

Disability Rights Iowa
HF 552
Testimony on the Impact on Iowans with Disabilities

Chairpersons and honorable members of the Committee. My name is Catherine E. Johnson. I am the Executive Director of Disability Rights Iowa (DRI). DRI is an independent, non-profit agency which serves as the designated protection and advocacy system for people with disabilities in the state of Iowa, pursuant to federal mandates. The mission of the agency is to advocate for justice, to advance human and legal rights of Iowans with disabilities and to protect Iowans with disabilities. I appear before you to share DRI's opinion on the impact of HF 552 on students with disabilities.

HF 552 proposes to make a few changes to Iowa's Chronic Absenteeism law. Of particular impact for students with disabilities is the expansion of the law's application to students who are not of compulsory age. Iowa's compulsory attendance age is approximately ages four to sixteen (some exceptions may make compulsory attendance begin at ages five or six). However, HF 552 purports to allow for students to be considered chronically absent "regardless of whether the student is of compulsory age."

For students with disabilities, this may place an extra burden on them because they are eligible to receive educational services from birth to age 21. For children who have not yet reached Iowa's compulsory attendance age, their parents may choose seek educational services that brings them into the educational setting. Though these students are not of compulsory age, HF 552 would apply compulsory attendance requirements and consequences on their families. Likewise, students remain eligible for education services until they graduate, or until the school year in which they turn 21, whichever comes first. Those students who require this extended secondary education would also be subject to compulsory attendance requirements and consequences.

In total, this means that a student with disabilities who is seeking educational services in order to better themselves, would experience up to nine more years of being at risk of criminal prosecution under HF 552.

When students who are eligible under the IDEA turn 18, their IDEA rights transfer to the student unless some other legal agreement is in place, such as guardianship or power of attorney. Regardless, the students would themselves be subject to the criminal penalties contained within Iowa Code § 299. For students with disabilities, the nature and severity of their disability may prevent them from understanding the risk involved with being absent from school. Criminal punishment would also remove them from school and be a barrier to their educational progress.

Iowa code provides compulsory attendance ages in a detailed and purposeful manner. HF 552 expanding that age to any student enrolled in education services is more burdensome for students and families seeking to obtain educational services under the IDEA.

DRI strongly opposes this legislation. DRI urges this sub-committee to vote against moving this legislation forward.

DRI welcomes the opportunity to discuss this in more depth with any member of the Iowa Legislature. Thank you in advance for your thoughtful deliberation of our testimony opposing HF 552.