

Reprinted

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Place On Calendar

HOUSE FILE 535
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 245)

Passed House, ^(p. 1102) Date 3-30-95 Passed Senate, Date _____
Vote: Ayes 75 Nays 23 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a reduction in aid to a recipient of the
2 family investment program for continued truancy by a
3 recipient's child and establishing a penalty for providing
4 aid, support, or shelter to a runaway or truant, and providing
5 a conditional effectiveness provision.

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

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HF 535

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 truant,
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, 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, legal
22 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. CONDITIONAL EFFECTIVE DATE. Section 1 of this Act
20 shall not take effect unless an appropriation is made which
21 complies with section 25B.2, subsection 3.

22 EXPLANATION

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

27 Under the bill, if a child is determined to be truant,
28 school officers shall make a good faith effort to notify the
29 child's parent, guardian, or legal or actual custodian of the
30 truancy. Notification shall include sending a certified
31 letter, a copy of which the school shall keep on file. School
32 officers may request and receive information from the
33 department of human services indicating whether a child who
34 may be truant has a parent, guardian, or legal or actual
35 custodian participating in the family investment program. If

1 referral to the county attorney for mediation does not result
2 in the child's school attendance, school officials may notify
3 the department of human services of the truancy and if the
4 federal government has granted the department a waiver, the
5 department may reduce the recipient's aid under the family
6 investment program in an amount equivalent to a JOBS program
7 sanction.

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

14 The bill also prohibits a person from harboring a runaway
15 and establishes that a person convicted of harboring a runaway
16 is guilty of a simple misdemeanor. The Code defines a runaway
17 child as a person under 18 years of age who is voluntarily
18 absent from the person's home without the consent of the
19 parent, guardian, or custodian.

20 The bill requires the department of human services to
21 submit a waiver request to the United States department of
22 health and human services to implement school attendance
23 provisions of the bill.

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

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HOUSE FILE 535

H-3490

1 Amend House File 535 as follows:

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

4 "Section 1. NEW SECTION. 159.25 SANCTION FOR
5 TRUANCY -- SUSPENSION OF PROGRAM BENEFITS.

6 As used in this section, "program benefits" means
7 financial incentives awarded by the department or a
8 soil and water conservation district, pursuant to
9 chapter 161A; moneys awarded from the water protection
10 fund pursuant to section 161C.4; moneys awarded from
11 the organic nutrient management fund pursuant to
12 section 161C.5; eligibility to participate in a
13 program administered by the agricultural development
14 authority pursuant to chapter 175; eligibility to
15 participate in any program or project administered by
16 a county agricultural extension council as provided in
17 chapter 176A; or eligibility to submit a claim for
18 indemnification of a loss from the grain depositors
19 and sellers indemnity fund as provided in chapter
20 203D.

21 If the department is notified by school officials
22 of a truancy pursuant to section 299.5A, the
23 department shall verify that the parent, guardian, or
24 legal or actual custodian of a truant is receiving
25 benefits from a program administered by the
26 department. The department shall suspend all program
27 benefits to the parent, guardian, or legal or actual
28 custodian, until the school notifies the department
29 that the child is no longer truant.

30 The department shall notify the United States
31 department of agriculture of the names and addresses
32 of the parent, guardian, or legal or actual custodian
33 of the truant, if requested by the United States
34 department of agriculture."

35 2. Page 1, line 28, by inserting after the word
36 "action." the following: "If the parent, guardian, or
37 legal or actual custodian owns title or leases
38 agricultural land used for farming as defined in
39 section 9H.1, the school official shall notify the
40 department of agriculture and land stewardship which
41 shall institute appropriate action pursuant to section
42 159.25."

43 3. By renumbering as necessary.

By OLLIE of Clinton

H-3490 FILED MARCH 27, 1995

WITHDRAWN

3/30/95

HOUSE FILE 535

H-3491

1 Amend House File 535 as follows:

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

4 "Section 1. Section 256.9, Code 1995, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 49. Develop and implement a model
7 parenting program for the parents, guardians, or legal
8 or actual custodians of children deemed to be truant
9 under section 299.8. The model program shall provide
10 information to parents to assist and support them in
11 their parenting roles and shall include activities and
12 materials designed to encourage and enhance parenting
13 skills and foster an appreciation of the benefits of
14 education."

15 2. Page 1, by inserting after line 28 the
16 following:

17 "Sec. ____ . Section 299.5A, unnumbered paragraph 2,
18 Code 1995, is amended to read as follows:

19 If the matter is referred for mediation, the county
20 attorney shall cause a notice of the referral to be
21 sent to the parent, guardian, or legal or actual
22 custodian and designate a person to serve as mediator
23 in the matter. If mediation services are available in
24 the community, those services may be used as the
25 designated mediation service. If mediation services
26 are not available in the community, mediation shall be
27 provided by the county attorney or the county
28 attorney's designee. The mediator shall contact the
29 school, the parent, guardian, or legal or actual
30 custodian, and any other person the mediator deems
31 appropriate in the matter and arrange meeting dates
32 and times for discussion of the child's nonattendance.
33 The mediator shall attempt to ascertain the cause of
34 the child's nonattendance, attempt to cause the
35 parties to arrive at an agreement relative to the
36 child's attendance, and initiate referrals to any
37 agencies or counseling that the mediator believes to
38 be appropriate under the circumstances. The mediator
39 may require the child's parent, guardian, or legal or
40 actual custodian to attend and successfully complete a
41 parenting skills class offered by the school district
42 or school under section 299.14."

43 3. Page 1, line 35, by inserting after the
44 numbers "299.5" the following: ", or section 299.14".

45 4. Page 2, by inserting after line 4 the
46 following:

47 "Sec. ____ . NEW SECTION. 299.14 PARENTING SKILLS
48 PROGRAM.

49 The board of directors of a public school district
50 and the authorities in charge of an accredited

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1 nonpublic school shall offer and make available to
2 parents, guardians, or legal or actual custodians of
3 children deemed truant under section 299.8, a
4 parenting skills program. The county attorney, a
5 mediator acting under the provisions of 299.5A, the
6 juvenile court or the district court, may require the
7 parent, guardian, or legal or actual custodian of a
8 child to attend and successfully complete the
9 parenting skills class offered by the school district
10 or school. The class shall be based upon a model
11 program developed by the department of education under
12 section 256.9, subsection 49. If a parent, guardian,
13 or legal or actual custodian refuses to attend and
14 successfully complete a parenting skills class
15 required under this section, the matter shall be
16 referred to the county attorney for prosecution under
17 section 299.6."

18 5. By renumbering as necessary.

By OLLIE of Clinton

H-3491 FILED MARCH 27, 1995

WINDHAM
3-30-95 (P. 1093)

HOUSE FILE 535

H-3513

1 Amend House File 535 as follows:

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

4 "Sec. 1001. Section 232.2, subsection 12, Code
5 1995, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. c. The violation of the statutory
8 compulsory attendance age requirement or the
9 attendance policy of a public or an accredited
10 nonpublic school with at least one unexcused absence
11 during a semester which results in the child being
12 deemed a truant pursuant to section 299.8."

13 2. Page 3, line 19, by striking the word and
14 figure "Section 1" and inserting the following:
15 "Sections 1001 and 1".

16 3. By renumbering as necessary.

By OLLIE of Clinton

H-3513 FILED MARCH 27, 1995

Lost 3-30-95
(P. 1094)

HOUSE FILE 535

H-3516

1 Amend House File 535 as follows:

2 1. Page 1, line 1, by inserting after the word
3 and figure "paragraphs 1" the following: ", 4,".

4 2. Page 1, line 16, by striking the words "or
5 prosecution" and inserting the following: "or,
6 prosecution, or the filing of a petition under section
7 299.6A".

8 3. Page 1, by inserting after line 20 the
9 following:

10 "The school district shall be responsible for
11 monitoring any agreements arrived at through
12 mediation. If a parent, guardian, or legal or actual
13 custodian refuses to engage in mediation or violates a
14 term of the agreement, the matter shall be rereferred
15 to the county attorney for prosecution under section
16 299.6 or the filing of a petition under section
17 299.6A. The county attorney's office or the mediation
18 service shall require the parent, guardian, or legal
19 or actual custodian and the school to pay a fee to
20 help defray the administrative cost of mediation
21 services. The county attorney's office or the
22 mediation service shall establish a sliding scale of
23 fees to be charged parents, guardians, and legal or
24 actual custodians based upon ability to pay. A
25 parent, guardian, or legal or actual custodian shall
26 not be denied the services of a mediator solely
27 because of inability to pay the fee."

28 4. Page 2, by inserting after line 4 the
29 following:

30 "Sec. . NEW SECTION. 299.6A CIVIL PENALTY --
31 DISTRIBUTION OF FUNDS.

32 1. In lieu of proceeding under section 299.6, a
33 county attorney may bring a civil action against a
34 parent, guardian, or legal or actual custodian of a
35 child who is of compulsory attendance age, if the
36 child is under the age of twelve and is truant, if the
37 parent, guardian, or legal or actual custodian has
38 failed to cause the child to attend a public school,
39 an accredited nonpublic school, or competent private
40 instruction in the manner provided in this chapter.
41 If the court finds that the parent, guardian, or legal
42 or actual custodian has failed to cause the child to
43 attend as required in this section, the court shall
44 assess a civil penalty of not less than one hundred
45 but not more than one thousand dollars, for each
46 violation established.

47 2. From the funds received from civil penalties
48 assessed pursuant to this section, one-half shall be
49 paid to the office of the county attorney which
50 brought the action and one-half shall be paid to the

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1 school district in which the child resides. Funds
2 received by a school district under this section are
3 miscellaneous income for purposes of chapter 257."
4 5. Page 3, by striking lines 7 through 10 and in-
5 serting the following: "The sanction shall be to
6 reduce the amount of the grant paid to the child's
7 family under the family investment program by reducing
8 by one the family size used to compute the grant
9 amount. The sanction shall continue until the truancy
10 matter is resolved."

11 6. Title page, line 4, by inserting after the
12 word "providing" the following: "for a civil penalty
13 for truancy, and".

14 7. By renumbering as necessary.

By GRUBBS of Scott
WISE of Lee

H-3516 FILED MARCH 27, 1995

adopted 3-30-95 (P.1100)

HOUSE FILE 535

H-3517

1 Amend House File 535 as follows:

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

4 "Section 1002. Section 232.2, subsection 12, Code
5 1995, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. c. If a child has reached the age
8 of twelve and is under the age of sixteen, the
9 violation of statutory compulsory attendance age
10 requirement or the attendance policy of a public or an
11 accredited nonpublic school during a semester which
12 results in the child being deemed a truant pursuant to
13 section 299.8."

14 2. Page 3, line 19, by striking the word and
15 figure "Section 1" and inserting the following:
16 "Section 1002 and 1".

17 3. By renumbering as necessary.

By WISE of Lee

H-3517 FILED MARCH 27, 1995

*Int. 3-30-95
(P.1094)*

HOUSE FILE 535

H-3518

1 Amend House File 535 as follows:

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

4 "Section 101. Section 232.2, subsection 12, Code
5 1995, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. c. If a child has reached the age
8 of twelve and is under the age of sixteen, the
9 violation of the statutory compulsory attendance age
10 requirement or the attendance policy of a public or an
11 accredited nonpublic school with at least six
12 unexcused absences during a semester which results in
13 the child being deemed a truant pursuant to section
14 299.8. However, this provision shall not apply to a
15 child attending a nonaccredited nonpublic school or
16 receiving competent private instruction.

17 Sec. 102. NEW SECTION. 232.52B DISPOSITION OF
18 DELINQUENT TRUANTS.

19 Notwithstanding section 232.52, if the evidence
20 received at an adjudicatory or dispositional hearing
21 indicates that the child is a delinquent truant as
22 provided under section 232.2, subsection 12, paragraph
23 "c", the court shall order the child to perform unpaid
24 community service at a nonprofit organization exempt
25 from federal income taxation under section 501(c)(3)
26 of the Internal Revenue Code. If the child fails to
27 perform the unpaid community service as ordered under
28 this section, the court may modify the order to
29 include any of the dispositional alternatives in
30 section 232.52, with the exception of secure custody."

31 2. Page 1, line 5, by striking the words
32 "custodian of the truant" and inserting the following:
33 "custodian of the truancy,".

34 3. Page 1, line 16, by striking the words ", and
35 shall" and inserting the following: ". If the child
36 is under the age of twelve, the county attorney shall
37 also".

38 4. Page 1, line 20, by striking the figure "239."
39 and inserting the following: "239."

40 5. Page 3, by inserting before line 11 the
41 following:

42 "However, the provisions of this section shall not
43 apply if a parent, guardian, or legal or actual
44 custodian of a child who is truant has made reasonable
45 efforts to comply with the provisions of sections
46 299.1 through 299.5, but is unable to cause the child
47 to attend school and files with the department an
48 affidavit listing the reasonable efforts made by the
49 parent, guardian, or legal or actual custodian to
50 cause the child's attendance."

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Page 2

1 6. Page 3, by striking lines 16 through 18 and
2 inserting the following: "section, the department
3 shall prepare and submit to the legislative service
4 bureau a proposed legislative bill, in accordance with
5 the provisions of section 2.16, that provides for
6 statutory reference to the provisions granted by the
7 federal government under the waiver."

8 7. Page 3, line 19, by striking the word and
9 figure "Section 1" and inserting the following:
10 "Sections 101, 102, and 1".

11 8. Title page, line 3, by striking the word "and"
12 and inserting the following: ", defining truancy as a
13 delinquent act in certain cases and providing a
14 penalty,".

15 9. By renumbering as necessary.

By GRUBBS of Scott

H-3518 FILED MARCH 27, 1995

adopted 3-30-95
(P1097)

HOUSE FILE 535

H-3519

1 Amend House File 535 as follows:

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

4 "Section 1. Section 92.19, unnumbered paragraphs
5 2, 3, and 4, Code 1995, are amended to read as
6 follows:

7 No person shall willfully make, certify to, or
8 cause to be made or certified any statement,
9 certificate, or other paper for the purpose of
10 procuring the employment of any person in violation of
11 this chapter or section 299.12.

12 No person shall make, file, execute, or deliver any
13 statement, certificate, or other paper containing
14 false statements for the purpose of procuring
15 employment of any person in violation of this chapter
16 or section 299.12.

17 No person, firm, or corporation, or any agent
18 thereof shall willfully conceal or permit a person to
19 be employed in violation of this chapter or section
20 299.12.

21 Sec. 2. Section 232.2, subsection 6, Code 1995, is
22 amended by adding the following new paragraph:

23 NEW PARAGRAPH. p. Who is under the age of twelve
24 and is deemed truant under section 299.8. However,
25 this provision shall not apply to a child attending a
26 nonaccredited nonpublic school or receiving competent
27 private instruction.

28 Sec. 3. Section 232.2, subsection 12, Code 1995,
29 is amended by adding the following new paragraphs:

30 NEW PARAGRAPH. c. A violation under section
31 299.13. However, this provision shall not apply to a
32 child attending a nonaccredited nonpublic school or
33 receiving competent private instruction.

34 NEW PARAGRAPH. d. The violation of section 299.1
35 where the child has previously committed a delinquent
36 act and is subject to an informal adjustment agreement
37 under section 232.29, a consent decree under section
38 232.46, or a dispositional order following an
39 adjudication of delinquency under section 232.52.
40 However, this provision shall not apply to a child
41 attending a nonaccredited nonpublic school or
42 receiving competent private instruction."

43 2. Page 1, line 34, by inserting after the figure
44 "299.5," the following: "who employs a child in
45 violation of section 299.12,".

46 3. Page 2, by inserting after line 4 the
47 following:

48 "Sec. ____ . Section 299.8, Code 1995, is amended to
49 read as follows:

50 299.8 "TRUANT" DEFINED.

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1 Any child of compulsory attendance age who fails to
2 attend school as provided in this chapter, or as
3 required by the school board's or school governing
4 body's attendance policy, or who fails to attend
5 competent private instruction under chapter 299A,
6 without reasonable excuse for the absence, shall be
7 deemed to be a truant. A finding that a child age
8 twelve or older is truant, -however, shall not by
9 itself mean that the child is a child in need of
10 assistance within the meaning of chapter 232 and shall
11 not be the sole basis for a child in need of
12 assistance petition. A child under the age of twelve
13 deemed truant is a child in need of assistance as
14 provided in section 232.2, subsection 6. However, the
15 department of human services shall not make an out-of-
16 home placement under this section until all available
17 alternatives are exhausted. However, this provision
18 shall not apply to a child attending a nonaccredited
19 nonpublic school or receiving competent private
20 instruction.

21 Sec. ____ . NEW SECTION. 299.12 EMPLOYMENT OF
22 TRUANT DURING SCHOOL DAY PROHIBITED.

23 A person having custody or control of a child of
24 compulsory school age shall not knowingly employ the
25 child or allow the child to be employed, with or
26 without consideration, during the hours of the school
27 day in which the child is required to attend school as
28 provided in this chapter.

29 Sec. ____ . NEW SECTION. 299.13 TRUANCY --
30 DELINQUENT ACT.

31 A child who has reached the age of twelve and is
32 under the age of sixteen, who has run away from home
33 to avoid attending school, or who is refusing to
34 attend school, or who has been deemed truant fifteen
35 or more school days in one school year, and whose
36 child's parent, guardian, or legal or actual custodian
37 and school officials have made reasonable efforts to
38 cause the child to attend school, shall have committed
39 a delinquent act and is subject to the applicable
40 provisions of chapter 232. However, this provision
41 shall not apply to a child attending a nonaccredited
42 nonpublic school or receiving competent private
43 instruction."

44 4. Page 2, by striking line 22 and inserting the
45 following: "or actual custodian, or other responsible
46 adult relative shall not harbor a runaway child. A
47 person or a charitable organization providing shelter
48 care services to at-risk children is exempt from this
49 provision. A".

50 5. Title page, line 3, by striking the word "and"

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WITHDRAWN

Page 3

1 and inserting the following: ", making truancy by a
2 child under the age of twelve a basis for a child in
3 need of assistance petition and making truancy a
4 delinquent act under certain cases, relating to the
5 employment of a truant,".

By HARRISON of Scott

H-3519 FILED MARCH 27, 1995

WITHDRAWN

3-30-95

(P. 1097)

HOUSE FILE 535

H-3605

1 Amend the amendment, H-3518, to House File 535 as
2 follows:

3 1. Page 1, by striking lines 7 through 16 and
4 inserting the following:

5 "NEW PARAGRAPH. c. The violation of the statutory
6 compulsory attendance age requirement or the
7 attendance policy of a public or an accredited
8 nonpublic school by a child who has reached the age of
9 twelve and is under the age of sixteen and who has run
10 away from home to avoid attending school or is
11 refusing to attend school, or who has been deemed
12 truant under section 299.8 six or more school days in
13 one semester, where the child's parent, guardian, or
14 legal or actual custodian and the school in which the
15 child is enrolled have made every reasonable effort to
16 cause the child to attend school. This provision
17 shall not apply to a child attending a nonaccredited
18 nonpublic school or receiving competent private
19 instruction."

By HARRISON of Scott

H-3605 FILED MARCH 29, 1995

Adopted 3-30-95
(P. 1096)

HOUSE FILE 535

H-3573

1 Amend the amendment, H-3516, to House File 535 as
2 follows:

3 1. By striking page 1, line 47 through page 2,
4 line 3 and inserting the following:

5 "2. Funds received from civil penalties assessed
6 pursuant to this section shall be paid to the office
7 of the county attorney that brought the action.""

By WISE of Lee

H-3573 FILED MARCH 29, 1995

Adopted
3-30-95

(P. 1100)

HOUSE FILE 535

H-3527

1 Amend the amendment, H-3491, to House File 535 as
 2 follows:
 3 1. Page 1, by striking lines 38 through 40 and
 4 inserting the following: "be appropriate under the
 5 circumstances. The mediation agreement may include a
 6 provision whereby the child's parent, guardian, or
 7 legal or actual custodian agrees to attend and
 8 successfully complete a".
 9 2. Page 2, by striking lines 4 and 5 and
 10 inserting the following: "parenting skills program.
 11 The county attorney, the".
 12 3. Page 2, line 10, by inserting after the word
 13 "school." the following: "A mediation agreement may
 14 include a provision whereby the parent, guardian, or
 15 legal or actual custodian of a child agrees to attend
 16 and successfully complete the parenting skills class
 17 offered by the school district or school, pursuant to
 18 section 299.5A."

By OLLIE of Clinton

H-3527 FILED MARCH 28, 1995

*Out of order 3/30/95
 (P. 1093)*

HOUSE FILE 535

H-3528

1 Amend the amendment, H-3518, to House File 535 as
 2 follows:
 3 1. Page 1, by inserting after line 39 the
 4 following:
 5 "_____. Page 1, line 22, by inserting after the
 6 word "If" the following: "the child is under the age
 7 of twelve and".
 8 _____. Page 2, line 34, by inserting after the word
 9 "child" the following: "who is under the age of
 10 twelve and".
 11 2. By renumbering as necessary.

By WISE of Lee

GRUBBS of Scott

H-3528 FILED MARCH 28, 1995

*Adapted 3-30-95
 (P. 1097)*

HOUSE FILE 535

H-3623

1 Amend House File 535 as follows:

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

4 "Section 1. Section 92.19, unnumbered paragraphs
5 2, 3, and 4, Code 1995, are amended to read as
6 follows:

7 No person shall willfully make, certify to, or
8 cause to be made or certified any statement,
9 certificate, or other paper for the purpose of
10 procuring the employment of any person in violation of
11 this chapter or section 299.12.

12 No person shall make, file, execute, or deliver any
13 statement, certificate, or other paper containing
14 false statements for the purpose of procuring
15 employment of any person in violation of this chapter
16 or section 299.12.

17 No person, firm, or corporation, or any agent
18 thereof shall willfully conceal or permit a person to
19 be employed in violation of this chapter or section
20 299.12.

21 Sec. 2. Section 232.2, subsection 6, Code 1995, is
22 amended by adding the following new paragraph:

23 NEW PARAGRAPH. p. Who is under the age of twelve
24 and is deemed truant under section 299.8. However,
25 this provision shall not apply to a child attending a
26 nonaccredited nonpublic school or receiving competent
27 private instruction."

28 2. Page 1, line 34, by inserting after the figure
29 "299.5," the following: "who employs a child in
30 violation of section 299.12,".

31 3. Page 2, by inserting after line 4 the
32 following:

33 "Sec. ____ . Section 299.8, Code 1995, is amended to
34 read as follows:

35 299.8 "TRUANT" DEFINED.

36 Any child of compulsory attendance age who fails to
37 attend school as provided in this chapter, or as
38 required by the school board's or school governing
39 body's attendance policy, or who fails to attend
40 competent private instruction under chapter 299A,
41 without reasonable excuse for the absence, shall be
42 deemed to be a truant. A finding that a child age
43 twelve or older is truant, however, shall not by
44 itself mean that the child is a child in need of
45 assistance within the meaning of chapter 232 and shall
46 not be the sole basis for a child in need of
47 assistance petition. A child under the age of twelve
48 deemed truant is a child in need of assistance as
49 provided in section 232.2, subsection 6. However, the
50 department of human services shall not make an out-of-

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Page 2

1 home placement under this section until all available
2 alternatives are exhausted.

3 Sec. ____ . NEW SECTION. 299.12 EMPLOYMENT OF
4 TRUANT DURING SCHOOL DAY PROHIBITED.

5 A person having custody or control of a child of
6 compulsory school age shall not knowingly employ the
7 child or allow the child to be employed, with or
8 without consideration, during the hours of the school
9 day in which the child is required to attend school as
10 provided in this chapter."

11 4. Page 2, by striking line 22 and inserting the
12 following: "or actual custodian, or other responsible
13 adult relative shall not harbor a runaway child. A
14 person or a charitable organization providing shelter
15 care services to at-risk children is exempt from this
16 provision. A".

17 5. Title page, line 3, by inserting after the
18 word "child" the following: ", the employment of a
19 truant, making truancy by a child under the age of
20 twelve a basis for a child in need of assistance
21 petition,".

By HARRISON of Scott

H-3623 FILED MARCH 29, 1995

Lost 3-30-95

(p. 1102)

HOUSE FILE 535

H-3639

1 Amend House File 535 as follows:

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

4 "Section 1. Section 256.9, Code 1995, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 49. Develop and implement a model
7 parenting program for the parents, guardians, or legal
8 or actual custodians of children deemed to be truant
9 under section 299.8. The model program shall provide
10 information to parents to assist and support them in
11 their parenting roles and shall include activities and
12 materials designed to encourage and enhance parenting
13 skills and foster an appreciation of the benefits of
14 education."

15 2. Page 1, by inserting after line 28 the
16 following:

17 "Sec. ____ . Section 299.5A, unnumbered paragraph 2,
18 Code 1995, is amended to read as follows:

19 If the matter is referred for mediation, the county
20 attorney shall cause a notice of the referral to be
21 sent to the parent, guardian, or legal or actual
22 custodian and designate a person to serve as mediator
23 in the matter. If mediation services are available in
24 the community, those services may be used as the
25 designated mediation service. If mediation services
26 are not available in the community, mediation shall be
27 provided by the county attorney or the county
28 attorney's designee. The mediator shall contact the
29 school, the parent, guardian, or legal or actual
30 custodian, and any other person the mediator deems
31 appropriate in the matter and arrange meeting dates
32 and times for discussion of the child's nonattendance.
33 The mediator shall attempt to ascertain the cause of
34 the child's nonattendance, attempt to cause the
35 parties to arrive at an agreement relative to the
36 child's attendance, and initiate referrals to any
37 agencies or counseling that the mediator believes to
38 be appropriate under the circumstances. The mediation
39 agreement may include a provision whereby the child's
40 parent, guardian, or legal or actual custodian agrees
41 to attend and successfully complete a parenting skills
42 class offered by the school district or school under
43 section 299.14."

44 3. Page 1, line 35, by inserting after the
45 numbers "299.5" the following: ", or section 299.14".

46 4. Page 2, by inserting after line 4 the
47 following:

48 "Sec. ____ . NEW SECTION. 299.14 PARENTING SKILLS
49 PROGRAM.

50 1. The board of directors of a public school

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Page 2

1 district and the authorities in charge of an
2 accredited nonpublic school shall offer and make
3 available to parents, guardians, or legal or actual
4 custodians of children deemed truant under section
5 299.8, a parenting skills program. The class shall be
6 based upon a model program developed by the department
7 of education under section 256.9, subsection 49.

8 2. The juvenile court or the district court,
9 pursuant to a conviction under section 299.6, may
10 order the parent, guardian, or legal or actual
11 custodian of a child to attend and successfully
12 complete the parenting skills class offered by the
13 school district or school, and shall provide the
14 school district or school with a copy of the order. A
15 mediation agreement may include a provision whereby
16 the parent, guardian, or legal or actual custodian of
17 a child agrees to attend and successfully complete the
18 parenting skills class offered by the school district
19 or school, pursuant to section 299.5A.

20 3. The parent, guardian, or legal or actual
21 custodian shall notify the clerk of court of the
22 parent's, guardian's, or legal or actual custodian's
23 successful completion of the parenting skills class.
24 The school district or school conducting the class
25 shall notify the county attorney if the parent,
26 guardian, or legal or actual custodian fails to
27 successfully complete a parenting skills class
28 required by order of the court or the county attorney.
29 If a parent, guardian, or legal or actual custodian
30 refuses to attend and successfully complete a
31 parenting skills class as provided in a mediation
32 agreement, the matter shall be referred to the county
33 attorney for prosecution under section 299.6."

34 5. By renumbering as necessary.

By OLLIE of Clinton

H-3639 FILED MARCH 29, 1995

(P. 1099)

Lost
3-30-95

HOUSE FILE 535
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 245)

(As Amended and Passed by the House March 30, 1995)

Passed House, ^(P1102) Date 3-30-95 Passed Senate, Date _____
Vote: Ayes 75 Nays 23 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a reduction in aid to a recipient of the
2 family investment program for continued truancy by a
3 recipient's child, defining truancy as a delinquent act in
4 certain cases and providing a penalty, establishing a penalty
5 for providing aid, support, or shelter to a runaway or truant,
6 and providing for a civil penalty for truancy, and a
7 conditional effectiveness provision.

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

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House Amendments _____

1 Section 1. Section 232.2, subsection 12, Code 1995, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. The violation of the statutory
4 compulsory attendance age requirement or the attendance policy
5 of a public or an accredited nonpublic school by a child who
6 has reached the age of twelve and is under the age of sixteen
7 and who has run away from home to avoid attending school or is
8 refusing to attend school, or who has been deemed truant under
9 section 299.8 six or more school days in one semester, where
10 the child's parent, guardian, or legal or actual custodian and
11 the school in which the child is enrolled have made every
12 reasonable effort to cause the child to attend school. This
13 provision shall not apply to a child attending a nonaccredited
14 nonpublic school or receiving competent private instruction.

15 Sec. 2. NEW SECTION. 232.52B DISPOSITION OF DELINQUENT
16 TRUANTS.

17 Notwithstanding section 232.52, if the evidence received at
18 an adjudicatory or dispositional hearing indicates that the
19 child is a delinquent truant as provided under section 232.2,
20 subsection 12, paragraph "c", the court shall order the child
21 to perform unpaid community service at a nonprofit
22 organization exempt from federal income taxation under section
23 501(c)(3) of the Internal Revenue Code. If the child fails to
24 perform the unpaid community service as ordered under this
25 section, the court may modify the order to include any of the
26 dispositional alternatives in section 232.52, with the
27 exception of secure custody.

28 Sec. 3. Section 299.5A, unnumbered paragraphs 1, 4, and 5,
29 Code 1995, are amended to read as follows:

30 If a child is truant as defined in section 299.8, school
31 officers shall make a good faith effort to notify the child's
32 parent, guardian, or legal or actual custodian of the truancy,
33 including but not limited to sending a letter by certified
34 mail, a copy of which the school shall keep on file, to the
35 parent, guardian, or legal or actual custodian. School

1 officers shall also attempt to find the cause for the child's
2 absence and use every means available to the school to assure
3 that the child does attend. If the parent, guardian, or legal
4 or actual custodian, or child refuses to accept the school's
5 attempt to assure the child's attendance or the school's
6 attempt to assure the child's attendance is otherwise
7 unsuccessful, the truancy officer shall refer the matter to
8 the county attorney for mediation or, prosecution, or the
9 filing of a petition under section 299.6A. If the child is
10 under the age of twelve, the county attorney shall also
11 contact the department of human services to request
12 information indicating whether the child has a parent,
13 guardian, or legal or actual custodian who is participating in
14 the family investment program under chapter 239.

15 The school district shall be responsible for monitoring any
16 agreements arrived at through mediation. If a parent,
17 guardian, or legal or actual custodian refuses to engage in
18 mediation or violates a term of the agreement, the matter
19 shall be rereferred to the county attorney for prosecution
20 under section 299.6 or the filing of a petition under section
21 299.6A. The county attorney's office or the mediation service
22 shall require the parent, guardian, or legal or actual
23 custodian and the school to pay a fee to help defray the
24 administrative cost of mediation services. The county
25 attorney's office or the mediation service shall establish a
26 sliding scale of fees to be charged parents, guardians, and
27 legal or actual custodians based upon ability to pay. A
28 parent, guardian, or legal or actual custodian shall not be
29 denied the services of a mediator solely because of inability
30 to pay the fee.

31 The mediator may refer a truant to the juvenile court if
32 mediation breaks down without an agreement being reached. If
33 the child is under the age of twelve and mediation does not
34 result in the child's school attendance, and the school has
35 determined that the child's parent, guardian, or legal or

1 actual custodian is participating in the family investment
2 program under chapter 239, school officials shall notify the
3 department of human services, which shall institute any
4 appropriate action.

5 Sec. 4. Section 299.6, unnumbered paragraph 1, Code 1995,
6 is amended to read as follows:

7 Any A person who violates a mediation agreement under
8 section 299.5A, who is referred for prosecution under section
9 299.5A and is convicted of a violation of any of the
10 provisions of sections 299.1 through 299.5, who violates any
11 of the provisions of sections 299.1 through 299.5, or who
12 refuses to participate in mediation under section 299.5A, for
13 a first offense, is guilty of a simple misdemeanor. A person
14 who violates a provision of section 299.17, for a first
15 offense, is guilty of a simple misdemeanor.

16 Sec. 5. NEW SECTION. 299.6A CIVIL PENALTY --
17 DISTRIBUTION OF FUNDS.

18 1. In lieu of proceeding under section 299.6, a county
19 attorney may bring a civil action against a parent, guardian,
20 or legal or actual custodian of a child who is of compulsory
21 attendance age, if the child is under the age of twelve and is
22 truant, if the parent, guardian, or legal or actual custodian
23 has failed to cause the child to attend a public school, an
24 accredited nonpublic school, or competent private instruction
25 in the manner provided in this chapter. If the court finds
26 that the parent, guardian, or legal or actual custodian has
27 failed to cause the child to attend as required in this
28 section, the court shall assess a civil penalty of not less
29 than one hundred but not more than one thousand dollars, for
30 each violation established.

31 2. Funds received from civil penalties assessed pursuant
32 to this section shall be paid to the office of the county
33 attorney that brought the action.

34 Sec. 6. NEW SECTION. 299.17 AID, SUPPORT, OR SHELTER OF
35 TRUANT PROHIBITED.

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

5 Sec. 7. Section 710.8, subsection 2, Code 1995, is amended
6 to read as follows:

7 2. A person shall not harbor a runaway child with the in-
8 tent of committing a criminal act involving the child or with
9 the intent of enticing or forcing the runaway child to commit
10 a criminal act. A person convicted of a violation of this
11 subsection is guilty of an aggravated misdemeanor.

12 Sec. 8. Section 710.8, subsection 3, Code 1995, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 3. A person other than a child's parent, guardian, legal
16 or actual custodian shall not harbor a runaway child. A
17 person convicted of a violation of this subsection is guilty
18 of a simple misdemeanor.

19 Sec. 9. WELFARE REFORM WAIVER MODIFICATION.

20 1. The department of human services shall submit a waiver
21 or waiver modification request to the United States department
22 of health and human services as necessary to implement the
23 school attendance provisions of this section for a recipient
24 under the family investment program. Under the provision, the
25 superintendent of a school district, authorities in charge of
26 a nonpublic school, or a school truancy officer may request
27 and receive information from the department of human services
28 indicating whether a child who is under the age of twelve and
29 who may be truant as defined in section 299.8 has a parent,
30 guardian, or legal or actual custodian who is participating in
31 the family investment program. If referral of the truancy
32 matter to the county attorney pursuant to section 299.5A does
33 not assure the child's attendance, the superintendent,
34 authorities, or school truancy officer may notify the
35 department of the truancy matter and the department may apply

1 a sanction to the parent. The sanction shall be to reduce the
2 amount of the grant paid to the child's family under the
3 family investment program by reducing by one the family size
4 used to compute the grant amount. The sanction shall continue
5 until the truancy matter is resolved.

6 However, the provisions of this section shall not apply if
7 a parent, guardian, or legal or actual custodian of a child
8 who is truant has made reasonable efforts to comply with the
9 provisions of sections 299.1 through 299.5, but is unable to
10 cause the child to attend school and files with the department
11 an affidavit listing the reasonable efforts made by the
12 parent, guardian, or legal or actual custodian to cause the
13 child's attendance.

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

18 3. If the federal government grants a waiver under this
19 section, the department shall prepare and submit to the
20 legislative service bureau a proposed legislative bill, in
21 accordance with the provisions of section 2.16, that provides
22 for statutory reference to the provisions granted by the
23 federal government under the waiver.

24 Sec. 10. CONDITIONAL EFFECTIVE DATE. Sections 1, 2, and 3
25 of this Act shall not take effect unless an appropriation is
26 made which complies with section 25B.2, subsection 3.

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Grubbs, Chair
Rants
Cotton

HSB 245

EDUCATION

HOUSE FILE WWW 535
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON GRUBBS)

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

A BILL FOR

1 An Act relating to a reduction in aid to a recipient of the
2 family investment program for continued truancy by a
3 recipient's child and establishing a penalty for providing
4 aid, support, or shelter to a runaway or truant, and providing
5 effective date and conditional effectiveness 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, 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, legal
22 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 section 6 of this Act and the rules shall be
23 effective immediately upon filing unless a later date is
24 specified in the rules, and the rules shall be in effect for a
25 period of 180 days following the date the rules take effect.
26 Any rules adopted in accordance with this section shall also
27 be 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.

35

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 program
20 sanction. The department of human services is permitted to
21 adopt emergency rules to implement certain provisions in the
22 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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