

H-8191

1 Amend House File 2547 as follows:

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

4 <DIVISION I

5 COMPULSORY EDUCATION

6 Section 1. Section 299.1, Code 2024, is amended to read as
7 follows:

8 **299.1 Attendance requirements — attendance policies.**

9 1. Except as provided in [section 299.2](#), the parent,
10 guardian, or legal or actual custodian of a child who is of
11 compulsory attendance age shall cause the child to attend some
12 public school or an accredited nonpublic school, or place
13 the child under competent private instruction or independent
14 private instruction in accordance with the provisions of
15 chapter 299A, during a school year, as defined under section
16 279.10.

17 2. a. The board of directors of a public school district
18 or the governing body of an accredited nonpublic school shall
19 set the number of days or hours of required attendance for the
20 schools under its control.

21 b. The board of directors of a public school district or
22 the governing body of an accredited nonpublic school may, by
23 resolution, require attendance for the entire time when the
24 schools are in session in any school year and.

25 3. The board of directors of a public school district or the
26 governing board of an accredited nonpublic school shall adopt a
27 policy or rules relating to the reasons considered to be valid
28 or acceptable excuses for absence from school.

29 4. a. The board of directors of a public school district
30 or the governing body of an accredited nonpublic school
31 shall adopt a policy or rules relating to children who
32 are chronically absent. The policy or rules must contain
33 provisions that clearly explain all of the following:

34 (1) How the board of directors or the governing body
35 determines whether a child is chronically absent.

1 (2) The different interventions that the board of directors
2 or the governing body may use when a child is chronically
3 absent.

4 (3) The different penalties associated with a child being
5 chronically absent.

6 b. The policy or rules adopted by the board of directors of
7 a public school district or the governing body of an accredited
8 nonpublic school pursuant to paragraph "a" must not apply to any
9 child:

10 (1) Who has completed the requirements for graduation in a
11 public school district or an accredited school or has obtained
12 a high school equivalency diploma under chapter 259A.

13 (2) Who is excused for sufficient reason by any court of
14 record or judge.

15 (3) While attending religious services or receiving
16 religious instructions.

17 (4) Who is unable to attend school due to legitimate medical
18 reasons.

19 Sec. 2. Section 299.6, subsection 1, unnumbered paragraph
20 1, Code 2024, is amended to read as follows:

21 Any person who violates a ~~mediation agreement under section~~
22 ~~299.5A~~ the terms of an absenteeism prevention plan or an
23 attendance cooperation agreement entered into under section
24 299.12, who is referred for prosecution under section 299.5A
25 299.12 and is convicted of a violation of any of the provisions
26 of sections 299.1 through 299.5, who violates any of the
27 provisions of sections 299.1 through 299.5, or who refuses
28 to participate in mediation under section 299.5A a school
29 engagement meeting or an attendance cooperation proceeding
30 under section 299.12, commits a public offense.

31 Sec. 3. Section 299.8, Code 2024, is amended to read as
32 follows:

33 **299.8 "Truant" defined.**

34 Any child of compulsory attendance age, to whom the
35 exceptions described in section 299.2 do not apply, who fails

1 ~~to attend school as provided in [this chapter](#), or as required~~
2 ~~by the school board's or school governing body's attendance~~
3 ~~policy, or who fails to attend competent private instruction~~
4 ~~or independent private instruction under [chapter 299A](#), without~~
5 ~~reasonable excuse for the absence, shall be deemed to be a~~
6 truant has been absent from school, for any reason, for at
7 least eighteen percent of the days in the school calendar. A
8 finding that a child is truant, however, shall not by itself
9 mean that the child is a child in need of assistance within the
10 meaning of [chapter 232](#) and shall not be the sole basis for a
11 child in need of assistance petition.

12 Sec. 4. Section 299.11, subsection 2, Code 2024, is amended
13 to read as follows:

14 2. The truancy officer shall promptly institute proceedings
15 against any person violating any of the provisions of sections
16 299.1 through ~~299.5A~~ 299.5.

17 Sec. 5. Section 299.12, Code 2024, is amended by striking
18 the section and inserting in lieu thereof the following:

19 **299.12 Failure to attend — school engagement meeting —**
20 **attendance cooperation proceeding:**

21 1. As used in this section:

22 *a. "Chronically absent"* means any absence from school
23 for more than ten percent of the days in the school calendar
24 established pursuant to section 279.10 by a public school or
25 an accredited nonpublic school.

26 *b. "School official"* means an employee of a public school
27 or an accredited nonpublic school whose job duties involve
28 identifying children who are at risk for becoming chronically
29 absent, creating interventions to limit the rate of student
30 absenteeism, and participating in the legal process related to
31 student absenteeism.

32 2. *a.* When a child becomes chronically absent, a school
33 official shall send a notice by certified mail to the child's
34 parent, guardian, or legal or actual custodian of the child,
35 if the child is not an emancipated minor, or to the child, if

1 the child is an emancipated minor, that includes information
2 related to the child's absences from school and the policies
3 and disciplinary processes associated with additional absences.

4 *b.* A school official may send the notice described in
5 paragraph "a" prior to a child at risk of becoming chronically
6 absent if all of the following requirements are satisfied:

7 (1) The county attorney of the county in which the
8 public school's or accredited nonpublic school's central
9 administrative office is located and the board of directors
10 of the public school district or the governing body of the
11 accredited nonpublic school, as applicable, agree to the amount
12 of absences that will lead to the school official sending the
13 notice.

14 (2) The amount of absences that will lead to the school
15 official sending the notice is described in the school's
16 student handbook.

17 3. *a.* (1) If a child is absent from school for greater
18 than or equal to fifteen percent, but less than eighteen
19 percent, of the days in the school calendar, a school official
20 shall attempt to find the cause for the child's absences and
21 shall initiate and participate in a school engagement meeting.
22 The purpose of the school engagement meeting is to identify the
23 child's barriers to attendance and the interventions that may
24 be used to improve the child's attendance.

25 (2) A school official may initiate and participate in a
26 school engagement meeting as provided in subparagraph (1) prior
27 to a child being absent from school for greater than or equal
28 to fifteen percent of the days in a school calendar if all of
29 the following requirements are satisfied:

30 (a) The county attorney of the county in which the
31 public school's or accredited nonpublic school's central
32 administrative office is located and the board of directors
33 of the public school district or the governing body of the
34 accredited nonpublic school, as applicable, agree to the amount
35 of absences that will lead to the school official initiating

1 and participating in the school engagement meeting.

2 (b) The amount of absences that will lead to the school
3 official initiating and participating in the school engagement
4 meeting is described in the school's student handbook.

5 b. All of the following individuals shall participate in the
6 school engagement meeting:

7 (1) The child.

8 (2) The child's parent, guardian, or legal or actual
9 custodian, if the child is not an emancipated minor.

10 (3) A school official.

11 (4) The county attorney of the county in which the
12 public school's or accredited nonpublic school's central
13 administrative office is located, or the county attorney's
14 designee.

15 c. (1) During the school engagement meeting, the
16 participants shall create and sign an agreement that shall be
17 known as an absenteeism prevention plan. Each participant
18 signing the absenteeism prevention plan shall receive a copy of
19 the plan. The absenteeism prevention plan shall identify the
20 causes of the child's absences and the future responsibilities
21 of each participant related to the child's attendance.

22 (2) A school official shall monitor the participants'
23 compliance with the terms of the absenteeism prevention plan.
24 The school official shall contact the participants at least
25 once each week during the remainder of the school calendar to
26 monitor the performance of the participants under the plan.

27 d. During the school engagement meeting, a school official
28 may initiate referrals to any services or counseling that the
29 participants believe may be appropriate under the circumstances
30 to improve the child's attendance.

31 e. If the participants in the school engagement meeting fail
32 to enter into an absenteeism prevention plan, or if the child
33 or the child's parent, guardian, or legal or actual custodian
34 violates a term of the absenteeism prevention plan or fails
35 to participate in the school engagement meeting, the county

1 attorney shall initiate an attendance cooperation proceeding
2 under subsection 4 and shall serve a notice of such initiation
3 on the child's parent, guardian, or legal or actual custodian,
4 if the child is not an emancipated minor, or on the child, if
5 the child is an emancipated minor, in the manner provided by
6 the rules of civil procedure for service of an original notice.

7 *f.* This subsection is not applicable to a child who is
8 receiving competent private instruction or independent private
9 instruction in accordance with the requirements of chapter
10 299A.

11 4. *a.* (1) When a child becomes truant, a school official
12 shall send a notice to the county attorney of the county in
13 which the public school's or accredited nonpublic school's
14 central administrative office is located. Within a reasonable
15 time after receipt of the notice, the county attorney shall
16 initiate and participate in an attendance cooperation
17 proceeding under this subsection.

18 (2) A school official may send a notice to the county
19 attorney, and a county attorney may initiate and participate
20 in an attendance cooperation proceeding under subparagraph
21 (1) prior to a child becoming truant, if all of the following
22 requirements are satisfied:

23 (a) The county attorney and the board of directors of the
24 public school district or the governing body of the accredited
25 nonpublic school agree to the amount of absences that will
26 lead to the school official sending the notice and the county
27 attorney initiating and participating in the attendance
28 cooperation proceeding.

29 (b) The amount of absences that will lead to the school
30 official sending the notice and the county attorney initiating
31 and participating in the attendance cooperation proceeding is
32 described in the school's student handbook.

33 *b.* The county attorney of the county in which the
34 public school's or accredited nonpublic school's central
35 administrative office is located shall designate any of

1 the following individuals to serve as a mediator during the
2 attendance cooperation proceeding:

3 (1) A judge of this state or the United States.

4 (2) A neutral, third-party attorney who is licensed to
5 practice law in this state.

6 (3) A mediator doing business in this state.

7 *c.* All of the following individuals shall participate in the
8 attendance cooperation proceeding before the mediator selected
9 under paragraph *b*:

10 (1) The child.

11 (2) The child's parent, guardian, or legal or actual
12 custodian, if the child is not an emancipated minor.

13 (3) A school official.

14 (4) The county attorney of the county in which the
15 public school's or accredited nonpublic school's central
16 administrative office is located, or the county attorney's
17 designee.

18 *d.* During the attendance cooperation proceeding, the
19 participants shall attempt to find the cause for the child's
20 absences, identify the child's barriers to attendance, and
21 identify the interventions that may be used to improve the
22 child's attendance.

23 *e.* (1) During the attendance cooperation proceeding, the
24 participants shall create and sign an attendance cooperation
25 agreement. The mediator shall receive a copy of the
26 attendance cooperation agreement, and each participant signing
27 the agreement shall also receive a copy. The attendance
28 cooperation agreement shall identify the causes of the child's
29 absences and the future responsibilities of each participant
30 related to the child's attendance. The mediator may require
31 any clause or provision to be included in the attendance
32 cooperation agreement if the mediator reasonably believes such
33 clause or provision will improve the child's attendance.

34 (2) A school official shall monitor the participants'
35 compliance with the terms of the attendance cooperation

1 agreement. The attendance cooperation agreement shall require
2 a school official to periodically contact the participants
3 to monitor the performance of the participants under the
4 agreement.

5 *f.* During the attendance cooperation proceeding, a school
6 official may initiate referrals to any services or counseling
7 that the participants believe may be appropriate under the
8 circumstances to improve the child's attendance.

9 *g.* If the participants in the attendance cooperation
10 proceeding fail to enter into an attendance cooperation
11 agreement, or if the child or the child's parent, guardian, or
12 legal or actual custodian violates a term of the agreement or
13 fails to participate in the proceeding, the school official may
14 refer the child to juvenile court or may refer the matter to
15 the county attorney for prosecution within the county where the
16 school's central administrative office is located.

17 *h.* The public school or accredited nonpublic school and the
18 child's parent, guardian, or legal or actual custodian, if the
19 child is not an emancipated minor child, or the child, if the
20 child is an emancipated minor, shall equally share the costs of
21 the attendance cooperation proceeding.

22 *i.* This subsection is not applicable to a child who is
23 receiving competent private instruction or independent private
24 instruction in accordance with the requirements of chapter
25 299A.

26 Sec. 6. Section 299.13, Code 2024, is amended to read as
27 follows:

28 **299.13 Civil enforcement.**

29 A person shall not disseminate or redisseminate information
30 shared with the person pursuant to section ~~299.5A~~ or 299.12,
31 unless specifically authorized to do so by [section 217.30](#)~~7~~
32 ~~299.5A~~~~7~~ or [299.12](#). Unless a prohibited dissemination or
33 redissemination of information is subject to injunction
34 or sanction under other state or federal law, an action
35 for judicial enforcement may be brought in accordance with

1 this section. An aggrieved person, the attorney general,
2 or a county attorney may seek judicial enforcement of the
3 requirements of [this section](#) in an action brought against the
4 public school or accredited nonpublic school or any other
5 person who has been granted access to information pursuant to
6 ~~section 299.5A~~ or [299.12](#). Suits to enforce [this section](#) shall
7 be brought in the district court for the county in which the
8 information was disseminated or redisseminated. Upon a finding
9 by a preponderance of the evidence that a person has violated
10 this section, the court shall issue an injunction punishable
11 by civil contempt ordering the person in violation of this
12 section to comply with the requirements of, and to refrain from
13 any violations of ~~section 299.5A~~ or [299.12](#) with respect to the
14 dissemination or redissemination of information shared with the
15 person pursuant to ~~section 299.5A~~ or [299.12](#).

16 Sec. 7. REPEAL. Section 299.5A, Code 2024, is repealed.

17 Sec. 8. SCHOOL DISTRICTS — POLICIES RELATED TO PORTABLE
18 ELECTRONIC DEVICES.

19 1. a. On or before December 31, 2024, each school district,
20 in consultation with the county attorney of the county in which
21 the school district's central administrative office is located,
22 shall develop a policy that restricts student use of cellular
23 telephones and smartphones during classroom instructional time.

24 b. The policy shall describe with specificity the
25 expectations related to student use of cellular telephones and
26 smartphones during the school day and disciplinary actions the
27 school district will take if a student violates the policy.

28 c. The policy shall apply to all attendance centers within
29 the school district; provided, however, that the policy may
30 establish different expectations and disciplinary actions for
31 different grade levels.

32 d. The policy shall describe the circumstances in which an
33 employee of the school district may temporarily waive or make
34 exceptions to the policy for a student in cases that require
35 that reasonable exceptions be made.

1 2. The school district shall make the policy available to
2 the public, including by publishing the policy on the school
3 district's internet site.

4 Sec. 9. COUNTY ATTORNEYS — SCHOOL HANDBOOK AND SCHOOL
5 POLICY REVISIONS. On or before December 31, 2024, each school
6 district shall, in consultation with the county attorney of the
7 county in which the school district's central administrative
8 office is located, revise all school district handbooks and
9 policies applicable to students enrolled in prekindergarten
10 through grade eight to incorporate changes this Act has made
11 related to student absenteeism and truancy, and prekindergarten
12 through grade twelve for policies related to portable
13 electronic devices.

14 Sec. 10. STATE MANDATE FUNDING SPECIFIED. In accordance
15 with section 25B.2, subsection 3, the state cost of requiring
16 compliance with any state mandate included in this division
17 of this Act shall be paid by a school district from state
18 school foundation aid received by the school district under
19 section 257.16. This specification of the payment of the state
20 cost shall be deemed to meet all of the state funding-related
21 requirements of section 25B.2, subsection 3, and no additional
22 state funding shall be necessary for the full implementation of
23 this division of this Act by and enforcement of this division
24 of this Act against all affected school districts.

25 DIVISION II

26 TRUANT STUDENTS — OPEN ENROLLMENT

27 Sec. 11. Section 282.18, subsection 2, paragraph b, Code
28 2024, is amended to read as follows:

29 *b.* The board of the receiving district shall enroll
30 the pupil in a school in the receiving district unless the
31 receiving district has insufficient classroom space for the
32 pupil or unless the receiving district has prohibited the
33 pupil from enrolling pursuant to subsection 11A. The board of
34 directors of a receiving district may adopt a policy granting
35 the superintendent of the school district authority to approve

1 open enrollment applications. If the request is granted,
2 the board shall transmit a copy of the form to the parent
3 or guardian and the school district of residence within five
4 days after board action. The parent or guardian may withdraw
5 the request at any time prior to the board's action on the
6 application. A denial of a request by the board of a receiving
7 district is not subject to appeal.

8 Sec. 12. Section 282.18, Code 2024, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 11A. *a.* If a pupil participating in open
11 enrollment is truant as defined in section 299.8, the receiving
12 district may prohibit the pupil from remaining enrolled in the
13 receiving district and from enrolling in the receiving district
14 in the future. A receiving district shall send notification of
15 the receiving district's decision to prohibit the pupil from
16 remaining enrolled in the receiving district pursuant to this
17 paragraph to the pupil's parent or guardian and to the pupil's
18 sending district.

19 *b.* The sending district shall enroll the pupil who is
20 prohibited from remaining enrolled in the receiving district
21 pursuant to paragraph "a".

22 *c.* This subsection shall not be construed to prohibit the
23 pupil's parent or guardian from filing a request to transfer
24 pursuant to subsection 2, paragraph "a", subsequent to the
25 receiving district's decision to prohibit the pupil from
26 remaining enrolled in the receiving district.>

27 2. Title page, by striking lines 1 and 2 and inserting
28 <An Act relating to education, including by requiring school
29 engagement meetings and attendance cooperation proceedings when
30 children are absent from school, requiring school districts
31 to restrict student use of cellular phones and smartphones,
32 modifying provisions related to open enrollment of truant
33 students, and modifying penalties.>

MOHR of Scott

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