

House File 1162
Human Resources
Higgins, Chair
Middleton
Crawford

See House File 1162
Judiciary
Carr, Chairperson
Doderer
Kelly

*Pass 2/10
3/1, Pass 3/19*

HOUSE FILE 1162

By HIGGINS

Passed House, Date 2-25-76 (p. 669) Passed Senate, Date 4-1-76 (1122)

Vote: Ayes 86 Nays 1 Vote: Ayes 46 Nays 0

Approved 5-7-76

*Re-passed House per Senate amendment
4-15-76 (1966)
92-0*

A BILL FOR

1 An Act to provide that children may not be prosecuted as
2 criminals under the compulsory education provisions of
3 the Code, and to provide that truants may not be com-
4 mitted to the state training school for boys or the
5 state training school for girls.

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

1 Section 1. Section two hundred ninety-nine point eleven
2 (299.11), unnumbered paragraph two (2), Code 1975, is amended
3 to read as follows:

4 The truancy officer shall promptly institute criminal
5 proceedings against any person ~~violating~~ eighteen years of
6 age or older who violates any of the provisions of the truancy
7 law.

8 Sec. 2. Section two hundred ninety-nine point thirteen
9 (299.13), Code 1975, is amended to read as follows:

10 299.13 INCORRIGIBLES. If the child is placed in a school
11 other than a public school and does not ~~properly~~ maintain
12 proper conduct himself, the board may cause ~~his~~ the child's
13 removal to a public or to a truant school. If a truant placed
14 in a public school fails to attend or ~~properly~~ to maintain
15 proper conduct himself, ~~he~~ that child may be placed in a
16 truant school, or the person in charge of the school may file
17 ~~information~~ a complaint in the juvenile court, which may
18 commit said child to a suitable state institution. A child
19 shall not be committed to the Iowa training school for boys
20 or the Iowa training school for girls under the provisions
21 of this chapter.

22 EXPLANATION

23 This bill provides that children shall not have criminal
24 proceedings brought against them under the compulsory edu-
25 cation provisions of the Code. The bill also forbids com-
26 mitment of truants to the state training school for boys or
27 the state training school for girls.

28
29
30
31
32
33
34
35

H-5207

1 Amend House File 1162 as follows:

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

4 "Sec. ____ . Section two hundred eighty-nine point
5 one (289.1), Code 1975, is amended to read as follows:
6 289.1 AUTHORIZATION. The board of directors in
7 any school district situated in whole or in part in
8 any city having a population of twelve thousand or
9 over, in which there shall reside or be employed,
10 or both, fifteen or more children over ~~fourteen~~ sixteen
11 years of age and under ~~sixteen~~ eighteen years of age,
12 who are not in regular attendance in a full-time day
13 school and who have not graduated from a four-year
14 approved high school, shall establish and maintain
15 part-time schools, departments, or classes for such
16 children. In districts situated in whole or in part
17 in cities having less than twelve thousand population,
18 the board may establish and maintain such schools.
19 When such part-time schools have been established,
20 all persons having custody of such children shall
21 cause them to attend the same.

22 Sec. ____ . Section two hundred eighty-nine point
23 three (289.3), Code 1975, is amended to read as
24 follows:

25 289.3 STANDARDS--TIME OF INSTRUCTION. Such part-
26 time schools, departments, or classes, for the
27 attendance of children over ~~fourteen~~ sixteen and under
28 ~~sixteen~~ eighteen years of age, shall be organized
29 in accordance with standards established by the state
30 board for vocational education, and shall provide
31 for not less than eight hours of instruction per week
32 during the length of term for which public schools
33 are established in the district. Such part-time
34 schools, departments, or classes shall be held between
35 the hours of eight o'clock a.m. and six o'clock p.m.

36 Sec. ____ . Section two hundred ninety-nine point
37 one (299.1), unnumbered paragraph one (1), Code 1975,
38 is amended to read as follows:

39 Any person having control of any child over seven
40 and under ~~sixteen~~ eighteen years of age, in proper
41 physical and mental condition to attend school, shall
42 cause said child to attend some public school for
43 at least twenty-four consecutive school weeks in each
44 school year, commencing with the first week of school
45 after the first day of September, unless the board
46 of school directors shall determine upon a later date,
47 which date shall not be later than the first Monday
48 in December.

49 Sec. ____ . Section two hundred ninety-nine point
50 two (299.2), Code 1975, is amended to read as follows:

1 299.2 EXCEPTIONS. Section 299.1 shall not apply
2 to any child:

3 1. Who is over the age of fourteen sixteen and
4 is regularly employed.

5 ~~2. Whose educational qualifications are equal~~
6 ~~to those of pupils who have completed the eighth~~
7 ~~grade.~~

8 3 2. Who is excused for sufficient reason by any
9 court of record or judge.

10 4 3. While attending religious services or
11 receiving religious instructions.

12 5 4. Who is attending a private college preparatory
13 school approved or probationally approved under the
14 provisions of section 257.25, subsection 14.

15 5. Who is over the age of sixteen years and is
16 enrolled and regularly attending vocational courses
17 or high school completion courses at an area vocational
18 school or any trade or vocational school which meets
19 the conditions of section seven hundred thirteen A
20 point six (713A.6) of the Code.

21 6. Who possesses a diploma stating that he has
22 graduated from high school.

23 7. Who is enrolled in and attending classes on
24 a part-time basis offered at an approved high school
25 or a part-time school established pursuant to chapter
26 two hundred eighty-nine (289) of the Code."

27 2. By renumbering sections as necessary.

H-5207 FILED - *Ruled not germane* BY HORN of Linn
FEBRUARY 12, 1976 *2/25 (p 667)*

S-5429

1 Amend House File 1162, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section two hundred ninety-nine point
6 eleven (299.11), unnumbered paragraph two (2), Code
7 1975, is amended to read as follows:

8 The truancy officer shall promptly institute
9 criminal proceedings against any person violating
10 any of the provisions of the-truancy-law sections
11 two hundred ninety-nine point one (299.1) through
12 two hundred ninety-nine point five (299.5) of the
13 Code.

14 Sec. 2. Section two hundred ninety-nine point
15 thirteen (299.13), Code 1975, is amended by striking
16 the section and inserting in lieu thereof the
17 following:

18 299.13. If the child is placed in a school
19 other than a public school and does not maintain
20 proper conduct, the board may cause the child's
21 removal to an appropriate school or class. If a
22 child placed in a public school fails to attend or
23 to maintain proper conduct, the board may place
24 that child in an appropriate school or class."

S-5429 FILED - *Adopted 4/1 (1122)*
MARCH 30, 1976

MINNETTE F. DODERER

SENATE AMENDMENT TO HOUSE FILE 1162

H-6131

1 Amend House File 1162, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section two hundred ninety-nine point
6 eleven (299.11), unnumbered paragraph two (2), Code
7 1975, is amended to read as follows:

8 The truancy officer shall promptly institute
9 criminal proceedings against any person violating
10 any of the provisions of the-truancy-law sections
11 two hundred ninety-nine point one (299.1) through
12 two hundred ninety-nine point five (299.5) of the
13 Code.

14 Sec. 2. Section two hundred ninety-nine point
15 thirteen (299.13), Code 1975, is amended by striking
16 the section and inserting in lieu thereof the
17 following:

18 299.13. If the child is placed in a school
19 other than a public school and does not maintain
20 proper conduct, the board may cause the child's
21 removal to an appropriate school or class. If a
22 child placed in a public school fails to attend or
23 to maintain proper conduct, the board may place
24 that child in an appropriate school or class."

H-6131 FILED
RECEIVED FROM SENATE

APRIL 5, 1976

Have concurred 4/15 (1966)

H-5940

1 Amend House File 1161 as follows:

2 1. Page 4, by inserting after line 16 the
3 following section:

4 "Sec. _____. Section two hundred four point
5 three hundred eight (204.308), subsections three
6 (3) and four (4), Code 1975, are amended to read
7 as follows:

A

8 3. Except when dispensed directly by a
9 practitioner, other than a pharmacy, to an
10 ultimate user, a controlled substance included
11 in schedule III ~~or~~, IV, or V, which is a
12 prescription drug as determined under section
13 155.3, subsections 9 and 10, shall not be
14 dispensed without a written or oral prescription
15 of a practitioner. The prescription may not
16 be filled or refilled more than six months after
17 the date thereof or be refilled more than five
18 times, unless renewed by the practitioner.

19 ~~4.---A-controlled-substance-included-in~~
20 ~~schedule-V-shall-not-be-distributed-or-dispensed~~
21 ~~other-than-for-a-medical-purpose."~~

B

H-5940 FILED BY LIPSKY of Linn
MARCH 23, 1976 A. Lost, B. Withdrawn 4/2 (1557)

HOUSE FILE 1162

AN ACT

TO PROVIDE THAT CHILDREN MAY NOT BE PROSECUTED AS CRIMINALS UNDER THE COMPULSORY EDUCATION PROVISIONS OF THE CODE, AND TO PROVIDE THAT TRUANTS MAY NOT BE COMMITTED TO THE STATE TRAINING SCHOOL FOR BOYS OR THE STATE TRAINING SCHOOL FOR GIRLS.

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

Section 1. Section two hundred ninety-nine point eleven (299.11), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

The truancy officer shall promptly institute criminal proceedings against any person violating any of the provisions of ~~the truancy law~~ sections two hundred ninety-nine point one (299.1) through two hundred ninety-nine point five (299.5) of the Code.

Sec. 2. Section two hundred ninety-nine point thirteen (299.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

299.13 If the child is placed in a school other than a public school and does not maintain proper conduct, the board may cause the child's removal to an appropriate school or class. If a child placed in a public school fails to attend

or to maintain proper conduct, the board may place that child in an appropriate school or class.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1162, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 5/7, 1976

ROBERT D. RAY
Governor