

FEB 27 1996  
EDUCATION

HOUSE FILE  
BY MUNDIE

2356

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

**A BILL FOR**

1 An Act making truancy by a child who has reached the age of  
2 twelve and is under the age of sixteen a delinquent act, and  
3 providing for contingent effectiveness of the Act.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2356

1 Section 1. NEW SECTION. 299.13 TRUANCY -- DELINQUENT  
2 ACT.

3 A child who has reached the age of twelve and is under the  
4 age of sixteen, who has run away from home to avoid attending  
5 school, or who is refusing to attend school, or who has been  
6 deemed truant fifteen or more school days in one school year,  
7 and whose child's parent, guardian, or legal or actual  
8 custodian and school officials have made reasonable efforts to  
9 cause the child to attend school, shall have committed a  
10 delinquent act and is subject to the applicable provisions of  
11 chapter 232. A complaint under section 232.28 alleging that a  
12 child has committed a delinquent act under this section shall  
13 only be filed by the parent, guardian, or legal or actual  
14 custodian of the child. It is a defense to a petition  
15 alleging delinquency under this section that the child was  
16 absent from school to escape sexual abuse, physical abuse,  
17 neglect, or criminal activity by the minor's parent, guardian,  
18 or legal or actual custodian.

19 Sec. 2. CONTINGENT EFFECTIVENESS. This Act shall not take  
20 effect unless an appropriation is enacted or the state's share  
21 of the cost of this Act is specified in accordance with  
22 section 25B.2, subsection 3.

23 EXPLANATION

24 This bill provides that a child between the ages of 12 and  
25 16 shall have committed a delinquent act if the child has run  
26 away from home to avoid attending school, or is refusing to  
27 attend school, or has been deemed truant 15 or more school  
28 days in a school year, and whose child's parent, guardian, or  
29 legal or actual custodian and the school officials at the  
30 school in which the child is enrolled have made reasonable  
31 efforts to cause the child to attend school.

32 Under the bill, only parents, guardians, or legal or actual  
33 custodians may file a complaint alleging a delinquent act  
34 under this provision. Also, it is a defense to a truant child  
35 complaint that the child was absent from school to escape

1 physical abuse, sexual abuse, neglect, or criminal activity by  
2 the child's parent, guardian, or legal or actual custodian.

3 This bill may contain a state mandate under chapter 25B.  
4 The bill contains a contingent effectiveness provision which  
5 states that the bill shall not take effect unless the state  
6 complies with the state mandate funding requirements of  
7 section 25B.2, which requires funding for the cost of the  
8 state mandate to be provided or specified.

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