

MAR 24 1996
JUDICIARY

HOUSE FILE 541
BY HARRISON

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

A BILL FOR

1 An Act making truancy by a child under the age of twelve a basis
2 for a child in need of assistance petition and making truancy
3 by a child, who has reached the age of twelve and is under the
4 age of sixteen, a delinquent act, and providing conditional
5 effectiveness.

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

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HF 541

1 Section 1. Section 232.2, subsection 6, Code 1995, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. p. Who is under the age of twelve and is
4 deemed truant under section 299.8.

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

7 NEW PARAGRAPH. c. A violation under section 299.13.

8 Sec. 3. Section 299.8, Code 1995, is amended to read as
9 follows:

10 299.8 "TRUANT" DEFINED.

11 Any child of compulsory attendance age who fails to attend
12 school as provided in this chapter, or as required by the
13 school board's or school governing body's attendance policy,
14 or who fails to attend competent private instruction under
15 chapter 299A, without reasonable excuse for the absence, shall
16 be deemed to be a truant. A finding that a child age twelve
17 or older is truant, ~~however,~~ shall not by itself mean that the
18 child is a child in need of assistance within the meaning of
19 chapter 232 and shall not be the sole basis for a child in
20 need of assistance petition. A child under the age of twelve
21 deemed truant is a child in need of assistance as provided in
22 section 232.2, subsection 6.

23 Sec. 4. NEW SECTION. 299.13 TRUANCY -- DELINQUENT ACT.

24 A child who has reached the age of twelve and is under the
25 age of sixteen, who has run away from home to avoid attending
26 school, or who is refusing to attend school, or who has been
27 deemed truant fifteen or more school days in one school year,
28 and whose child's parent, guardian, or legal or actual
29 custodian and school officials have made reasonable efforts to
30 cause the child to attend school, shall have committed a
31 delinquent act and is subject to the applicable provisions of
32 chapter 232.

33 Sec. 5. CONDITIONAL EFFECTIVE DATE. This Act shall not
34 take effect unless an appropriation is made that complies with
35 section 25B.2, subsection 3.

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EXPLANATION

This bill changes the definition of "truant" to provide that a finding that a child under the age of 12 is truant means, by itself, that the child is a child in need of assistance and is basis for a child in need of assistance petition. A child between the ages of 12 and 17 shall have committed a delinquent act if the child has run away from home to avoid attending school, or is refusing to attend school, or has been deemed truant 15 or more school days in a school year, and whose child's parent, guardian, or legal or actual custodian and the school officials at the school in which the child is enrolled have made reasonable efforts to cause the child to attend school.

This bill may contain a state mandate under chapter 25B. The bill shall not take effect unless an appropriation under section 25B.2, subsection 3, is made, fully funding the cost of the bill or funding the state's proportionate share of the cost.