

MAR 13 1997
Place On Calendar

REPRINTED

3/24/97 motion to R/c by Thomson
and Schrader
3/25/97 motion to R/c w/d (p.773)

HOUSE FILE 597
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 129)

Passed House, Date 3/24/97 (P.755) Passed Senate, Date 4/10/97 (P.1124)
Vote: Ayes 94 Nays 6 Vote: Ayes 45 Nays 0
Approved May 21, 1997

A BILL FOR

1 An Act relating to school attendance and interagency efforts to
2 address children's problems by applying school attendance
3 requirements under the family investment program, providing
4 for interagency agreements, and providing a civil penalty for
5 truancy.

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

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HF 597

LEGISLATIVE

1 Section 1. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

2 1. As a condition of eligibility for an applicant for or a
3 recipient of assistance under this chapter, the department
4 shall require a child's parent or other specified relative
5 whose needs are included in the cash assistance grant payable
6 to the child's family to cooperate with efforts to ensure
7 children receiving assistance under this chapter complete
8 educational requirements through the sixth grade.

9 2. If the department of human services receives written
10 notification from a school truancy officer under section
11 299.12 that a child receiving assistance under this chapter is
12 deemed to be truant, the department shall contact the child's
13 parent or other specified relative whose needs are included in
14 the child's assistance grant to schedule an attendance
15 cooperation meeting. The departments of human services and
16 education shall mutually agree upon the form of the written
17 notification. Parties participating in the attendance
18 cooperation meeting may include the child and shall include
19 the child's parent or other specified relative whose needs are
20 included in the child's assistance grant, and a representative
21 of the department of human services. The school truancy
22 officer or other school officials, county attorney or the
23 county attorney's designee, and other persons deemed
24 appropriate by the department of human services shall be
25 invited to participate in the attendance cooperation meeting.

26 3. The purpose of the attendance cooperation meeting is
27 for the parties participating in the meeting to attempt to
28 ascertain the cause of the child's nonattendance, to cause the
29 parties to arrive at an agreement relative to addressing the
30 child's attendance, and to initiate referrals to any agencies
31 or counseling that the department of human services believes
32 to be appropriate under the circumstances. The terms agreed
33 to shall be reduced to writing in an attendance cooperation
34 agreement and signed by the child's parent or other specified
35 relative whose needs are included in the child's assistance

1 grant, the child, and the representative of the department of
2 human services. If appropriate, other persons participating
3 in the attendance cooperation meeting may also sign the
4 agreement. Each party signing the agreement shall receive a
5 copy of the agreement, which shall set forth the cause
6 identified for the child's nonattendance and future
7 responsibilities of each party.

8 4. If the parties fail to enter into an attendance
9 cooperation agreement, or the child's parent or other
10 specified relative whose needs are included in the child's
11 assistance grant violates a term of the attendance cooperation
12 agreement or fails to engage in an attendance cooperation
13 meeting, the child's family shall be subject to sanction as
14 provided in this section. The sanction shall continue to
15 apply until the department of human services receives written
16 notification from the school truancy officer of any of the
17 following:

18 a. The child is complying with the attendance policy
19 applicable to the child's school.

20 b. The child has satisfactorily completed educational
21 requirements through the sixth grade.

22 c. The child's school has determined there is good cause
23 for the child's nonattendance and the school withdraws the
24 written notification.

25 d. The child is no longer enrolled in the school for which
26 the written notification was provided and the child's family
27 demonstrates that the child is enrolled in and is attending
28 another school or is otherwise receiving equivalent schooling
29 as authorized under state law.

30 5. The sanction under this section shall be a deduction
31 from the cash assistance grant payable to the child's family
32 in an amount equivalent to twenty-five percent of the family
33 investment program payment standard applicable to the family.

34 6. Notwithstanding any contrary provision of chapter 239,
35 unless prohibited by federal law, the department may release

1 information to a school truancy officer, as defined in section
2 299.12, regarding persons applying for or receiving assistance
3 under this chapter as necessary to verify the family
4 investment program assistance status of a child of a family
5 who may be subject to sanction under this section. The
6 department may adopt rules as necessary to administer this
7 section.

8 Sec. 2. Section 279.9A, Code 1997, is amended to read as
9 follows:

10 279.9A INFORMATION SHARING.

11 1. The rules referred to in section 279.9 shall provide
12 that upon the request of school officials of a school to which
13 the student seeks to transfer or has transferred, school
14 officials of the sending school shall provide an accurate
15 record of any suspension or expulsion actions taken, and the
16 basis for those actions taken, against the student under
17 sections 279.9, 280.19A, 282.3, 282.4, and 282.5. The
18 designated representative shall disclose this information only
19 to those school employees whose duties require them to be
20 involved with the student. For purposes of this section,
21 "school employees" means persons employed by a nonpublic
22 school or school district, or any area education agency staff
23 member who provides services to a school or school district.

24 2. a. The board of directors of each public school and
25 the authorities in charge of each accredited nonpublic school
26 shall adopt rules which provide that the school district or
27 school may share information contained within a student's
28 permanent record pursuant to an interagency agreement with the
29 department of human services, school and law enforcement
30 authorities, and other signatory agencies. The board of
31 directors or authorities shall limit the information shared
32 pursuant to an interagency agreement to that information which
33 is necessary to achieve the purpose of the agreement. The
34 purpose of the agreement shall be to reduce juvenile crime by
35 promoting cooperation and collaboration and the sharing of

1 appropriate information between the parties in a joint effort
2 to improve school safety, reduce truancy, reduce school
3 suspensions and expulsions, and to support alternatives to
4 suspensions and expulsions which provide structured and well-
5 supervised educational programs supplemented by coordinated
6 and appropriate services designed to correct behaviors that
7 lead to truancy, suspension, and expulsions and to support
8 students in successfully completing their education.

9 Information shared under the agreement shall be used solely
10 for determining the programs and services appropriate to the
11 needs of the student or the student's family, or coordinating
12 the delivery of programs and services to the student or the
13 student's family. Information shared under the agreement is
14 not admissible in any court proceedings which take place prior
15 to a disposition hearing, unless written consent is obtained
16 from a student's parent, guardian, or legal or actual
17 custodian.

18 b. A school or school district entering into an
19 interagency agreement under this section shall adopt a policy
20 implementing the provisions of the interagency agreement. The
21 policy shall include, but not be limited to, the provisions of
22 the interagency agreement and the procedures to be used by the
23 school or school district to share information from the
24 student's permanent record with participating agencies. The
25 policy shall be published in the student handbook.

26 Sec. 3. Section 299.5A, unnumbered paragraph 1, Code 1997,
27 is amended to read as follows:

28 If a child is truant as defined in section 299.8, school
29 officers shall attempt to find the cause for the child's
30 absence and use every means available to the school to assure
31 that the child does attend. The school may utilize an
32 attendance cooperation meeting and agreement process which
33 substantially conforms with the requirements of section
34 239.5B. If the parent, guardian, or legal or actual
35 custodian, or child refuses to accept the school's attempt to

1 assure the child's attendance or the school's attempt to
2 assure the child's attendance is otherwise unsuccessful, the
3 truancy officer shall refer the matter to the county attorney
4 for mediation or prosecution.

5 Sec. 4. NEW SECTION. 299.6A CIVIL PENALTY --
6 DISTRIBUTION OF FUNDS.

7 1. In lieu of proceeding under section 299.6, a county
8 attorney may bring a civil action against a parent, guardian,
9 or legal or actual custodian of a child who is of compulsory
10 attendance age, has not completed educational requirements,
11 and is truant, if the parent, guardian, or legal or actual
12 custodian has failed to cause the child to attend a public
13 school, an accredited nonpublic school, or competent private
14 instruction in the manner provided in this chapter. If the
15 court finds that the parent, guardian, or legal or actual
16 custodian has failed to cause the child to attend as required
17 in this section, the court shall assess a civil penalty of not
18 less than one hundred but not more than one thousand dollars,
19 for each violation established.

20 2. Funds received from civil penalties assessed pursuant
21 to this section shall be paid to the school district of
22 residence or school district of enrollment, if open enrolled,
23 of the person against whom the court assessed the penalty.
24 The school district shall use moneys received under this
25 subsection to support programs for students who meet the
26 definition of at-risk children adopted by the department of
27 education.

28 Sec. 5. NEW SECTION. 299.12 TRUANT CHILDREN -- FAMILY
29 INVESTMENT PROGRAM.

30 1. For the purposes of this section, "school truancy
31 officer" means a truancy officer appointed under section
32 299.10 or any other person designated by a public school board
33 or a governing body of an accredited nonpublic school to
34 administer provisions of this section.

35 2. If a child deemed to be truant under this chapter is a

1 member of a family receiving or applying for family investment
2 program assistance under chapter 239 and has not completed the
3 sixth grade, the school truancy officer may provide
4 notification to the department of human services as provided
5 in section 239.5B. An initial and any subsequent notification
6 shall be made in writing.

7 3. Notwithstanding any other provision of this chapter to
8 the contrary, unless prohibited by federal law, a school
9 truancy officer may release information to the department of
10 human services and may receive information from the department
11 of human services regarding a child described in subsection 2.
12 In addition, the school truancy officer may utilize other
13 sources available to the officer as necessary to verify
14 whether a child is a member of a family receiving or applying
15 for family investment program assistance. The release of
16 information under this section may be the subject of an
17 interagency agreement under section 279.9A.

18 4. It is the intent of this section that a public school
19 board or governing body of an accredited nonpublic school
20 shall exercise the authority granted under this section as a
21 means of increasing and ensuring school attendance of young
22 children, as education is a critical element in the success of
23 individuals and good attendance habits should be developed and
24 reinforced at an early age.

25

EXPLANATION

26 This bill relates to school attendance and interagency
27 efforts to address children's problems.

28 New Code sections 239.5B and 299.12 are created relating to
29 school attendance of children of families applying for or
30 receiving assistance under the family investment program
31 (FIP). The provisions are applicable to truant children
32 applying for or receiving assistance who have not completed
33 the sixth grade. As a condition of eligibility under FIP, a
34 child's parent or other specified relative whose needs are
35 considered in the cash assistance grant paid to the child's

1 family must cooperate with efforts to ensure the child's
2 school attendance.

3 If a school truancy officer notifies the department of
4 human services that a child in a family receiving FIP
5 assistance is truant, the department is required to schedule
6 an attendance cooperation meeting with the child's family.
7 The department must also invite the school truancy officer,
8 county attorney, or other appropriate persons. The meeting
9 shall develop a written attendance cooperation agreement to
10 address the child's attendance.

11 If the child's parent or other specified relative with whom
12 the child lives fails to enter into an attendance cooperation
13 agreement or violates an agreement, the family is subject to
14 sanction under FIP. The sanction applies until the school
15 truancy officer notifies the department that the child's
16 attendance is changed as described in the bill. The sanction
17 is a deduction from the cash benefits payable to the child's
18 family. The deduction amount is 25 percent of the family
19 investment program payment standard applicable to the child's
20 family. The payment standard is the gross amount for cash
21 benefits based on family size and other requirements as
22 established in administrative rules prior to any adjustments.
23 Subject to federal law, any contrary confidentiality
24 provisions in the FIP and school attendance chapters are
25 rendered inapplicable to disclosures necessary to implement
26 the bill's provisions.

27 Code section 279.9A, providing for information sharing, is
28 amended to provide for the sharing of information between
29 school officials and various agencies pursuant to interagency
30 agreements designed to reduce juvenile crime, improve school
31 safety, reduce truancy, reduce suspensions and expulsions, and
32 to support various alternatives which support students in
33 successfully completing their education.

34 The bill amends Code section 299.5A to authorize schools to
35 utilize an attendance cooperation meeting and agreement

1 process which is based on the process for FIP recipients.

2 The bill also includes new Code section 299.6A which
3 provides a county attorney with the option of bringing a civil
4 action, in lieu of criminal prosecution, against the parent,
5 guardian, or legal or actual custodian of a child deemed
6 truant. If the court, under the bill, finds in favor of the
7 civil prosecution, the civil penalty assessed shall be between
8 \$100 and \$1,000 for each violation established.

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HOUSE FILE 597
FISCAL NOTE

A fiscal note for **House File 597** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 597 relates to school attendance and interagency efforts to address truancy, includes as a condition of Family Investment Program (FIP) eligibility, a family's cooperation in ensuring a child's attendance, provides for attendance cooperation meetings coordinated by the Department of Human Services, provides sanctions deducted from a family's FIP benefit, provides for information sharing, authorizes schools to utilize attendance meetings for non-FIP families, allows county attorneys to bring civil action against the parent of a truant, and allows the court to assess a penalty.

ASSUMPTIONS:

1. There were 15,700 truants during the 1995-96 school year, of which 12,100 were of compulsory attendance age (6-16 years) and 2,250 were at least six years of age and had not completed the sixth grade. It is assumed that the 1996-97 school year will experience similar numbers of truants.
2. The truancy rate of students ages six through twelve in the general population is 0.89%. This analysis assumes that FIP children are equally represented as truants and the number of children ages 6-12 (through the sixth grade) eligible for FIP is consistent with the number of children ages 6-12 in the general population. The number of truant FIP children between age six and having completed sixth grade is 136.
3. It is unknown, in how many cases, school truancy officers will contact the DHS or the county attorney as allowed in HF 597.
4. House File 597 allows county attorneys to file a civil proceeding against a parent or guardian of any truant child of compulsory attendance age and allows the court to assess a penalty between \$100 and \$1,000. Fines collected are to be paid to the child's school district for at-risk programs. It is unknown how many parents the county attorneys will choose to prosecute, what fines will be assessed by the courts, or how much of the fines and court costs will be collected from parents assessed a penalty. The average civil case currently costs the court \$170 and requires two hours of court time.
5. It is unknown how many FIP families will be assessed a penalty. If the attendance cooperation meeting is successful in addressing issues resulting in truancy for each child, it is possible that a significant portion of truancy in the age group of six years through sixth grade may be avoided. Any savings to FIP resulting from imposed sanctions cannot be determined.

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6. The Department of Human Services (DHS) would require funds for a computer software system to allow for information sharing between the schools and the DHS. The one-time costs of the system and programming consultant are estimated to be \$50,000.
7. DHS requires 1.50 FTE positions for coordinating and scheduling the Attendance Cooperation Meetings statewide at an estimated cost of \$60,000. This requirement would be ongoing.
8. It is unknown if the schools will apply the attendance cooperation meetings to non-FIP truant children or what fiscal impact may result to the local school districts if applied.
9. The schools require a parental signature allowing release of truancy information to the DHS and the DHS requires a signature allowing release of FIP status to the school district. Guarantee of the signatures will be required before the implementation of the information sharing established in HF 597.

FISCAL IMPACT

Other than the \$50,000 one-time cost for computer software and the \$60,000 annual cost for DHS administration of the Attendance Meetings, the fiscal impact of HF 597 can not be determined.

SOURCES

Department of Human Services
Department of Education
Judicial Department
Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1495hv, MMB)

FILED MARCH 20, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 597

H-1266

1 Amend House File 597 as follows:

2 1. Page 1, line 8, by inserting after the word
3 "grade." the following: "As a further condition of
4 eligibility, an applicant or recipient shall provide
5 written authorization for release of information to a
6 school concerning the receipt of assistance and for
7 release of information by a school concerning the
8 child's compliance with attendance requirements."

9 2. Page 1, line 23, by inserting after the word
10 "designee," the following: "designee of the juvenile
11 court,".

12 3. Page 2, line 33, by inserting after the word
13 "family." the following: "If more than one child in
14 the family is deemed to be truant, the sanction shall
15 continue to apply until the department receives
16 written notification from the school truancy officer,
17 as provided in subsection 4, concerning each child."

18 4. Page 3, line 1, by striking the word
19 "information" and inserting the following: "or make
20 information available".

21 5. Page 3, line 5, by inserting after the word
22 "section." the following: "The department shall
23 implement protocols restricting information access
24 under this section by region or other means to provide
25 for the minimum access to information necessary to
26 implement the purposes of this section."

27 6. By striking page 3, line 8, through page 4,
28 line 25.

29 7. Page 5, line 7, by inserting after the words
30 "In lieu of" the following: "a criminal".

31 8. Page 5, line 19, by inserting after the word
32 "established." the following: "However, if the court
33 finds that the parent, guardian, or legal or actual
34 custodian of the child has been subject to sanction
35 under section 239.5B as a result of the child's
36 truancy, the court may waive the civil penalty under
37 this section."

38 9. Page 6, line 3, by striking the word "may" and
39 inserting the following: "shall".

40 10. Page 6, by striking lines 15 through 17 and
41 inserting the following: "for family investment
42 program assistance."

43 11. Page 6, line 17, by inserting after the
44 figure "279A.9A." the following: "Release of
45 information under this section shall be restricted to
46 the minimum access to information necessary to achieve
47 the purposes of this section."

48 12. Page 6, by inserting after line 24 the
49 following:

50 "Sec. ____ . EFFECTIVE DATE -- APPLICABILITY --

H-1266

H-1266

Page 2

1 EMERGENCY RULES -- CODE EDITOR.

2 1. a. Section 239.5B, as enacted by this Act,
3 being deemed of immediate importance, takes effect
4 upon enactment.

5 b. The department of human services shall begin
6 implementing the provisions of section 239.5B, as
7 enacted by this Act, which require written
8 authorization for release of information as a
9 condition of eligibility for family investment program
10 assistance, effective July 1, 1997, and shall complete
11 implementation not later than December 31, 1997.

12 c. The provisions of sections 239.5B and 299.12
13 authorizing information release or access between the
14 department of human services and school truancy
15 officers shall apply beginning January 1, 1998.

16 2. The department of human services may adopt
17 emergency rules under section 17A.4, subsection 2, and
18 section 17A.5, subsection 2, paragraph "b", to
19 implement the provisions of section 239.5B, as enacted
20 by this Act, in accordance with this section and the
21 rules shall be effective immediately upon filing,
22 unless the effective date is delayed by the
23 administrative rules review committee, notwithstanding
24 section 17A.4, subsection 5, and section 17A.8,
25 subsection 9, or a later effective date is specified
26 in the rules. Any rules adopted in accordance with
27 this subsection shall not take effect before the rules
28 are reviewed by the administrative rules review
29 committee. Any rules adopted in accordance with this
30 section shall also be published as a notice of
31 intended action as provided in section 17A.4.

32 3. If Senate File 516 or other legislation
33 providing for the repeal of chapters 239 and 249C and
34 codification of the family investment program in
35 chapter 239B is enacted by the Seventy-seventh General
36 Assembly, 1997 Session, the repeal of chapter 239
37 shall not be deemed to repeal section 239.5B, as
38 enacted by this Act, and the Code editor shall codify
39 section 239.5B, as enacted by this Act, as part of
40 chapter 239B and shall revise internal references to
41 that section necessary to conform with the designation
42 codified by the Code editor."

43 13. Title page, lines 1 and 2, by striking the
44 words "and interagency efforts to address children's
45 problems".

46 14. Title page, lines 3 and 4, by striking the
47 words "providing for interagency agreements,".

48 15. Title page, line 5, by inserting after the
49 word "truancy" the following: ", applicability
50 provisions, and an effective date".

H-1266

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H-1266

Page 3

1 16. By renumbering as necessary.

By THOMSON of Linn

WISE of Lee

H-1266 FILED MARCH 19, 1997

Adopted 3/24/97 (p. 754)

HOUSE FILE 597

H-1232

1 Amend House File 597 as follows:

2 1. Page 5, line 4, by inserting after the word
3 "prosecution." the following: "If a truancy matter is
4 referred for mediation but fails to be resolved or is
5 referred for prosecution, the county attorney shall
6 proceed with the prosecution within a reasonable
7 amount of time following the matter's failure to be
8 resolved by mediation or following receipt of the
9 referral for prosecution."

By WARNSTADT of Woodbury

H-1232 FILED MARCH 18, 1997

Lost 3/24/97 (p. 754)

HOUSE FILE 597

H-1302

1 Amend the amendment, H-1266, to House File 597 as
2 follows:3 1. Page 1, by inserting after line 11 the
4 following:

5 "____. Page 1, line 25, by inserting after the
6 word "meeting." the following: "The child's parent or
7 other specified relative may identify an advocate to
8 be present at the attendance cooperation meeting as
9 the family's support person.""

10 2. Page 1, by inserting after line 26 the
11 following:

12 "____. Page 3, line 7, by inserting after the word
13 "section." the following: "The rules shall include
14 but are not limited to a process for notifying persons
15 required to participate in the attendance cooperation
16 meeting, a family advocate, and other persons required
17 to be invited to a meeting of the scheduling of the
18 meeting.""

19 3. By renumbering as necessary.

By MASCHER of Johnson

H-1302 FILED MARCH 24, 1997

*Lost 3/24/97
(p. 757)*

HOUSE FILE 597

H-1309

1 Amend the amendment, H-1266, to House File 597 as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "_____. Page 2, line 14, by striking the word "The"
6 and inserting the following: "If the parent or other
7 specified relative has entered into an attendance
8 cooperation agreement and has made every reasonable
9 effort to comply with the terms of the agreement but
10 would be subject to sanction because of the child's
11 failure to comply with the attendance policy
12 applicable to the child's school, the department may
13 grant a good cause exception and suspend the sanction.
14 Unless the sanction is suspended, the".
15 2. By renumbering as necessary.

By KREIMAN of Davis

H-1309 FILED MARCH 24, 1997

Lost 3/24/97
(P. 752)

HOUSE FILE 597

H-1310

1 Amend the amendment, H-1266, to House File 597 as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "_____. Page 2, line 30, by inserting after the
6 word "sanction" the following: "for the first time a
7 family is subject to sanction".
8 _____. Page 2, line 32, by striking the word
9 "twenty-five" and inserting the following: "ten".
10 2. Page 1, lines 13 and 14, by striking the words
11 ""If more than one child in the family is deemed to be
12 truant, the" and inserting the following: ""If a
13 sanction is applicable for an additional child or if a
14 second or subsequent sanction is applicable, the
15 sanction shall be a deduction from the cash assistance
16 grant payable to the child's family in an amount
17 equivalent to twenty-five percent of the family
18 investment program payment standard applicable to the
19 family. The".

By FOEGE of Linn

H-1310 FILED MARCH 24, 1997

Lost 3/24/97 *(P. 752)*

HOUSE FILE 597

H-1303

1 Amend the amendment, H-1266, to House File 597 as
 2 follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "____. Page 2, line 1, by striking the words "the
 6 child" and inserting the following: "any other
 7 participant who is involved in the implementation of
 8 the attendance agreement".
 9 _____. Page 2, line 2, by inserting after the word
 10 "appropriate," the following: "the child and"."
 By MASCHER of Johnson

H-1303 FILED MARCH 24, 1997

Lost 3/24/97 (P.751)

HOUSE FILE 597

H-1304

1 Amend the amendment, H-1266, House File 597 as
 2 follows:
 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 "____. Page 3, by inserting after line 7 the
 6 following:
 7 "____. This section shall not be construed so as to
 8 cause an applicant for assistance under this chapter
 9 to be determined to be ineligible for the assistance
 10 solely because, at the time of application, a child in
 11 the applicant's family is truant as defined in section
 12 299.8.""
 13 2. By renumbering as necessary.
 By MASCHER of Johnson

H-1304 FILED MARCH 24, 1997

*Lost 3/24/97
(P.753)*

HOUSE FILE 597

H-1307

1 Amend the amendment, H-1266, House File 597 as
 2 follows:
 3 1. Page 1, by inserting after line 28 the
 4 following:
 5 "____. Page 5, by inserting after line 4 the
 6 following:
 7 "Sec. _____. Section 299.6, Code 1997, is amended by
 8 adding the following new unnumbered paragraph:
 9 NEW UNNUMBERED PARAGRAPH. If a child's parent,
 10 guardian, or legal or actual custodian who is found
 11 guilty and is subject to a penalty as provided in this
 12 section has been subject to a sanction under section
 13 239.5B as a result of the child's truancy, the court
 14 may waive the penalty under this section."
 15 2. By renumbering as necessary.
 By MASCHER of Johnson

H-1307 FILED MARCH 24, 1997

Adapted 3/24/97 (P.753)

H-1319

1 Amend the amendment, H-1266, to House File 597 as
2 follows:

3 1. Page 1, by inserting after line 26 the
4 following:

5 "_____. Page 3, line 7, by inserting after the word
6 "section." the following: "Information shared as part
7 of an attendance cooperation meeting and the
8 attendance cooperation agreement itself shall be
9 considered a confidential record under section 22.7
10 and unless authorized under this section or section
11 299.12, dissemination of the information and the
12 attendance cooperation agreement is subject to the
13 provisions of chapter 22 applicable to confidential
14 records.""

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

17 "_____. Page 4, line 34, by inserting after the
18 figure "239.5B." the following: "Information shared
19 as part of an attendance cooperation meeting and the
20 attendance cooperation agreement itself shall be
21 considered a confidential record under section 22.7
22 and dissemination of the information and the
23 attendance cooperation agreement is subject to the
24 provisions of chapter 22 applicable to confidential
25 records.""

26 3. By renumbering as necessary.

By MASCHER of Johnson

H-1319 FILED MARCH 24, 1997

Adopted

3/24/97 (P. 954)

HOUSE FILE 597
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 129)

(As Amended and Passed by the House, March 25, 1997)

Passed House, Date 4-21-97 (P. 1375) Passed Senate, Date 4/10/97 (p. 1124)
Vote: Ayes 93 Nays 5 Vote: Ayes 45 Nays 0
Approved May 21, 1997. Passed 4/22/97 (P. 1335)
Vote 46-3

A BILL FOR

- *1 An Act relating to school attendance by applying school
- *2 attendance requirements under the family investment program,
- 3 and providing a civil penalty for truancy, applicability
- 4 provisions, and an effective date.

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

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House Amendments _____

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1 Section 1. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

2 1. As a condition of eligibility for an applicant for or a
3 recipient of assistance under this chapter, the department
4 shall require a child's parent or other specified relative
5 whose needs are included in the cash assistance grant payable
6 to the child's family to cooperate with efforts to ensure
7 children receiving assistance under this chapter complete
8 educational requirements through the sixth grade. As a
9 further condition of eligibility, an applicant or recipient
10 shall provide written authorization for release of information
11 to a school concerning the receipt of assistance and for
12 release of information by a school concerning the child's
13 compliance with attendance requirements.

14 2. If the department of human services receives written
15 notification from a school truancy officer under section
16 299.12 that a child receiving assistance under this chapter is
17 deemed to be truant, the department shall contact the child's
18 parent or other specified relative whose needs are included in
19 the child's assistance grant to schedule an attendance
20 cooperation meeting. The departments of human services and
21 education shall mutually agree upon the form of the written
22 notification. Parties participating in the attendance
23 cooperation meeting may include the child and shall include
24 the child's parent or other specified relative whose needs are
25 included in the child's assistance grant, and a representative
26 of the department of human services. The school truancy
27 officer or other school officials, county attorney or the
28 county attorney's designee, designee of the juvenile court,
29 and other persons deemed appropriate by the department of
30 human services shall be invited to participate in the
31 attendance cooperation meeting.

32 3. The purpose of the attendance cooperation meeting is
33 for the parties participating in the meeting to attempt to
34 ascertain the cause of the child's nonattendance, to cause the
35 parties to arrive at an agreement relative to addressing the

1 child's attendance, and to initiate referrals to any agencies
2 or counseling that the department of human services believes
3 to be appropriate under the circumstances. The terms agreed
4 to shall be reduced to writing in an attendance cooperation
5 agreement and signed by the child's parent or other specified
6 relative whose needs are included in the child's assistance
7 grant, the child, and the representative of the department of
8 human services. If appropriate, other persons participating
9 in the attendance cooperation meeting may also sign the
10 agreement. Each party signing the agreement shall receive a
11 copy of the agreement, which shall set forth the cause
12 identified for the child's nonattendance and future
13 responsibilities of each party.

14 4. If the parties fail to enter into an attendance
15 cooperation agreement, or the child's parent or other
16 specified relative whose needs are included in the child's
17 assistance grant violates a term of the attendance cooperation
18 agreement or fails to engage in an attendance cooperation
19 meeting, the child's family shall be subject to sanction as
20 provided in this section. The sanction shall continue to
21 apply until the department of human services receives written
22 notification from the school truancy officer of any of the
23 following:

24 a. The child is complying with the attendance policy
25 applicable to the child's school.

26 b. The child has satisfactorily completed educational
27 requirements through the sixth grade.

28 c. The child's school has determined there is good cause
29 for the child's nonattendance and the school withdraws the
30 written notification.

31 d. The child is no longer enrolled in the school for which
32 the written notification was provided and the child's family
33 demonstrates that the child is enrolled in and is attending
34 another school or is otherwise receiving equivalent schooling
35 as authorized under state law.

1 5. The sanction under this section shall be a deduction
2 from the cash assistance grant payable to the child's family
3 in an amount equivalent to twenty-five percent of the family
4 investment program payment standard applicable to the family.
5 If more than one child in the family is deemed to be truant,
6 the sanction shall continue to apply until the department
7 receives written notification from the school truancy officer,
8 as provided in subsection 4, concerning each child.

9 6. Notwithstanding any contrary provision of chapter 239,
10 unless prohibited by federal law, the department may release
11 or make information available to a school truancy officer, as
12 defined in section 299.12, regarding persons applying for or
13 receiving assistance under this chapter as necessary to verify
14 the family investment program assistance status of a child of
15 a family who may be subject to sanction under this section.
16 The department shall implement protocols restricting
17 information access under this section by region or other means
18 to provide for the minimum access to information necessary to
19 implement the purposes of this section. The department may
20 adopt rules as necessary to administer this section.
21 Information shared as part of an attendance cooperation
22 meeting and the attendance cooperation agreement itself shall
23 be considered a confidential record under section 22.7 and
24 unless authorized under this section or section 299.12,
25 dissemination of the information and the attendance
26 cooperation agreement is subject to the provisions of chapter
27 22 applicable to confidential records.

*28 Sec. 2. Section 299.5A, unnumbered paragraph 1, Code 1997,
29 is amended to read as follows:

30 If a child is truant as defined in section 299.8, school
31 officers shall attempt to find the cause for the child's
32 absence and use every means available to the school to assure
33 that the child does attend. The school may utilize an
34 attendance cooperation meeting and agreement process which
35 substantially conforms with the requirements of section

1 239.5B. Information shared as part of an attendance
2 cooperation meeting and the attendance cooperation agreement
3 itself shall be considered a confidential record under section
4 22.7 and dissemination of the information and the attendance
5 cooperation agreement is subject to the provisions of chapter
6 22 applicable to confidential records. If the parent,
7 guardian, or legal or actual custodian, or child refuses to
8 accept the school's attempt to assure the child's attendance
9 or the school's attempt to assure the child's attendance is
10 otherwise unsuccessful, the truancy officer shall refer the
11 matter to the county attorney for mediation or prosecution.

12 Sec. 3. Section 299.6, Code 1997, is amended by adding the
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. If a child's parent, guardian,
15 or legal or actual custodian who is found guilty and is
16 subject to a penalty as provided in this section has been
17 subject to a sanction under section 239.5B as a result of the
18 child's truancy, the court may waive the penalty under this
19 section.

20 Sec. 4. NEW SECTION. 299.6A CIVIL PENALTY --
21 DISTRIBUTION OF FUNDS.

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

1 custodian of the child has been subject to sanction under
2 section 239.5B as a result of the child's truancy, the court
3 may waive the civil penalty under this section.

4 2. Funds received from civil penalties assessed pursuant
5 to this section shall be paid to the school district of
6 residence or school district of enrollment, if open enrolled,
7 of the person against whom the court assessed the penalty.
8 The school district shall use moneys received under this
9 subsection to support programs for students who meet the
10 definition of at-risk children adopted by the department of
11 education.

12 Sec. 5. NEW SECTION. 299.12 TRUANT CHILDREN -- FAMILY
13 INVESTMENT PROGRAM.

14 1. For the purposes of this section, "school truancy
15 officer" means a truancy officer appointed under section
16 299.10 or any other person designated by a public school board
17 or a governing body of an accredited nonpublic school to
18 administer provisions of this section.

19 2. If a child deemed to be truant under this chapter is a
20 member of a family receiving or applying for family investment
21 program assistance under chapter 239 and has not completed the
22 sixth grade, the school truancy officer shall provide
23 notification to the department of human services as provided
24 in section 239.5B. An initial and any subsequent notification
25 shall be made in writing.

26 3. Notwithstanding any other provision of this chapter to
27 the contrary, unless prohibited by federal law, a school
28 truancy officer may release information to the department of
29 human services and may receive information from the department
30 of human services regarding a child described in subsection 2.
31 In addition, the school truancy officer may utilize other
32 sources available to the officer as necessary to verify
33 whether a child is a member of a family receiving or applying
34 for family investment program assistance. Release of
35 information under this section shall be restricted to the

1 minimum access to information necessary to achieve the
2 purposes of this section.

3 4. It is the intent of this section that a public school
4 board or governing body of an accredited nonpublic school
5 shall exercise the authority granted under this section as a
6 means of increasing and ensuring school attendance of young
7 children, as education is a critical element in the success of
8 individuals and good attendance habits should be developed and
9 reinforced at an early age.

10 Sec. 6. EFFECTIVE DATE -- APPLICABILITY -- EMERGENCY RULES
11 -- CODE EDITOR.

12 1. a. Section 239.5B, as enacted by this Act, being
13 deemed of immediate importance, takes effect upon enactment.

14 b. The department of human services shall begin
15 implementing the provisions of section 239.5B, as enacted by
16 this Act, which require written authorization for release of
17 information as a condition of eligibility for family
18 investment program assistance, effective July 1, 1997, and
19 shall complete implementation not later than December 31,
20 1997.

21 c. The provisions of sections 239.5B and 299.12
22 authorizing information release or access between the
23 department of human services and school truancy officers shall
24 apply beginning January 1, 1998.

25 2. The department of human services may adopt emergency
26 rules under section 17A.4, subsection 2, and section 17A.5,
27 subsection 2, paragraph "b", to implement the provisions of
28 section 239.5B, as enacted by this Act, in accordance with
29 this section and the rules shall be effective immediately upon
30 filing, unless the effective date is delayed by the
31 administrative rules review committee, notwithstanding section
32 17A.4, subsection 5, and section 17A.8, subsection 9, or a
33 later effective date is specified in the rules. Any rules
34 adopted in accordance with this subsection shall not take
35 effect before the rules are reviewed by the administrative

1 rules review committee. Any rules adopted in accordance with
2 this section shall also be published as a notice of intended
3 action as provided in section 17A.4.

4 3. If Senate File 516 or other legislation providing for
5 the repeal of chapters 239 and 249C and codification of the
6 family investment program in chapter 239B is enacted by the
7 Seventy-seventh General Assembly, 1997 Session, the repeal of
8 chapter 239 shall not be deemed to repeal section 239.5B, as
9 enacted by this Act, and the Code editor shall codify section
10 239.5B, as enacted by this Act, as part of chapter 239B and
11 shall revise internal references to that section necessary to
12 conform with the designation codified by the Code editor.

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HOUSE FILE 597

S-3418

1 Amend House File 597, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 17, through page 2,
4 line 19, and inserting the following: "deemed to be
5 truant, the child's family shall be subject to
6 sanction as".
7 2. Page 3, by striking lines 1 through 4 and
8 inserting the following:
9 "5. The sanction under this section shall be a
10 deduction of twenty-five percent from the net cash
11 assistance grant amount payable to the child's family
12 prior to any deduction for recoupment of prior
13 overpayment."
14 3. Page 3, by striking lines 21 through 27.
15 4. By striking page 3, line 33, through page 4,
16 line 6, and inserting the following: "that the child
17 does attend. Prior to deeming a child who has
18 completed educational requirements through the sixth
19 grade truant, the school may utilize an attendance
20 cooperation process which substantially conforms with
21 the provisions of section 299.12. If the parent,".
22 5. Page 5, line 12, by striking the words "TRUANT
23 CHILDREN" and inserting the following: "VIOLATION OF
24 ATTENDANCE POLICY".
25 6. By striking page 5, line 19, through page 6,
26 line 9, and inserting the following:
27 "____. Prior to a child who has not completed
28 educational requirements through the sixth grade being
29 deemed to be truant, the school truancy officer shall
30 contact the child's parent, guardian, or legal or
31 actual custodian to participate as a member of an
32 attendance team for the child. Parties who are
33 members of an attendance team may include the child
34 and shall include the child's parent, guardian, or
35 legal or actual custodian and the school truancy
36 officer. If the child is a member of a family
37 receiving assistance under the family investment
38 program, the department of human services shall be
39 notified and shall make the contacts for attendance
40 team participation in lieu of the school truancy
41 officer. For a child who is a member of a family
42 receiving assistance under the family investment
43 program, the attendance team shall include the child's
44 parent or specified relative whose needs are included
45 in the child's assistance grant and a representative
46 of the department of human services. The school
47 truancy officer or the representative of the
48 department of human services making the attendance
49 team participation contacts may invite other school
50 officials, a designee of the juvenile court, the

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1 county attorney or the county attorney's designee, or
2 other persons deemed appropriate to participate in the
3 attendance team.

4 _____. The attendance team shall hold an attendance
5 cooperation meeting. The purpose of the attendance
6 cooperation meeting is for the parties participating
7 in the meeting to attempt to ascertain the cause of
8 the child's nonattendance, to cause the parties to
9 arrive at an agreement relative to addressing the
10 child's attendance, and to initiate referrals to any
11 services or counseling that the attendance team
12 believes to be appropriate under the circumstances.
13 The terms agreed to shall be reduced to writing in an
14 attendance cooperation agreement and signed by the
15 parties to the agreement. Each party signing the
16 agreement shall receive a copy of the agreement, which
17 shall set forth the cause identified for the child's
18 nonattendance and future responsibilities of each
19 party.

20 _____. If an attendance team determines that a
21 monitor would improve compliance with the attendance
22 cooperation agreement, the attendance team may
23 designate a person to monitor the agreement. The
24 monitor may be a volunteer, a member of the attendance
25 team, a designee of the public school board or
26 governing body of the accredited nonpublic school, or
27 other appropriate person. A monitor shall contact
28 parties to the attendance cooperation agreement on a
29 periodic basis as appropriate to monitor performance
30 of the agreement.

31 _____. If the parties fail to enter into an
32 attendance cooperation agreement, or the child's
33 parent, guardian, or custodian acting as a party
34 violates a term of the attendance cooperation
35 agreement or fails to participate in an attendance
36 cooperation meeting, the child may be deemed to be
37 truant.

38 _____. a. If a child deemed to be truant under this
39 section is a member of a family receiving family
40 investment program assistance under chapter 239 and
41 has not completed the sixth grade, the school truancy
42 officer may provide notification to the department of
43 human services. An initial and any subsequent
44 notification shall be made in writing. The form of
45 the notification shall be mutually determined by the
46 departments of human services and education.

47 _____. b. Notwithstanding any other provision of this
48 chapter to the contrary, unless prohibited by federal
49 law, a school truancy officer may release information
50 to the department of human services and may receive

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1 information from the department of human services
2 regarding a child described in paragraph "a". In
3 addition, the school truancy officer may utilize other
4 sources available to the officer as necessary to
5 verify whether a child is a member of a family
6 receiving family investment program assistance.
7 Release of information under this section shall be
8 limited to the minimum access to information necessary
9 to achieve the purposes of this section.

10 _____. A public school board or governing body of an
11 accredited nonpublic school shall exercise the
12 authority granted under this section as a means of
13 increasing and ensuring school attendance of young
14 children, as education is a critical element in the
15 success of individuals and good attendance habits
16 should be developed and reinforced at an early age."

17 7. Page 6, by inserting before line 10 the
18 following:

19 "Sec. _____. NEW SECTION. 299.13 CIVIL
20 ENFORCEMENT.

21 A person shall not disseminate or redisseminate
22 information shared with the person pursuant to section
23 235.5B, 299.5A, or 299.12, unless specifically
24 authorized to do so by section 217.30, 235.5B, 299.5A,
25 or 299.12. Unless a prohibited dissemination or
26 redissemination of information is subject to
27 injunction or sanction under other state or federal
28 law, an action for judicial enforcement may be brought
29 in accordance with this section. An aggrieved person,
30 the attorney general, or a county attorney may seek
31 judicial enforcement of the requirements of this
32 section in an action brought against the public school
33 or accredited nonpublic school or any other person who
34 has been granted access to information pursuant to
35 section 235.5B, 299.5A, or 299.12. Suits to enforce
36 this section shall be brought in the district court
37 for the county in which the information was
38 disseminated or redisseminated. Upon a finding by a
39 preponderance of the evidence that a person has
40 violated this section, the court shall issue an
41 injunction punishable by civil contempt ordering the
42 person in violation of this section to comply with the
43 requirements of, and to refrain from any violations of
44 section 235.5B, 299.5A, or 299.12 with respect to the
45 dissemination or redissemination of information shared
46 with the person pursuant to section 235.5B, 299.5A, or
47 299.12."

48 8. By renumbering as necessary.

By MAGGIE TINSMAN
NANCY BOETTGER

MARY NEUHAUSER
JOHN REDWINE

S-3418 FILED APRIL 8, 1997

Adopted
4/10/98
(P. 1120)

HOUSE FILE 597

S-3427

- 1 Amend the amendment, S-3418, to House File 597, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "____. Page 1, line 8, by striking the words "the
7 sixth grade" and inserting the following: "the
8 compulsory attendance age under section 299.1A".
9 2. Page 1, by inserting after line 6 the
10 following:
11 "____. Page 2, line 27, by striking the words "the
12 sixth grade" and inserting the following: "the
13 compulsory attendance age under section 299.1A".
14 3. Page 1, by striking lines 17 through 20 and
15 inserting the following: "does attend. Prior to
16 deeming a child truant, the school shall utilize an
17 attendance cooperation process in accordance with".
18 4. Page 1, by striking lines 27 through 29 and
19 inserting the following:
20 "____. Prior to deeming a child truant, the school
21 truancy officer shall".
22 5. Page 2, lines 40 and 41, by striking the words
23 "and has not completed the sixth grade".
24 6. Page 3, line 13, by striking the word "young".
25 7. By renumbering as necessary.

By TOM VILSACK

S-3427 FILED APRIL 8, 1997

w/d 4/10/97 (p.1118)

HOUSE FILE 597

S-3431

- 1 Amend House File 597, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 8, by striking the words "the
4 sixth grade" and inserting the following: "the
5 compulsory attendance age under section 299.1A".
6 2. Page 2, line 27, by striking the words "the
7 sixth grade" and inserting the following: "the
8 compulsory attendance age under section 299.1A".
9 3. Page 5, lines 21 and 22, by striking the words
10 "has not completed the sixth grade" and inserting the
11 following: "is of compulsory attendance age under
12 section 299.1A".
13 4. Page 6, line 6, by striking the word "young".

By TOM VILSACK

S-3431 FILED APRIL 8, 1997

w/d 4/10/97 (p.1118)

HOUSE FILE 597

S-3439

1 Amend the amendment, S-3418, to House File 597, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "_____. Page 1, line 2, by striking the figure "1."
7 and inserting the following:
8 "1. a."
9 _____. Page 1, by inserting after line 13 the
10 following:
11 "b. If a child whose needs are included in a cash
12 assistance grant is older than the compulsory
13 attendance age under section 299.1A and is not
14 actively completing educational requirements for
15 graduation in an accredited school or would not be
16 excepted from attendance requirements under section
17 299.2 if section 299.2 was applicable to the child,
18 the child's family shall be subject to sanction as
19 provided in this section."
20 _____. Page 1, line 16, by inserting after the word
21 "chapter" the following: "who has not completed
22 educational requirements through the sixth grade."
23 2. Page 1, by inserting after line 6 the
24 following:
25 "_____. Page 2, line 20, by inserting after the
26 word "section." the following: "A sanction shall also
27 be applied if a school truancy officer provides
28 notification to the department of human services as
29 provided in section 299.12 that a child whose needs
30 are included in a cash assistance grant under the
31 family investment program and who is older than the
32 compulsory attendance age under section 299.1A is not
33 actively completing educational requirements for
34 graduation in an accredited school or would not be
35 excepted from attendance requirements under section
36 299.2 if section 299.2 was applicable to the child."
37 _____. Page 2, by inserting after line 35 the
38 following:
39 "e. For a child subject to sanction under
40 subsection 1, paragraph "b", the child would qualify
41 for an exception to attendance requirements under
42 section 299.2 if section 299.2 was applicable to the
43 child."
44 3. Page 1, by inserting after line 13 the
45 following:
46 "_____. Page 3, line 5, by inserting after the word
47 "truant" the following: "or is subject to sanction
48 under subsection 1, paragraph "b"."
49 4. Page 2, line 43, by inserting after the word
50 "services." the following: "The school truancy

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1 officer may also provide notification to the
2 department of human services as provided in section
3 239.5B that a child whose needs are included in a cash
4 assistance grant under the family investment program
5 and who is older than compulsory attendance age under
6 section 299.1A is not actively completing educational
7 requirements for graduation in an accredited school or
8 would not be excepted from attendance requirements
9 under section 299.2 if section 299.2 was applicable to
10 the child."

By JOHN P. KIBBIE

S-3439 FILED APRIL 9, 1997

w/d 4/10/97 (p.1118)

HOUSE FILE 597

S-3473

1 Amend House File 597, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 7, by inserting after line 12 the
 4 following:
 5 "4. As part of the process for determining the
 6 form for the written notification concerning the
 7 truancy of a child who is a member of a family
 8 receiving family investment program assistance as
 9 required by this Act, the departments of human
 10 services and education shall consult with the Iowa
 11 department of public health in developing a plan for
 12 providing a family resource center, school-based youth
 13 services program, or school-based health clinic in
 14 those schools in which fifty percent or more of the
 15 children enrolled are eligible for free or reduced
 16 price meals under the federal National School Lunch
 17 Act and the federal Child Nutrition Act of 1966, 42
 18 U.S.C. § 1751-1785. The departments shall submit the
 19 plan on or before December 15, 1997, in a report to
 20 the governor and general assembly. The report shall
 21 include findings, recommendations, and implementation
 22 provisions."

By ELAINE SZYMONIAK
 TOM VILSACK

S-3473 FILED APRIL 10, 1997
 RULED OUT OF ORDER (p. 1120)

HOUSE FILE 597

S-3474

1 Amend House File 597, as amended, passed, and
 2 reprinted by the House, as follows:

DIV 3 1. Page 3, line 8, by inserting after the word
 A 4 "child." the following: "The department shall adopt a
 5 procedure by which all or part of the amount of moneys
 6 deducted from a sanctioned family's assistance grant
 7 may be remitted to the family as a reward for the
 8 child's improved compliance with attendance
 9 requirements."

DIV10 2. Page 5, line 7, by inserting after the word
 B 11 "penalty." the following: "The school district shall
 12 adopt a procedure by which all or part of the amount
 13 of the civil penalty paid by the child's parent,
 14 guardian, or custodian may be remitted to the payer as
 15 a reward for the child's improved compliance with
 16 attendance requirements."
 17 3. Page 5, line 8, by inserting after the word
 18 "use" the following: "other".

By ELAINE SZYMONIAK
 TOM VILSACK

S-3474 FILED APRIL 10, 1997

DIV A - LOST, DIV B - LOST, MTR FILED ON DIV A - WITHDRAWN (p. 1119)

HOUSE FILE 597

S-3476

1 Amend the amendment, S-3418, to House File 597, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 10, by striking the word "twenty-
5 five" and inserting the following: "ten".

By JOHNIE HAMMOND

S-3476 FILED APRIL 10, 1997

LOST (p.1120)

SENATE AMENDMENT TO HOUSE FILE 597

H-1693

1 Amend House File 597, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 17, through page 2,
4 line 19, and inserting the following: "deemed to be
5 truant, the child's family shall be subject to
6 sanction as".

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

9 "5. The sanction under this section shall be a
10 deduction of twenty-five percent from the net cash
11 assistance grant amount payable to the child's family
12 prior to any deduction for recoupment of prior
13 overpayment."

14 3. Page 3, by striking lines 21 through 27.

15 4. By striking page 3, line 33, through page 4,
16 line 6, and inserting the following: "that the child
17 does attend. Prior to deeming a child who has
18 completed educational requirements through the sixth
19 grade truant, the school may utilize an attendance
20 cooperation process which substantially conforms with
21 the provisions of section 299.12. If the parent,".

22 5. Page 5, line 12, by striking the words "TRUANT
23 CHILDREN" and inserting the following: "VIOLATION OF
24 ATTENDANCE POLICY".

25 6. By striking page 5, line 19, through page 6,
26 line 9, and inserting the following:

27 " . Prior to a child who has not completed
28 educational requirements through the sixth grade being
29 deemed to be truant, the school truancy officer shall
30 contact the child's parent, guardian, or legal or
31 actual custodian to participate as a member of an
32 attendance team for the child. Parties who are
33 members of an attendance team may include the child
34 and shall include the child's parent, guardian, or
35 legal or actual custodian and the school truancy
36 officer. If the child is a member of a family
37 receiving assistance under the family investment
38 program, the department of human services shall be
39 notified and shall make the contacts for attendance
40 team participation in lieu of the school truancy
41 officer. For a child who is a member of a family
42 receiving assistance under the family investment
43 program, the attendance team shall include the child's
44 parent or specified relative whose needs are included
45 in the child's assistance grant and a representative
46 of the department of human services. The school
47 truancy officer or the representative of the
48 department of human services making the attendance
49 team participation contacts may invite other school
50 officials, a designee of the juvenile court, the

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1 county attorney or the county attorney's designee, or
2 other persons deemed appropriate to participate in the
3 attendance team.

4 _____. The attendance team shall hold an attendance
5 cooperation meeting. The purpose of the attendance
6 cooperation meeting is for the parties participating
7 in the meeting to attempt to ascertain the cause of
8 the child's nonattendance, to cause the parties to
9 arrive at an agreement relative to addressing the
10 child's attendance, and to initiate referrals to any
11 services or counseling that the attendance team
12 believes to be appropriate under the circumstances.
13 The terms agreed to shall be reduced to writing in an
14 attendance cooperation agreement and signed by the
15 parties to the agreement. Each party signing the
16 agreement shall receive a copy of the agreement, which
17 shall set forth the cause identified for the child's
18 nonattendance and future responsibilities of each
19 party.

20 _____. If an attendance team determines that a
21 monitor would improve compliance with the attendance
22 cooperation agreement, the attendance team may
23 designate a person to monitor the agreement. The
24 monitor may be a volunteer, a member of the attendance
25 team, a designee of the public school board or
26 governing body of the accredited nonpublic school, or
27 other appropriate person. A monitor shall contact
28 parties to the attendance cooperation agreement on a
29 periodic basis as appropriate to monitor performance
30 of the agreement.

31 _____. If the parties fail to enter into an
32 attendance cooperation agreement, or the child's
33 parent, guardian, or custodian acting as a party
34 violates a term of the attendance cooperation
35 agreement or fails to participate in an attendance
36 cooperation meeting, the child may be deemed to be
37 truant.

38 _____. a. If a child deemed to be truant under this
39 section is a member of a family receiving family
40 investment program assistance under chapter 239 and
41 has not completed the sixth grade, the school truancy
42 officer may provide notification to the department of
43 human services. An initial and any subsequent
44 notification shall be made in writing. The form of
45 the notification shall be mutually determined by the
46 departments of human services and education.

47 _____. b. Notwithstanding any other provision of this
48 chapter to the contrary, unless prohibited by federal
49 law, a school truancy officer may release information
50 to the department of human services and may receive

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Page 3

1 information from the department of human services
2 regarding a child described in paragraph "a". In
3 addition, the school truancy officer may utilize other
4 sources available to the officer as necessary to
5 verify whether a child is a member of a family
6 receiving family investment program assistance.
7 Release of information under this section shall be
8 limited to the minimum access to information necessary
9 to achieve the purposes of this section.

10 _____. A public school board or governing body of an
11 accredited nonpublic school shall exercise the
12 authority granted under this section as a means of
13 increasing and ensuring school attendance of young
14 children, as education is a critical element in the
15 success of individuals and good attendance habits
16 should be developed and reinforced at an early age."

17 7. Page 6, by inserting before line 10 the
18 following:

19 "Sec. _____. NEW SECTION. 299.13 CIVIL
20 ENFORCEMENT.

21 A person shall not disseminate or redisseminate
22 information shared with the person pursuant to section
23 235.5B, 299.5A, or 299.12, unless specifically
24 authorized to do so by section 217.30, 235.5B, 299.5A,
25 or 299.12. Unless a prohibited dissemination or
26 redissemination of information is subject to
27 injunction or sanction under other state or federal
28 law, an action for judicial enforcement may be brought
29 in accordance with this section. An aggrieved person,
30 the attorney general, or a county attorney may seek
31 judicial enforcement of the requirements of this
32 section in an action brought against the public school
33 or accredited nonpublic school or any other person who
34 has been granted access to information pursuant to
35 section 235.5B, 299.5A, or 299.12. Suits to enforce
36 this section shall be brought in the district court
37 for the county in which the information was
38 disseminated or redisseminated. Upon a finding by a
39 preponderance of the evidence that a person has
40 violated this section, the court shall issue an
41 injunction punishable by civil contempt ordering the
42 person in violation of this section to comply with the
43 requirements of, and to refrain from any violations of
44 section 235.5B, 299.5A, or 299.12 with respect to the
45 dissemination or redissemination of information shared
46 with the person pursuant to section 235.5B, 299.5A, or
47 299.12."

48 8. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1693 FILED APRIL 14, 1997

House Concurred
4-21-97
(P.1395)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 597

S-3669

1 Amend the Senate amendment, H-1693, to House File
2 597, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 17 through 21 and
5 inserting the following: "does attend. For a child
6 who has completed educational requirements through the
7 sixth grade, the means may include but are not limited
8 to the use of an attendance cooperation process which
9 substantially conforms with the provisions of section
10 299.12. If the parent,."

11 2. Page 1, by striking lines 27 through 33 and
12 inserting the following:
13 "_____. This section is not applicable to a child
14 who is receiving competent private instruction in
15 accordance with the requirements of chapter 299A. If
16 a child is not in compliance with the attendance
17 requirements established under section 299.1, and has
18 not completed educational requirements through the
19 sixth grade, and the school has used every means
20 available to assure the child does attend, the school
21 truancy officer shall contact the child's parent,
22 guardian, or legal or actual custodian to participate
23 in an attendance cooperation meeting. The parties to
24 the attendance cooperation meeting may include the
25 child".

26 3. Page 1, lines 39 and 40, by striking the words
27 "attendance team participation" and inserting the
28 following: "participation in the attendance
29 cooperation meeting".

30 4. Page 1, line 43, by striking the words
31 "attendance team" and inserting the following:
32 "attendance cooperation meeting".

33 5. Page 1, lines 48 and 49, by striking the words
34 "making the attendance team participation contacts"
35 and inserting the following: "contacting the
36 participants in the attendance cooperation meeting".

37 6. Page 2, line 3, by striking the words
38 "attendance team" and inserting the following:
39 "attendance cooperation meeting".

40 7. Page 2, by striking lines 4 and 5 and
41 inserting the following:

42 "_____. The purpose of the attendance".

43 8. Page 2, line 11, by striking the words
44 "attendance team" and inserting the following:
45 "parties".

46 9. Page 2, line 12, by striking the word
47 "believes" and inserting the following: "believe".

48 10. Page 2, line 20, by striking the words "an
49 attendance team determines" and inserting the
50 following: "the parties to an attendance cooperation.

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Page 2

- 1 meeting determine".
2 11. Page 2, line 22, by striking the words
3 "attendance team" and inserting the following:
4 "parties".
5 12. Page 2, by striking lines 24 through 27 and
6 inserting the following: "monitor shall be a designee
7 of the public school board or governing body of the
8 accredited nonpublic school, or a designee of the
9 department of human services, if the department made
10 the contacts for the attendance cooperation meeting.
11 The monitor may be a volunteer if the volunteer is
12 approved by all parties to the agreement and receives
13 a written authorization for access to confidential
14 information and for performing monitor activities from
15 the child's parent, guardian, or custodian. A monitor
16 shall contact".
17 13. Page 2, line 36, by striking the word "may"
18 and inserting the following: "shall".
19 14. Page 2, line 42, by striking the word "may"
20 and inserting the following: "shall".
21 15. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3669 FILED APRIL 21, 1997

Senate Concurred
4/22/97 (P. 1335)

HOUSE FILE 597

H-1819

1 Amend the Senate amendment, H-1693, to House File
2 597, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 17 through 21 and
5 inserting the following: "does attend. For a child
6 who has completed educational requirements through the
7 sixth grade, the means may include but are not limited
8 to the use of an attendance cooperation process which
9 substantially conforms with the provisions of section
10 299.12. If the parent,."

11 2. Page 1, by striking lines 27 through 33 and
12 inserting the following:

13 "____. This section is not applicable to a child
14 who is receiving competent private instruction in
15 accordance with the requirements of chapter 299A. If
16 a child is not in compliance with the attendance
17 requirements established under section 299.1, and has
18 not completed educational requirements through the
19 sixth grade, and the school has used every means
20 available to assure the child does attend, the school
21 truancy officer shall contact the child's parent,
22 guardian, or legal or actual custodian to participate
23 in an attendance cooperation meeting. The parties to
24 the attendance cooperation meeting may include the
25 child".

26 3. Page 1, lines 39 and 40, by striking the words
27 "attendance team participation" and inserting the
28 following: "participation in the attendance
29 cooperation meeting".

30 4. Page 1, line 43, by striking the words
31 "attendance team" and inserting the following:
32 "attendance cooperation meeting".

33 5. Page 1, lines 48 and 49, by striking the words
34 "making the attendance team participation contacts"
35 and inserting the following: "contacting the
36 participants in the attendance cooperation meeting".

37 6. Page 2, line 3, by striking the words
38 "attendance team" and inserting the following:
39 "attendance cooperation meeting".

40 7. Page 2, by striking lines 4 and 5 and
41 inserting the following:

42 "____. The purpose of the attendance".

43 8. Page 2, line 11, by striking the words
44 "attendance team" and inserting the following:
45 "parties".

46 9. Page 2, line 12, by striking the word
47 "believes" and inserting the following: "believe".

48 10. Page 2, line 20, by striking the words "an
49 attendance team determines" and inserting the
50 following: "the parties to an attendance cooperation

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Page 2

1 meeting determine".

2 11. Page 2, line 22, by striking the words

3 "attendance team" and inserting the following:

4 "parties".

5 12. Page 2, by striking lines 24 through 27 and

6 inserting the following: "monitor shall be a designee

7 of the public school board or governing body of the

8 accredited nonpublic school, or a designee of the

9 department of human services, if the department made

10 the contacts for the attendance cooperation meeting.

11 The monitor may be a volunteer if the volunteer is

12 approved by all parties to the agreement and receives

13 a written authorization for access to confidential

14 information and for performing monitor activities from

15 the child's parent, guardian, or custodian. A monitor

16 shall contact".

17 13. Page 2, line 36, by striking the word "may"

18 and inserting the following: "shall".

19 14. Page 2, line 42, by striking the word "may"

20 and inserting the following: "shall".

21 15. By renumbering as necessary.

By THOMSON of Linn

H-1819 FILED APRIL 21, 1997

ADOPTED

(P. 1395)

Thomson, Ch
Boddicker
Jeenstra
Wise
Mascher

HSB 129
EDUCATION

Succeeded By
SENATE/HOUSE FILE YHF 597
BY (PROPOSED GOVERNOR'S BILL)

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

A BILL FOR

1 An Act relating to children's benefits, immunizations, and school
2 attendance under the family investment program and providing
3 an effective date.

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

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1 Section 1. NEW SECTION. 239.5A FAMILY SIZE LIMITATION ON
2 AMOUNT OF ASSISTANCE.

3 1. If a family is a recipient on March 1, 1998, the
4 recipient family's children eligible for assistance shall be
5 limited to those children who were family members on or before
6 March 1, 1998, and any children who become family members
7 during the period beginning March 1, 1998, and ending December
8 31, 1998.

9 2. If a family is not a recipient as of March 1, 1998, as
10 a recipient in any period following March 1, 1998, the
11 recipient family's children eligible for assistance shall be
12 limited to those children who were family members on or before
13 the date the family's eligibility for the assistance is first
14 approved and to any children who become family members within
15 ten months of the date the applicant was first approved as a
16 recipient.

17 3. Except as provided in subsection 4, the eligibility
18 limitations on a recipient family under this section shall
19 remain applicable during any subsequent period of eligibility
20 for assistance.

21 4. If necessary to provide for a child to live with a
22 nonparent relative, the department may allow for a good cause
23 exemption to the eligibility limitations of this section.

24 Sec. 2. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

25 1. If the department receives written notification from a
26 school truancy officer under section 299.11A that a child
27 deemed to be truant under chapter 299 is a member of a family
28 receiving or applying for assistance under this chapter and
29 has not completed the sixth grade, the department shall
30 determine if the child's family is receiving or applying for
31 assistance under this chapter. If the department determines
32 the child's family is receiving or applying for assistance
33 under this chapter, the child's family shall be subject to
34 sanction in accordance with this section. The sanction shall
35 continue to apply until the department receives written

1 notification from the school truancy officer of any of the
2 following:

3 a. The child is complying with the attendance policy
4 applicable to the child's school.

5 b. The child has satisfactorily completed educational
6 requirements through the sixth grade.

7 c. The child's school has determined there is good cause
8 for the child's nonattendance and the school withdraws the
9 written notification.

10 d. The child is no longer enrolled in the school for which
11 the written notification was provided and the child's family
12 demonstrates that the child is enrolled in and is attending
13 another school or is otherwise receiving equivalent schooling
14 as authorized under state law.

15 2. The sanction under this section shall be a deduction
16 from cash benefit assistance payable to the child's family in
17 an amount equivalent to twenty-five percent of the applicable
18 family investment program payment standard.

19 3. Notwithstanding any other provision of law to the
20 contrary, unless prohibited by federal law, the department may
21 release information to a school truancy officer, as defined in
22 section 299.11A, regarding persons applying for or receiving
23 assistance under this chapter as necessary to verify the
24 public assistance status of a child of a family who may be
25 subject to sanction under this section. The department may
26 adopt rules as necessary to administer this section.

27 Sec. 3. Section 239.10, Code 1997, is amended to read as
28 follows:

29 239.10 IMMUNIZATION.

30 1. ~~a. To the extent feasible, the~~ The department shall
31 ~~determine the immunization status of~~ require immunizations of
32 children who are preschool age and are a member of a family
33 applying for or receiving assistance under this chapter. The
34 ~~status shall be determined~~ The department shall adopt rules
35 setting forth the immunization requirements which shall be in

1 accordance with the immunization recommendations adopted by
2 the Iowa department of public health under section 139.9,
3 including the exemption provisions in section 139.9,
4 subsection 4. ~~If the department determines a child is not in~~
5 ~~compliance with the immunization recommendations, the~~
6 ~~department shall refer the child's parent or guardian to a~~
7 ~~local public health agency for immunization services for the~~
8 ~~child and other members of the child's family. The rules~~
9 shall specify the types of immunizations required, the age
10 groupings to which the requirements apply, and other
11 provisions. The rules shall also include exemptions for good
12 cause or for factors beyond the control of the child's parent,
13 guardian, or custodian. The exemptions shall be in addition
14 to those established by the Iowa department of public health.

15 b. Unless exempt by rule, an applicant or recipient family
16 which is not in compliance with an immunization requirement
17 shall be subject to sanction. The sanction shall be a
18 deduction from cash benefit assistance payable to the child's
19 family in an amount equivalent to twenty-five percent of the
20 applicable family investment program payment standard. The
21 sanction shall apply until the family complies with the
22 immunization requirement.

23 2. The department of human services shall cooperate with
24 the Iowa department of public health to establish an
25 interagency agreement allowing the sharing of pertinent client
26 data, as permitted under federal law and regulation, for the
27 purposes of determining immunization rates of ~~recipients of~~
28 persons applying for or receiving assistance, evaluating
29 family investment program efforts to encourage require
30 immunizations, and developing strategies to further encourage
31 immunization of ~~recipients of~~ persons applying for or
32 receiving assistance.

33 Sec. 4. NEW SECTION. 299.11A TRUANT CHILDREN -- FAMILY
34 INVESTMENT PROGRAM.

35 1. For the purposes of this section, "school truancy

1 officer" means a truancy officer appointed under section
2 299.10 or any other person designated by a public school board
3 or a governing body of an accredited nonpublic school to
4 implement the provisions of this section.

5 2. If a child deemed to be truant under this chapter is a
6 member of a family receiving or applying for family investment
7 program assistance under chapter 239 and has not completed the
8 sixth grade, the school truancy officer may provide
9 notification to the department of human services as provided
10 in section 239.5B. An initial and any subsequent notification
11 shall be made in writing.

12 3. Notwithstanding any other provision of law to the
13 contrary, unless prohibited by federal law, a school truancy
14 officer may release information to the department of human
15 services and may receive information from the department
16 regarding a child described in subsection 2. In addition, the
17 school truancy officer may utilize other sources available to
18 the officer as necessary to verify whether a child is a member
19 of a family receiving or applying for family investment
20 program benefits.

21 4. It is the intent of this section that a public school
22 board or governing body of an accredited nonpublic school
23 shall exercise the authority granted under this section as a
24 means of increasing and ensuring school attendance of young
25 children, as education is a critical element in the success of
26 individuals and good attendance habits should be developed and
27 reinforced at an early age.

28 Sec. 5. EFFECTIVE DATE. The following provisions of this
29 Act take effect July 1, 1998:

- 30 1. Section 2, enacting new Code section 239.5B.
- 31 2. Section 3, amending Code section 239.10.
- 32 3. Section 4, enacting new Code section 299.11A.

33 EXPLANATION

34 This bill relates to applicant and recipient requirements
35 under the family investment program.

1 New Code section 239.5A is created to apply a limitation on
2 the amount of assistance provided to recipient families under
3 the family investment program. If a family is a recipient as
4 of March 1, 1998, the family's level of assistance will always
5 be based upon the number of children who are family members as
6 of March 1, 1998, and any children who become family members
7 during the period beginning March 1, 1998, and ending December
8 31, 1998. For a family who is not a recipient as of March 1,
9 1998, the family's level of assistance will always be based
10 upon the number of children who are family members as of the
11 date the family's eligibility for assistance is first approved
12 and any children who become family members within the 10
13 months following the approval date. The department may
14 provide for a good cause exemption if necessary for a child to
15 live with a nonparent relative.

16 New Code sections 239.5B and 299.11A are created relating
17 to school attendance of children of families applying for or
18 receiving assistance under the family investment program. The
19 provisions are applicable to truant children applying for or
20 receiving assistance who have not completed the sixth grade.
21 A school truancy officer or other person designated by a
22 public school board or a governing body of an accredited
23 nonpublic school may notify the department of human services
24 that such a child is truant. If the department determines the
25 child's family is applying for or receiving assistance, the
26 child's family is subject to sanction. The sanction applies
27 until the school truancy officer notifies the department that
28 the child's attendance is changed as described in the bill.
29 The sanction is a deduction from the cash benefits payable to
30 the child's family. The deduction amount is 25 percent of the
31 family investment program payment standard applicable to the
32 child's family. The payment standard is the gross amount for
33 cash benefits based on family size and other requirements as
34 established in administrative rules prior to any adjustments.
35 Subject to federal law, any contrary confidentiality

1 provisions in state law are rendered inapplicable to
2 disclosures necessary to implement the provisions. These two
3 new Code sections take effect July 1, 1998.

4 Code section 239.10, relating to immunization of children
5 applying for or receiving assistance under the family
6 investment program, is amended to require immunization as a
7 condition of the family receiving assistance. The department
8 of human services is directed to provide in rule exemptions to
9 the requirement for good cause and for factors beyond the
10 parent's control. The department is to sanction families who
11 do not comply with the immunization requirements. The
12 sanction is a deduction from cash benefits payable to the
13 family until the family complies. Current law is stricken
14 which directs the department to make a referral of a recipient
15 family who does not comply with the immunization provisions to
16 a local public health agency. This section takes effect July
17 1, 1998.

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HOUSE FILE 597

AN ACT

RELATING TO SCHOOL ATTENDANCE BY APPLYING SCHOOL ATTENDANCE REQUIREMENTS UNDER THE FAMILY INVESTMENT PROGRAM, AND PROVIDING A CIVIL PENALTY FOR TRUANCY, APPLICABILITY PROVISIONS, AND AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 239.5B SCHOOL ATTENDANCE.

1. As a condition of eligibility for an applicant for or a recipient of assistance under this chapter, the department shall require a child's parent or other specified relative whose needs are included in the cash assistance grant payable to the child's family to cooperate with efforts to ensure children receiving assistance under this chapter complete educational requirements through the sixth grade. As a further condition of eligibility, an applicant or recipient shall provide written authorization for release of information to a school concerning the receipt of assistance and for release of information by a school concerning the child's compliance with attendance requirements.

2. If the department of human services receives written notification from a school truancy officer under section 299.12 that a child receiving assistance under this chapter is deemed to be truant, the child's family shall be subject to sanction as provided in this section. The sanction shall continue to apply until the department of human services receives written notification from the school truancy officer of any of the following:

- a. The child is complying with the attendance policy applicable to the child's school.
- b. The child has satisfactorily completed educational requirements through the sixth grade.
- c. The child's school has determined there is good cause for the child's nonattendance and the school withdraws the

written notification.

d. The child is no longer enrolled in the school for which the written notification was provided and the child's family demonstrates that the child is enrolled in and is attending another school or is otherwise receiving equivalent schooling as authorized under state law.

3. The sanction under this section shall be a deduction of twenty-five percent from the net cash assistance grant amount payable to the child's family prior to any deduction for recoupment of prior overpayment. If more than one child in the family is deemed to be truant, the sanction shall continue to apply until the department receives written notification from the school truancy officer, as provided in subsection 2 concerning each child.

4. Notwithstanding any contrary provision of chapter 239, unless prohibited by federal law, the department may release or make information available to a school truancy officer, as defined in section 299.12, regarding persons applying for or receiving assistance under this chapter as necessary to verify the family investment program assistance status of a child of a family who may be subject to sanction under this section. The department shall implement protocols restricting information access under this section by region or other means to provide for the minimum access to information necessary to implement the purposes of this section. The department may adopt rules as necessary to administer this section.

Sec. 2. Section 299.5A, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a child is truant as defined in section 299.8, school officers shall attempt to find the cause for the child's absence and use every means available to the school to assure that the child does attend. For a child who has completed educational requirements through the sixth grade, the means may include but are not limited to the use of an attendance cooperation process which substantially conforms with the provisions of section 299.12. If the parent, guardian, or legal or actual custodian, or child refuses to accept the

school's attempt to assure the child's attendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the county attorney for mediation or prosecution.

Sec. 3. Section 299.6, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a child's parent, guardian, or legal or actual custodian who is found guilty and is subject to a penalty as provided in this section has been subject to a sanction under section 239.5B as a result of the child's truancy, the court may waive the penalty under this section.

Sec. 4. NEW SECTION. 299.6A CIVIL PENALTY -- DISTRIBUTION OF FUNDS.

1. In lieu of a criminal proceeding under section 299.6, a county attorney may bring a civil action against a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, has not completed educational requirements, and is truant, if the parent, guardian, or legal or actual custodian has failed to cause the child to attend a public school, an accredited nonpublic school, or competent private instruction in the manner provided in this chapter. If the court finds that the parent, guardian, or legal or actual custodian has failed to cause the child to attend as required in this section, the court shall assess a civil penalty of not less than one hundred but not more than one thousand dollars, for each violation established. However, if the court finds that the parent, guardian, or legal or actual custodian of the child has been subject to sanction under section 239.5B as a result of the child's truancy, the court may waive the civil penalty under this section.

2. Funds received from civil penalties assessed pursuant to this section shall be paid to the school district of residence or school district of enrollment, if open enrolled, of the person against whom the court assessed the penalty. The school district shall use moneys received under this subsection to support programs for students who meet the

definition of at-risk children adopted by the department of education.

Sec. 5. NEW SECTION. 299.12 VIOLATION OF ATTENDANCE POLICY -- FAMILY INVESTMENT PROGRAM.

1. For the purposes of this section, "school truancy officer" means a truancy officer appointed under section 299.10 or any other person designated by a public school board or a governing body of an accredited nonpublic school to administer provisions of this section.

2. This section is not applicable to a child who is receiving competent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational requirements through the sixth grade, and the school has used every means available to assure the child does attend, the school truancy officer shall contact the child's parent, guardian, or legal or actual custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation meeting may include the child and shall include the child's parent, guardian, or legal or actual custodian and the school truancy officer. If the child is a member of a family receiving assistance under the family investment program, the department of human services shall be notified and shall make the contacts for participation in the attendance cooperation meeting in lieu of the school truancy officer. For a child who is a member of a family receiving assistance under the family investment program, the attendance cooperation meeting shall include the child's parent or specified relative whose needs are included in the child's assistance grant and a representative of the department of human services. The school truancy officer or the representative of the department of human services contacting the participants in the attendance cooperation meeting may invite other school officials, a designee of the juvenile court, the county attorney or the county attorney's designee, or other persons deemed appropriate to participate in the attendance cooperation meeting.

3. The purpose of the attendance cooperation meeting is for the parties participating in the meeting to attempt to ascertain the cause of the child's nonattendance, to cause the parties to arrive at an agreement relative to addressing the child's attendance, and to initiate referrals to any services or counseling that the parties believe to be appropriate under the circumstances. The terms agreed to shall be reduced to writing in an attendance cooperation agreement and signed by the parties to the agreement. Each party signing the agreement shall receive a copy of the agreement, which shall set forth the cause identified for the child's nonattendance and future responsibilities of each party.

4. If the parties to an attendance cooperation meeting determine that a monitor would improve compliance with the attendance cooperation agreement, the parties may designate a person to monitor the agreement. The monitor shall be a designee of the public school board or governing body of the accredited nonpublic school, or a designee of the department of human services, if the department made the contacts for the attendance cooperation meeting. The monitor may be a volunteer if the volunteer is approved by all parties to the agreement and receives a written authorization for access to confidential information and for performing monitor activities from the child's parent, guardian, or custodian. A monitor shall contact parties to the attendance cooperation agreement on a periodic basis as appropriate to monitor performance of the agreement.

5. If the parties fail to enter into an attendance cooperation agreement, or the child's parent, guardian, or custodian acting as a party violates a term of the attendance cooperation agreement or fails to participate in an attendance cooperation meeting, the child shall be deemed to be truant.

6. a. If a child deemed to be truant under this section is a member of a family receiving family investment program assistance under chapter 239 and has not completed the sixth grade, the school truancy officer shall provide notification to the department of human services. An initial and any

subsequent notification shall be made in writing. The form of the notification shall be mutually determined by the departments of human services and education.

b. Notwithstanding any other provision of this chapter to the contrary, unless prohibited by federal law, a school truancy officer may release information to the department of human services and may receive information from the department of human services regarding a child described in paragraph "a". In addition, the school truancy officer may utilize other sources available to the officer as necessary to verify whether a child is a member of a family receiving family investment program assistance. Release of information under this section shall be limited to the minimum access to information necessary to achieve the purposes of this section.

7. A public school board or governing body of an accredited nonpublic school shall exercise the authority granted under this section as a means of increasing and ensuring school attendance of young children, as education is a critical element in the success of individuals and good attendance habits should be developed and reinforced at an early age.

Sec. 6. NEW SECTION. 299.13 CIVIL ENFORCEMENT.

A person shall not disseminate or redisseminate information shared with the person pursuant to section 235.5B, 299.5A, or 299.12, unless specifically authorized to do so by section 217.30, 235.5B, 299.5A, or 299.12. Unless a prohibited dissemination or redissemination of information is subject to injunction or sanction under other state or federal law, an action for judicial enforcement may be brought in accordance with this section. An aggrieved person, the attorney general, or a county attorney may seek judicial enforcement of the requirements of this section in an action brought against the public school or accredited nonpublic school or any other person who has been granted access to information pursuant to section 235.5B, 299.5A, or 299.12. Suits to enforce this section shall be brought in the district court for the county in which the information was disseminated or redisseminated.

Upon a finding by a preponderance of the evidence that a person has violated this section, the court shall issue an injunction punishable by civil contempt ordering the person in violation of this section to comply with the requirements of, and to refrain from any violations of section 235.5B, 299.5A, or 299.12 with respect to the dissemination or redissemination of information shared with the person pursuant to section 235.5B, 299.5A, or 299.12.

Sec. 7. EFFECTIVE DATE -- APPLICABILITY -- EMERGENCY RULES
-- CODE EDITOR.

1. a. Section 239.5B, as enacted by this Act, being deemed of immediate importance, takes effect upon enactment.

b. The department of human services shall begin implementing the provisions of section 239.5B, as enacted by this Act, which require written authorization for release of information as a condition of eligibility for family investment program assistance, effective July 1, 1997, and shall complete implementation not later than December 31, 1997.

c. The provisions of sections 239.5B and 299.12 authorizing information release or access between the department of human services and school truancy officers shall apply beginning January 1, 1998.

2. The department of human services may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of section 239.5B, as enacted by this Act, in accordance with this section and the rules shall be effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this subsection shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

3. If Senate File 516 or other legislation providing for the repeal of chapters 239 and 249C and codification of the family investment program in chapter 239B is enacted by the Seventy-seventh General Assembly, 1997 Session, the repeal of chapter 239 shall not be deemed to repeal section 239.5B, as enacted by this Act, and the Code editor shall codify section 239.5B, as enacted by this Act, as part of chapter 239B and shall revise internal references to that section necessary to conform with the designation codified by the Code editor.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 597, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved, May 21, 1997

TERRY E. BRANSTAD
Governor