

MAR 10 1995
HUMAN RESOURCES

HOUSE FILE 377

BY NELSON of Marshall *Sponsored*
3/13/95 Harrison

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

A BILL FOR

1 An Act providing for a reduction in aid to a recipient of the
2 family investment program for continued truancy by a
3 recipient's child, establishing penalties for providing aid,
4 support, or shelter to a runaway or truant, and including
5 conditional and other effective date provisions.

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

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1 Section 1. Section 299.5A, unnumbered paragraphs 1 and 5,
2 Code 1995, are amended to read as follows:

3 If a child is truant as defined in section 299.8, school
4 officers shall make a good faith effort to notify the child's
5 parent, guardian, or legal or actual custodian of the truancy,
6 including but not limited to sending a letter by certified
7 mail, a copy of which the school shall keep on file, to the
8 parent, guardian, or legal or actual custodian. School
9 officers shall also attempt to find the cause for the child's
10 absence and use every means available to the school to assure
11 that the child does attend. If the parent, guardian, or legal
12 or actual custodian, or child refuses to accept the school's
13 attempt to assure the child's attendance or the school's
14 attempt to assure the child's attendance is otherwise
15 unsuccessful, the truancy officer shall refer the matter to
16 the county attorney for mediation or prosecution, and shall
17 contact the department of human services to request
18 information indicating whether the child has a parent,
19 guardian, or legal or actual custodian who is participating in
20 the family investment program under chapter 239.

21 The mediator may refer a truant to the juvenile court if
22 mediation breaks down without an agreement being reached. If
23 mediation does not result in the child's school attendance,
24 and the school has determined that the child's parent,
25 guardian, or legal or actual custodian is participating in the
26 family investment program under chapter 239, school officials
27 shall notify the department of human services, which shall
28 institute any appropriate action.

29 Sec. 2. Section 299.6, unnumbered paragraph 1, Code 1995,
30 is amended to read as follows:

31 Any A person who violates a mediation agreement under
32 section 299.5A, who is referred for prosecution under section
33 299.5A and is convicted of a violation of any of the
34 provisions of sections 299.1 through 299.5, who violates any
35 of the provisions of sections 299.1 through 299.5, or who

1 refuses to participate in mediation under section 299.5A, for
2 a first offense, is guilty of a simple misdemeanor. A person
3 who violates a provision of section 299.17, for a first
4 offense, is guilty of a simple misdemeanor.

5 Sec. 3. NEW SECTION. 299.17 AID, SUPPORT, OR SHELTER OF
6 TRUANT PROHIBITED.

7 A person other than a child's parent, guardian, or legal or
8 actual custodian shall not knowingly provide aid, support, or
9 shelter during the school day to a child who is truant as
10 defined in section 299.8.

11 Sec. 4. Section 710.8, subsection 2, Code 1995, is amended
12 to read as follows:

13 2. A person shall not harbor a runaway child with the in-
14 tent of committing a criminal act involving the child or with
15 the intent of enticing or forcing the runaway child to commit
16 a criminal act. A person convicted of a violation of this
17 subsection is guilty of an aggravated misdemeanor.

18 Sec. 5. Section 710.8, subsection 3, Code 1995, is amended
19 by striking the subsection and inserting in lieu thereof the
20 following:

21 3. A person other than a child's parent, guardian, or
22 legal or actual custodian shall not harbor a runaway child. A
23 person convicted of a violation of this subsection is guilty
24 of a simple misdemeanor.

25 Sec. 6. WELFARE REFORM WAIVER MODIFICATION.

26 1. The department of human services shall submit a waiver
27 or waiver modification request to the United States department
28 of health and human services as necessary to implement the
29 school attendance provisions of this section for a recipient
30 under the family investment program. Under the provision, the
31 superintendent of a school district, authorities in charge of
32 a nonpublic school, or a school truancy officer may request
33 and receive information from the department of human services
34 indicating whether a child who may be truant as defined in
35 section 299.8 has a parent, guardian, or legal or actual

1 custodian who is participating in the family investment
2 program. If referral of the truancy matter to the county
3 attorney pursuant to section 299.5A does not assure the
4 child's attendance, the superintendent, authorities, or school
5 truancy officer may notify the department of the truancy
6 matter and the department may apply a sanction to the parent.
7 The sanction shall be equivalent to a jobs opportunity and
8 basic skills program sanction for a recipient who does not
9 comply with jobs opportunity and basic skills program
10 requirements under chapter 249C.

11 2. The department shall implement the school attendance
12 requirement of this section on the first day of the month
13 following federal approval of the provisions of this Act, or
14 on July 1, 1995, whichever date is later.

15 3. If the federal government grants a waiver under this
16 section, the department shall prepare an amendment for
17 consideration by the next general assembly to provide for
18 statutory reference to the provisions of this section.

19 Sec. 7. EMERGENCY RULES. The department of human services
20 may adopt emergency rules under section 17A.4, subsection 2,
21 and section 17A.5, subsection 2, paragraph "b", to implement
22 the provisions of this Act and the rules shall be effective
23 immediately upon filing unless a later date is specified in
24 the rules, and the rules shall be in effect for a period of
25 180 days following the date the rules take effect. Any rules
26 adopted in accordance with this section shall also be
27 published as a notice of intended action as provided in
28 section 17A.4.

29 Sec. 8. CONDITIONAL EFFECTIVE DATE. Section 1 of this Act
30 shall not take effect unless an appropriation is made which
31 complies with section 25B.2, subsection 3.

32 Sec. 9. EFFECTIVE DATE. Sections 6 and 7 of this Act,
33 being deemed of immediate importance, take effect upon
34 enactment.

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EXPLANATION

1 The bill contains provisions related to tying truancy to
2 the aid a child's parent or guardian receives under the family
3 investment program, and provides penalties for providing aid,
4 support, or shelter to runaway or truant children.

5 Under the bill, if a child is determined to be truant,
6 school officers shall make a good faith effort to notify the
7 child's parent, guardian, or legal or actual custodian of the
8 truancy. Notification shall include sending a certified
9 letter, a copy of which the school shall keep on file. School
10 officers may request and receive information from the
11 department of human services indicating whether a child who
12 may be truant has a parent, guardian, or legal or actual
13 custodian participating in the family investment program. If
14 referral to the county attorney for mediation does not result
15 in the child's school attendance, school officials may notify
16 the department of human services of the truancy and if the
17 federal government has granted the department a waiver, the
18 department may reduce the recipient's aid under the family
19 investment program in an amount equivalent to a jobs
20 opportunity and basic skills (JOBS) program sanction. The
21 department of human services is permitted to adopt emergency
22 rules to implement certain provisions in the bill.

23 A person other than the child's parent, guardian, or legal
24 or actual custodian shall not knowingly provide aid, support,
25 or shelter during the school day to a child who is truant. A
26 person who violates this provision is guilty of a simple
27 misdemeanor for the first offense and punishments and fines
28 are provided for in the bill.

29 The bill also prohibits a person from harboring a runaway
30 and establishes that a person convicted of harboring a runaway
31 is guilty of a simple misdemeanor. The Code defines a runaway
32 child as a person under 18 years of age who is voluntarily
33 absent from the person's home without the consent of the
34 parent, guardian, or custodian.

35 The bill requires the department of human services to

1 submit a waiver request to the United States department of
2 health and human services to implement school attendance
3 provisions of the bill.

4 The bill may create a state mandate under chapter 25B. The
5 provision requiring a school to notify a parent of a truancy
6 by letter and contact the department of human services shall
7 not take effect unless the general assembly appropriates an
8 amount sufficient under section 25B.2, subsection 3, to fully
9 fund the cost of the bill or fund the state's proportionate
10 share of the cost.

11 Sections of the bill involving the welfare reform waiver
12 modification and emergency rules adopted by the department of
13 human services take effect upon enactment.

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