

FEB 6 2003

EDUCATION

HOUSE FILE
BY CONNORS

143

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

A BILL FOR

1 An Act declaring a truant a child in need of assistance and
2 establishing a penalty for aiding a child to be truant.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 143

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section 232.2, subsection 6, Code 2003, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. r. Whose parent, guardian, or custodian is
4 unwilling or unable to cause the child to attend school as
5 required under section 299.1.

6 Sec. 2. Section 299.8, Code 2003, is amended to read as
7 follows:

8 299.8 ~~"TRUANT"~~ TRUANT DEFINED.

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

19 Sec. 3. Section 709A.1, Code 2003, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 6. For a person to knowingly encourage a
22 child to be truant as defined in section 299.8, or for a
23 person to allow the person's residence to be used to
24 facilitate the truancy of a child.

25 Sec. 4. IMPLEMENTATION. Section 25B.2, subsection 3,
26 shall not apply to this Act.

27 EXPLANATION

28 This bill defines as a "child in need of assistance" a
29 child whose parent, guardian, or custodian is unwilling or
30 unable to cause the child to attend school. Also under the
31 bill, a person who knowingly encourages a child to be truant
32 or allows the person's residence to be used to facilitate the
33 truancy of a child is guilty of a simple misdemeanor.

34 The bill may include a state mandate. However, the bill
35 nullifies the state mandate funding requirement provided in

S.F. _____ H.F. 143

1 Code section 25B.2, subsection 3.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

LSB 2159YH 80

kh/pj/5