemed to be truant under this section
8 is a member of a family receiving family investment program
9 assistance under chapter 239 and has not completed the sixth
10 grade, the school truancy officer may provide notification to
11 the department of human services as provided in section
12 239.5B. An initial and any subsequent notification shall be
13 made in writing. The form of the notification shall be
14 mutually determined by the departments of human services and
15 education.

16 b. Notwithstanding any other provision of this chapter to
17 the contrary, unless prohibited by federal law, a school
18 truancy officer may release information to the department of
19 human services and may receive information from the department
20 of human services regarding a child described in paragraph
21 "a". In addition, the school truancy officer may utilize
22 other sources available to the officer as necessary to verify
23 whether a child is a member of a family receiving family
24 investment program assistance. The release of information
25 under this section may be the subject of an interagency
26 agreement under section 279.9A.

27 7. It is the intent of this section that a public school
28 board or governing body of an accredited nonpublic school
29 shall exercise the authority granted under this section as a
30 means of increasing and ensuring school attendance of young
31 children, as education is a critical element in the success of
32 individuals and good attendance habits should be developed and
33 reinforced at an early age.

34

EXPLANATION

35 This bill relates to school attendance and interagency

1 efforts to address children's problems.

2 New Code section 239.5B is created. As a condition of
3 eligibility under the family investment program (FIP), a
4 child's parent or other specified relative whose needs are
5 considered in the cash assistance grant paid to the child's
6 family must cooperate with efforts to ensure the child's
7 school attendance, including participating in a team to secure
8 an attendance cooperation agreement under new Code section
9 299.12 which is in the bill.

10 If a school truancy officer notifies the department of
11 human services that a child in a family receiving FIP
12 assistance is truant, the family is subject to sanction under
13 FIP. The sanction applies until the school truancy officer
14 notifies the department that the child's attendance is changed
15 as described in the bill. The sanction is a deduction from
16 the cash benefits payable to the child's family. The
17 deduction amount is 25 percent of the family investment
18 program payment standard applicable to the child's family.
19 The payment standard is the gross amount for cash benefits
20 based on family size and other requirements as established in
21 administrative rules prior to any adjustments. Subject to
22 federal law, any contrary confidentiality provisions in the
23 FIP and school attendance chapters are rendered inapplicable
24 to disclosures necessary to implement the bill's provisions.

25 Code section 279.9A, providing for information sharing, is
26 amended to provide for the sharing of information between
27 school officials and various agencies pursuant to interagency
28 agreements designed to improve school safety, reduce truancy,
29 reduce suspensions and expulsions, and to support various
30 alternatives which support students in successfully completing
31 their education.

32 The bill creates Code section 299.12 to authorize schools
33 to establish an attendance team when a child is at risk of
34 being deemed truant. The attendance team may include the
35 child and must include the child's parent, guardian, or

1 custodian. If the child is in a family receiving FIP
2 assistance, the team is also to include a representative of
3 the department of human services. Representatives of the
4 juvenile court, county attorney, or others may be included.
5 The attendance team is to schedule an attendance cooperation
6 meeting to develop an agreement. The terms agreed to for
7 addressing the child's attendance are to be reduced to writing
8 in an attendance cooperation agreement. The team may arrange
9 for an attendance tracker to monitor compliance with the
10 agreement. If the parties fail to enter into an agreement,
11 the terms are violated, or if the child's parent, guardian, or
12 custodian fails to participate in an attendance cooperation
13 meeting, the child may be deemed to be truant.

14 The bill also includes new Code section 299.6A which
15 provides a county attorney with the option of bringing a civil
16 action, in lieu of criminal prosecution, against the parent,
17 guardian, or legal or actual custodian of a child deemed
18 truant. If the court, under the bill, finds in favor of the
19 civil prosecution, the civil penalty assessed shall be between
20 \$100 and \$1,000 for each violation established. The bill
21 authorizes the court to waive the civil penalty for a FIP
22 family which has been subject to sanction for truancy. The
23 sanction applies until the school truancy officer notifies the
24 department that the child's attendance is changed as described
25 in the bill. The sanction is a deduction from the cash
26 benefits payable to the child's family. The deduction amount
27 is 25 percent of the family investment program payment
28 standard applicable to the child's family. The payment
29 standard is the gross amount for cash benefits based on family
30 size and other requirements as established in administrative
31 rules prior to any adjustments. Subject to federal law, any
32 contrary confidentiality provisions in state law are rendered
33 inapplicable to disclosures necessary to implement the
34 provisions. These two new Code sections take effect July 1,
35 1998.

SENATE FILE 453
FISCAL NOTE

A fiscal note for Senate File 453 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 453 relates to school attendance and interagency efforts to address truancy, includes as a condition of Family Investment Program (FIP) eligibility, a family's cooperation in ensuring a child's attendance, provides for attendance teams and attendance cooperation meetings coordinated by the Schools, allows the team to arrange for attendance trackers, provides sanctions deducted from a family's FIP benefit, provides for information sharing, authorizes schools to utilize attendance meetings for non-FIP families, allows county attorneys to bring civil action against the parent of a truant, allows the court to assess a penalty, and provides an effective date.

ASSUMPTIONS:

1. There were 15,700 truants during the 1995-96 school year, of which 12,100 were of compulsory attendance age (6-16 years) and 2,250 were at least six years of age and had not completed the sixth grade. It is assumed that the 1996-97 school year will experience similar numbers of truants.
2. The truancy rate of students ages six through twelve in the the general population is 0.89%. This analysis assumes that FIP children are equally represented as truants and the number of children ages 6-12 (through the sixth grade) eligible for FIP is consistent with the number of children ages 6-12 in the general population. The number of truant FIP children between age six and having completed sixth grade is 136.
3. It is unknown, in how many cases, school truancy officers will contact the DHS or the county attorney as allowed in SF 453.
4. Senate File 453 allows county attorneys to file a civil proceeding, beginning July 1, 1998, against a parent or guardian of any truant child of compulsory attendance age and allows the court to assess a penalty between \$100 and \$1,000. Fines collected are are to be paid to the child's school district for at-risk programs. It is unknown how many parents the county attorneys will choose to prosecute, what fines will be assessed by the courts, or how much of the fines and court costs will be collected from parents assessed a penalty. The average civil case currently costs the court \$170 and requires two hours of court time.
5. School truancy officers are allowed to notify DHS if a FIP child is truant, effective July 1, 1998. It is unknown how many FIP families will be assessed a penalty. If the attendance cooperation meeting is successful in addressing issues resulting in truancy for each child, it is possible that a significant portion of truancy in the age group of six years through sixth grade may be avoided. Any savings to FIP resulting

-2-

from imposed sanctions cannot be determined.

6. The Department of Human Services (DHS) would require funds for a computer software system to allow for information sharing between the schools and and the DHS. The one-time costs of the system and programming consultant are estimated to be \$50,000.
7. It is unknown if the schools will apply the attendance cooperation meetings to non-FIP truant children or what fiscal impact may result to the local school districts if applied. It is also unknown if additional truancy officers would be required. Truancy officers are funded by the school districts.
8. The schools require a parental signature allowing release of truancy information to the DHS and the DHS requires a signature allowing release of FIP status to the school district. Guarantee of the signatures will be required before the implementation of the information sharing established in SF 453.

FISCAL IMPACT

Other than the \$50,000 cost for computer software, the fiscal impact of SF 453 can not be determined.

SOURCES

Department of Human Services

Department of Education

Judicial Department

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 2248SV, MMB)

FILED MARCH 20, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 453

3415

Amend Senate File 453 as follows:

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

"Section 1. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

1. As a condition of eligibility for an applicant for or a recipient of assistance under this chapter, the department shall require a child's parent or other specified relative whose needs are included in the cash assistance grant payable to the child's family to cooperate with efforts to ensure children receiving assistance under this chapter complete educational requirements through the sixth grade. As a further condition of eligibility, an applicant or recipient shall provide written authorization for release of information to a school concerning the receipt of assistance and for release of information by a school concerning the child's compliance with attendance requirements.

2. If the department of human services receives written notification from a school truancy officer under section 299.12 that a child receiving assistance under this chapter is deemed to be truant, the department shall contact the child's parent or other specified relative whose needs are included in the child's assistance grant to schedule an attendance cooperation meeting. The departments of human services and education shall mutually agree upon the form of the written notification. Parties participating in the attendance cooperation meeting may include the child and shall include the child's parent or other specified relative whose needs are included in the child's assistance grant, and a representative of the department of human services. The school truancy officer or other school officials, county attorney or the county attorney's designee, designee of the juvenile court, and other persons deemed appropriate by the department of human services shall be invited to participate in the attendance cooperation meeting.

3. The purpose of the attendance cooperation meeting is for the parties participating in the meeting to attempt to ascertain the cause of the child's nonattendance, to cause the parties to arrive at an agreement relative to addressing the child's attendance, and to initiate referrals to any agencies or counseling that the department of human services believes to be appropriate under the circumstances. The terms agreed to shall be reduced to writing in an attendance cooperation agreement and signed by the

3415

S-3415

Page 2

1 child's parent or other specified relative whose needs
2 are included in the child's assistance grant, the
3 child, and the representative of the department of
4 human services. If appropriate, other persons
5 participating in the attendance cooperation meeting
6 may also sign the agreement. Each party signing the
7 agreement shall receive a copy of the agreement, which
8 shall set forth the cause identified for the child's
9 nonattendance and future responsibilities of each
10 party.

11 4. If the parties fail to enter into an attendance
12 cooperation agreement, or the child's parent or other
13 specified relative whose needs are included in the
14 child's assistance grant violates a term of the
15 attendance cooperation agreement or fails to engage in
16 an attendance cooperation meeting, the child's family
17 shall be subject to sanction as provided in this
18 section. The sanction shall continue to apply until
19 the department of human services receives written
20 notification from the school truancy officer of any of
21 the following:

22 a. The child is complying with the attendance
23 policy applicable to the child's school.

24 b. The child has satisfactorily completed
25 educational requirements through the sixth grade.

26 c. The child's school has determined there is good
27 cause for the child's nonattendance and the school
28 withdraws the written notification.

29 d. The child is no longer enrolled in the school
30 for which the written notification was provided and
31 the child's family demonstrates that the child is
32 enrolled in and is attending another school or is
33 otherwise receiving equivalent schooling as authorized
34 under state law.

35 5. The sanction under this section shall be a
36 deduction from the cash assistance grant payable to
37 the child's family in an amount equivalent to twenty-
38 five percent of the family investment program payment
39 standard applicable to the family. If more than one
40 child in the family is deemed to be truant, the
41 sanction shall continue to apply until the department
42 receives written notification from the school truancy
43 officer, as provided in subsection 4, concerning each
44 child.

45 6. Notwithstanding any contrary provision of
46 chapter 239, unless prohibited by federal law, the
47 department may release or make information available
48 to a school truancy officer, as defined in section
49 299.12, regarding persons applying for or receiving
50 assistance under this chapter as necessary to verify

S-3415

-2-

S-3415

Page 3

the family investment program assistance status of a child of a family who may be subject to sanction under this section. The department shall implement protocols restricting information access under this section by region or other means to provide for the minimum access to information necessary to implement the purposes of this section. The department may adopt rules as necessary to administer this section. Information shared as part of an attendance cooperation meeting and the attendance cooperation agreement itself shall be considered a confidential record under section 22.7 and unless authorized under this section or section 299.12, dissemination of the information and the attendance cooperation agreement is subject to the provisions of chapter 22 applicable to confidential records.

Sec. 2. Section 299.5A, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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. The school may utilize an attendance cooperation meeting and agreement process which substantially conforms with the requirements of section 239.5B. Information shared as part of an attendance cooperation meeting and the attendance cooperation agreement itself shall be considered a confidential record under section 22.7 and dissemination of the information and the attendance cooperation agreement is subject to the provisions of chapter 22 applicable to confidential records. 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.

Sec. 3. Section 299.6, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a child's parent, guardian, or legal or actual custodian who is found guilty and is subject to a penalty as provided in this section has been subject to a sanction under section 239.5B as a result of the child's truancy, the court may waive the penalty under this section.

Sec. 4. NEW SECTION. 299.6A CIVIL PENALTY -- DISTRIBUTION OF FUNDS.

1. In lieu of a criminal proceeding under section 299.6, a county attorney may bring a civil action

S-3415

-3-

S-3415

Page 4

1 against a parent, guardian, or legal or actual
2 custodian of a child who is of compulsory attendance
3 age, has not completed educational requirements, and
4 is truant, if the parent, guardian, or legal or actual
5 custodian has failed to cause the child to attend a
6 public school, an accredited nonpublic school, or
7 competent private instruction in the manner provided
8 in this chapter. If the court finds that the parent,
9 guardian, or legal or actual custodian has failed to
10 cause the child to attend as required in this section,
11 the court shall assess a civil penalty of not less
12 than one hundred but not more than one thousand
13 dollars, for each violation established. However, if
14 the court finds that the parent, guardian, or legal or
15 actual custodian of the child has been subject to
16 sanction under section 239.5B as a result of the
17 child's truancy, the court may waive the civil penalty
18 under this section.

19 2. Funds received from civil penalties assessed
20 pursuant to this section shall be paid to the school
21 district of residence or school district of
22 enrollment, if open enrolled, of the person against
23 whom the court assessed the penalty. The school
24 district shall use moneys received under this
25 subsection to support programs for students who meet
26 the definition of at-risk children adopted by the
27 department of education.

28 Sec. 5. NEW SECTION. 299.12 TRUANT CHILDREN --
29 FAMILY INVESTMENT PROGRAM.

30 1. For the purposes of this section, "school
31 truancy officer" means a truancy officer appointed
32 under section 299.10 or any other person designated by
33 a public school board or a governing body of an
34 accredited nonpublic school to administer provisions
35 of this section.

36 2. If a child deemed to be truant under this
37 chapter is a member of a family receiving or applying
38 for family investment program assistance under chapter
39 239 and has not completed the sixth grade, the school
40 truancy officer shall provide notification to the
41 department of human services as provided in section
42 239.5B. An initial and any subsequent notification
43 shall be made in writing.

44 3. Notwithstanding any other provision of this
45 chapter to the contrary, unless prohibited by federal
46 law, a school truancy officer may release information
47 to the department of human services and may receive
48 information from the department of human services
49 regarding a child described in subsection 2. In
50 addition, the school truancy officer may utilize other

S-3415

-4-

S-3415

Page 5

1 sources available to the officer as necessary to
2 verify whether a child is a member of a family
3 receiving or applying for family investment program
4 assistance. Release of information under this section
5 shall be restricted to the minimum access to
6 information necessary to achieve the purposes of this
7 section.

8 4. It is the intent of this section that a public
9 school board or governing body of an accredited
10 nonpublic school shall exercise the authority granted
11 under this section as a means of increasing and
12 ensuring school attendance of young children, as
13 education is a critical element in the success of
14 individuals and good attendance habits should be
15 developed and reinforced at an early age.

16 Sec. 6. EFFECTIVE DATE -- APPLICABILITY --
17 EMERGENCY RULES -- CODE EDITOR.

18 1. a. Section 239.5B, as enacted by this Act,
19 being deemed of immediate importance, takes effect
20 upon enactment.

21 b. The department of human services shall begin
22 implementing the provisions of section 239.5B, as
23 enacted by this Act, which require written
24 authorization for release of information as a
25 condition of eligibility for family investment program
26 assistance, effective July 1, 1997, and shall complete
27 implementation not later than December 31, 1997.

28 c. The provisions of sections 239.5B and 299.12
29 authorizing information release or access between the
30 department of human services and school truancy
31 officers shall apply beginning January 1, 1998.

32 2. The department of human services may adopt
33 emergency rules under section 17A.4, subsection 2, and
34 section 17A.5, subsection 2, paragraph "b", to
35 implement the provisions of section 239.5B, as enacted
36 by this Act, in accordance with this section and the
37 rules shall be effective immediately upon filing,
38 unless the effective date is delayed by the
39 administrative rules review committee, notwithstanding
40 section 17A.4, subsection 5, and section 17A.8,
41 subsection 9, or a later effective date is specified
42 in the rules. Any rules adopted in accordance with
43 this subsection shall not take effect before the rules
44 are reviewed by the administrative rules review
45 committee. Any rules adopted in accordance with this
46 section shall also be published as a notice of
47 intended action as provided in section 17A.4.

48 3. If Senate File 516 or other legislation
49 providing for the repeal of chapters 239 and 249C and
50 codification of the family investment program in

S-3415

-5-

S-3415

Page 6

1 chapter 239B is enacted by the Seventy-seventh General
2 Assembly, 1997 Session, the repeal of chapter 239
3 shall not be deemed to repeal section 239.5B, as
4 enacted by this Act, and the Code editor shall codify
5 section 239.5B, as enacted by this Act, as part of
6 chapter 239B and shall revise internal references to
7 that section necessary to conform with the designation
8 codified by the Code editor."
9 2. Title page, by striking lines 1 through 5 and
10 inserting the following: "An Act relating to school
11 attendance by applying school attendance requirements
12 under the family investment program, and providing a
13 civil penalty for truancy, applicability provisions,
14 and an effective date."

By MAGGIE TINSMAN

S-3415 FILED APRIL 8, 1997

Adopted 4/9/97 (p. 1076)

SENATE FILE 453

S-3235

1 Amend Senate File 453 as follows:
2 1. Page 1, line 2, by striking the figure "1."
3 and inserting the following:
4 "1. a."
5 2. Page 1, by inserting after line 10 the
6 following:
7 "b. If a child whose needs are included in a cash
8 assistance grant is older than the compulsory
9 attendance age under section 299.1A and is not
10 actively completing educational requirements for
11 graduation in an accredited school or would not be
12 excepted from attendance requirements under section
13 299.2 if section 299.2 was applicable to the child,
14 the child's family shall be subject to sanction as
15 provided in this section."
16 3. Page 1, line 13, by inserting after the word
17 "chapter" the following: "who has not completed
18 educational requirements through the sixth grade".
19 4. Page 1, line 15, by inserting after the word
20 "section." the following: "A sanction shall also be
21 applied if a school truancy officer provides
22 notification to the department of human services as
23 provided in section 299.12 that a child whose needs
24 are included in a cash assistance grant under the
25 family investment program and who is older than the
26 compulsory attendance age under section 299.1A is not
27 actively completing educational requirements for
28 graduation in an accredited school or would not be
29 excepted from attendance requirements under section
30 299.2 if section 299.2 was applicable to the child."
31 5. Page 1, by inserting after line 25 the
32 following:
33 "e. For a child subject to sanction under
34 subsection 1, paragraph "b", the child would qualify
35 for an exception to attendance requirements under
36 section 299.2 if section 299.2 was applicable to the
37 child."
38 6. Page 1, line 35, by inserting after the word
39 "truant" the following: "or is subject to sanction
40 under subsection 1, paragraph "b"."
41 7. Page 6, line 12, by inserting after the figure
42 "239.5B." the following: "The school truancy officer
43 may also provide notification to the department of
44 human services as provided in section 239.5B that a
45 child whose needs are included in a cash assistance
46 grant under the family investment program and who is
47 older than compulsory attendance age under section
48 299.1A is not actively completing educational
49 requirements for graduation in an accredited school or
50 would not be excepted from attendance requirements

S-3235 -1-

S-3235

Page 2

1 under section 299.2 if section 299.2 was applicable to
2 the child."

By JOHN P. KIBBIE

Tinsman, Chair
Boettger
Neuhauser
Redfern
Szymoniak

SSB 191

Education
Succeeded by
(SF) HF 453

SENATE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON REDFERN)

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

A BILL FOR

1 An Act relating to school attendance under the family investment
2 program and providing an effective date.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

2 1. If the department receives written notification from a
3 school truancy officer under section 299.11A that a child
4 deemed to be truant under chapter 299 is a member of a family
5 receiving or applying for assistance under this chapter and
6 has not completed the sixth grade, the department shall
7 determine if the child's family is receiving or applying for
8 assistance under this chapter. If the department determines
9 the child's family is receiving or applying for assistance
10 under this chapter, the child's family shall be subject to
11 sanction in accordance with this section. The sanction shall
12 continue to apply until the department receives written
13 notification from the school truancy officer of any of the
14 following:

15 a. The child is complying with the attendance policy
16 applicable to the child's school.

17 b. The child has satisfactorily completed educational
18 requirements through the sixth grade.

19 c. The child's school has determined there is good cause
20 for the child's nonattendance and the school withdraws the
21 written notification.

22 d. The child is no longer enrolled in the school for which
23 the written notification was provided and the child's family
24 demonstrates that the child is enrolled in and is attending
25 another school or is otherwise receiving equivalent schooling
26 as authorized under state law.

27 2. The sanction under this section shall be a deduction
28 from cash benefit assistance payable to the child's family in
29 an amount equivalent to twenty-five percent of the applicable
30 family investment program payment standard.

31 3. Notwithstanding any other provision of law to the
32 contrary, unless prohibited by federal law, the department may
33 release information to a school truancy officer, as defined in
34 section 299.11A, regarding persons applying for or receiving
35 assistance under this chapter as necessary to verify the

1 public assistance status of a child of a family who may be
2 subject to sanction under this section. The department may
3 adopt rules as necessary to administer this section.

4 Sec. 2. NEW SECTION. 299.11A TRUANT CHILDREN -- FAMILY
5 INVESTMENT PROGRAM.

6 1. For the purposes of this section, "school truancy
7 officer" means a truancy officer appointed under section
8 299.10 or any other person designated by a public school board
9 or a governing body of an accredited nonpublic school to
10 implement the provisions of this section.

11 2. If a child deemed to be truant under this chapter is a
12 member of a family receiving or applying for family investment
13 program assistance under chapter 239 and has not completed the
14 sixth grade, the school truancy officer may provide
15 notification to the department of human services as provided
16 in section 239.5B. An initial and any subsequent notification
17 shall be made in writing.

18 3. Notwithstanding any other provision of law to the
19 contrary, unless prohibited by federal law, a school truancy
20 officer may release information to the department of human
21 services and may receive information from the department
22 regarding a child described in subsection 2. In addition, the
23 school truancy officer may utilize other sources available to
24 the officer as necessary to verify whether a child is a member
25 of a family receiving or applying for family investment
26 program benefits.

27 4. It is the intent of this section that a public school
28 board or governing body of an accredited nonpublic school
29 shall exercise the authority granted under this section as a
30 means of increasing and ensuring school attendance of young
31 children, as education is a critical element in the success of
32 individuals and good attendance habits should be developed and
33 reinforced at an early age.

34 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1,
35 1998.

EXPLANATION

1
2 This bill relates to applicant and recipient school
3 attendance requirements under the family investment program.
4 New Code sections 239.5B and 299.11A are created relating
5 to school attendance of children of families applying for or
6 receiving assistance under the family investment program. The
7 provisions are applicable to truant children applying for or
8 receiving assistance who have not completed the sixth grade.
9 A school truancy officer or other person designated by a
10 public school board or a governing body of an accredited
11 nonpublic school may notify the department of human services
12 that such a child is truant. If the department determines the
13 child's family is applying for or receiving assistance, the
14 child's family is subject to sanction. The sanction applies
15 until the school truancy officer notifies the department that
16 the child's attendance is changed as described in the bill.
17 The sanction is a deduction from the cash benefits payable to
18 the child's family. The deduction amount is 25 percent of the
19 family investment program payment standard applicable to the
20 child's family. The payment standard is the gross amount for
21 cash benefits based on family size and other requirements as
22 established in administrative rules prior to any adjustments.
23 Subject to federal law, any contrary confidentiality
24 provisions in state law are rendered inapplicable to
25 disclosures necessary to implement the provisions. These two
26 new Code sections take effect July 1, 1998. --

27
28
29
30
31
32
33
34
35