

House File 552 - Introduced

HOUSE FILE 552

BY JONES

A BILL FOR

- 1 An Act relating to compulsory education by modifying provisions
- 2 related to chronic absenteeism and school engagement meetings,
- 3 and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 299.1, subsection 4, paragraph a, Code
2 2025, is amended to read as follows:

3 a. The board of directors of a public school district shall
4 adopt a policy or rules relating to ~~children~~ students who are
5 chronically absent. The policy or rules must contain provisions
6 that clearly explain all of the following:

7 (1) How the board of directors determines whether a ~~child~~
8 student is chronically absent.

9 (2) The different interventions that the board of directors
10 may use when a ~~child~~ student is chronically absent.

11 (3) The different penalties associated with a ~~child~~ student
12 being chronically absent.

13 Sec. 2. Section 299.1, subsection 4, paragraph b, unnumbered
14 paragraph 1, Code 2025, is amended to read as follows:

15 The policy or rules adopted by the board of directors of a
16 public school district pursuant to paragraph "a" must not apply
17 to any ~~child~~ student:

18 Sec. 3. Section 299.1, subsection 4, paragraph b,
19 subparagraph (5), Code 2025, is amended to read as follows:

20 (5) Who has an individualized education program that affects
21 the ~~child's~~ student's attendance.

22 Sec. 4. Section 299.6, Code 2025, is amended to read as
23 follows:

24 **299.6 Violations — community service or fine or**
25 **imprisonment.**

26 1. Any A person who violates commits a public offense if the
27 person does any of the following:

28 a. Violates the terms of an absenteeism prevention plan
29 entered into under section 299.12, who is referred for
30 prosecution under section 299.12 and is convicted of a violation
31 of any of the provisions of sections 299.1 through 299.5, who
32 violates any of the provisions of sections 299.1 through 299.5,
33 or who refuses.

34 b. Refuses to participate in a school engagement meeting
35 under section 299.12, commits a public offense.

1 c. The person is a parent, guardian, or legal or actual
2 custodian of a child who is of compulsory attendance age, the
3 parent, guardian, or legal or actual custodian has failed to
4 cause the child to attend a public school or an accredited
5 nonpublic school, or to place the child under competent private
6 instruction or independent private instruction in the manner
7 provided in this chapter, and the child is truant.

8 2. a. A first offense is a simple misdemeanor and a
9 conviction is punishable by imprisonment not exceeding ten days
10 or a fine not exceeding one hundred dollars. The court may
11 order the person to perform not more than forty hours of unpaid
12 community service instead of any fine or imprisonment.

13 b. A second offense is a serious misdemeanor and a conviction
14 is punishable by imprisonment not exceeding twenty days or a
15 fine not exceeding five hundred dollars, or both a fine and
16 imprisonment. The court may order the person to perform unpaid
17 community service instead of any fine or imprisonment.

18 c. A third or subsequent offense is a serious misdemeanor and
19 a conviction is punishable by imprisonment not exceeding thirty
20 days or a fine not exceeding one thousand dollars, or both a
21 fine and imprisonment. The court may order the person to perform
22 unpaid community service instead of any fine or imprisonment.

23 ~~2.~~ 3. If community service is imposed as part of a
24 sentencing order, the court may require that part or all
25 of the service be performed for a public school district or
26 nonpublic school if the court finds that service in the school
27 is appropriate under the circumstances.

28 ~~3.~~ 4. If a parent, guardian, or legal or actual custodian
29 of a child who is truant, has made reasonable efforts to comply
30 with the provisions of sections 299.1 through 299.5, but is
31 unable to cause the child to attend school, the parent, guardian,
32 or legal or actual custodian may file an affidavit listing the
33 reasonable efforts made by the parent, guardian, or legal or
34 actual custodian to cause the child's attendance and the parent,
35 guardian, or legal or actual custodian shall not be criminally

1 liable for the child's nonattendance.

2 Sec. 5. Section 299.12, subsection 1, Code 2025, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. 0a. "Absent" means when a student is not
5 present at school unless the student is not present at school
6 due to an exception described in section 299.1, subsection 4,
7 paragraph "b", or section 299.2, that applies to the student.

8 Sec. 6. Section 299.12, subsection 2, paragraph a, Code 2025,
9 is amended to read as follows:

10 a. When a ~~child~~ student becomes chronically absent, a school
11 official shall send a notice by ordinary mail or electronic mail
12 that includes information related to the student's absences from
13 school and the policies and disciplinary processes associated
14 with additional absences to the all of the following individuals:

15 (1) The county attorney of the county in which the public
16 school's central administrative office is located, ~~and a notice~~
17 ~~by certified mail to the child's.~~

18 (2) The student's parent, guardian, or legal or actual
19 custodian of the child student, if the child student is not an
20 emancipated minor, ~~or to the child.~~

21 (3) The student, if the child student is an emancipated
22 minor, ~~that includes information related to the child's~~
23 ~~absences from school and the policies and disciplinary processes~~
24 ~~associated with additional absences.~~

25 Sec. 7. Section 299.12, subsection 2, paragraph b, unnumbered
26 paragraph 1, Code 2025, is amended to read as follows:

27 A school official may send the notice described in paragraph
28 "a" prior to a ~~child at risk of~~ student becoming chronically
29 absent if all of the following requirements are satisfied:

30 Sec. 8. Section 299.12, subsection 3, paragraph a,
31 subparagraphs (1) and (2), Code 2025, are amended to read as
32 follows:

33 (1) If a ~~child~~ student is absent from school for greater
34 than or equal to fifteen percent of the days or hours in the
35 grading period, a school official shall attempt to find the

1 cause for the child's student's absences and shall initiate and
2 participate in a school engagement meeting. The purpose of the
3 school engagement meeting is to identify the child's student's
4 barriers to attendance and the interventions that may be used to
5 improve the child's student's attendance. The school official
6 shall send a notice by certified mail to the student's parent,
7 guardian, or legal or actual custodian of the student, if the
8 student is not an emancipated minor, or to the student, if the
9 student is an emancipated minor, regarding the school engagement
10 meeting that includes information related to the policies and
11 disciplinary processes associated with additional absences and
12 failing to participate in the school engagement meeting.

13 (2) A school official may initiate and participate in a
14 school engagement meeting as provided in subparagraph (1) prior
15 to a child student being absent from school for greater than
16 or equal to fifteen percent of the days or hours in a school
17 calendar.

18 Sec. 9. Section 299.12, subsection 3, paragraph b,
19 subparagraphs (1) and (2), Code 2025, are amended to read as
20 follows:

21 (1) The child student.

22 (2) The child's student's parent, guardian, or legal or
23 actual custodian, if the child student is not an emancipated
24 minor.

25 Sec. 10. Section 299.12, subsection 3, paragraph c,
26 subparagraph (1), Code 2025, is amended to read as follows:

27 (1) During the school engagement meeting, the participants
28 shall create and sign an agreement that shall be known as
29 an absenteeism prevention plan. Each participant signing the
30 absenteeism prevention plan shall receive a copy of the plan.
31 The absenteeism prevention plan shall identify the causes of the
32 child's student's absences and the future responsibilities of
33 each participant related to the child's student's attendance.

34 Sec. 11. Section 299.12, subsection 3, paragraphs e and f,
35 Code 2025, are amended to read as follows:

1 e. If the participants in the school engagement meeting fail
2 to enter into an absenteeism prevention plan, or if the child
3 student or the child's student's parent, guardian, or legal or
4 actual custodian violates a term of the absenteeism prevention
5 plan or fails to participate in the school engagement meeting,
6 the county attorney may initiate a proceeding under section
7 299.6.

8 f. This subsection is not applicable to a child student who
9 is receiving competent private instruction or independent private
10 instruction in accordance with the requirements of chapter 299A.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to compulsory education by modifying
15 provisions related to chronic absenteeism and school engagement
16 meetings.

17 Current law requires the boards of directors of school
18 districts to adopt a policy or rules relating to children who are
19 chronically absent. The bill modifies this provision to provide
20 that the policy or rules relate to students who are chronically
21 absent. Current law establishes that the policy or rules adopted
22 by the boards of directors of school districts must not apply
23 to certain specified children. The bill modifies this provision
24 to provide that the policy or rules must not apply to certain
25 specified students.

26 Current Code section 299.6 provides that any person who
27 violates the compulsory attendance laws commits a public offense.
28 The bill modifies this provision to provide that a person commits
29 a public offense if the person is a parent, guardian, or legal or
30 actual custodian of a child who is of compulsory attendance age,
31 the parent, guardian, or legal or actual custodian has failed
32 to cause the child to attend a public school or an accredited
33 nonpublic school, or to place the child under competent private
34 instruction or independent private instruction in the manner
35 provided in Code chapter 299 (compulsory education), and the

1 child is truant. Under Code section 299.6, a first offense
2 is a simple misdemeanor and a conviction is punishable by
3 imprisonment not exceeding 10 days or a fine not exceeding \$100.
4 Additionally, the court may order the person to perform not more
5 than 40 hours of unpaid community service instead of any fine or
6 imprisonment. A second offense is a serious misdemeanor and a
7 conviction is punishable by imprisonment not exceeding 20 days or
8 a fine not exceeding \$500, or both a fine and imprisonment. The
9 court may order the person to perform unpaid community service
10 instead of any fine or imprisonment. A third or subsequent
11 offense is a serious misdemeanor and a conviction is punishable
12 by imprisonment not exceeding 30 days or a fine not exceeding
13 \$1,000, or both a fine and imprisonment. The court may order the
14 person to perform unpaid community service instead of any fine
15 or imprisonment. Current law provides that any person who is
16 referred for prosecution under Code section 299.12 (failure to
17 attend) and is convicted of a violation of any of the provisions
18 of Code sections 299.1 through 299.5 commits a public offense.
19 The bill strikes this provision.

20 Current Code section 299.12 provides that when a child becomes
21 "chronically absent", a school official is required to send
22 notices to certain interested parties, including the county
23 attorney and either the child's parent, guardian, legal or
24 actual custodian, or the child, and if the child accumulates
25 additional absences, initiate and participate in a school
26 engagement meeting. The bill provides that, for purposes of Code
27 section 299.12, a student can be considered "chronically absent"
28 regardless of whether the student is of compulsory attendance
29 age. The bill makes conforming changes.

30 Current law provides that when a child becomes "chronically
31 absent" under Code section 299.12 (failure to attend), a school
32 official is required to send a notice by certified mail to the
33 child's parent, guardian, or legal or actual custodian of the
34 child, if the child is not an emancipated minor, or to the child,
35 if the child is an emancipated minor, that includes information

1 related to the child's absences from school and the policies
2 and disciplinary processes associated with additional absences.
3 The bill modifies this provision to provide that the notice is
4 required to be sent by ordinary mail or electronic mail.

5 Current law provides that if a child is absent from school for
6 greater than or equal to 15 percent of the days or hours in the
7 grading period, a school official shall attempt to find the cause
8 for the child's absences and shall initiate and participate in a
9 school engagement meeting. The bill requires the school official
10 to send a notice by certified mail to the student's parent,
11 guardian, or legal or actual custodian of the student, if the
12 student is not an emancipated minor, or to the student, if the
13 student is an emancipated minor, regarding the school engagement
14 meeting that includes information related to the policies and
15 disciplinary processes associated with additional absences and
16 failing to participate in the school engagement meeting.

17 For purposes of determining whether a student is "absent"
18 under Code section 299.12, the bill provides that a student's
19 absence that is related to either the exceptions described in the
20 school district's policy or rules relating to children who are
21 chronically absent, or to the exceptions set out in Code section
22 299.2, shall not be considered an absence. Those exceptions
23 apply to any child: who has completed the requirements for
24 graduation in a public school district or has obtained a high
25 school equivalency diploma, who is excused for sufficient reason
26 by any court of record or judge, while the child is attending
27 religious services or receiving religious instructions, who is
28 unable to attend school due to legitimate medical reasons, who
29 has an individualized education program that affects the child's
30 attendance, who has a plan under section 504 of the federal
31 Rehabilitation Act that affects the child's attendance, who is
32 attending an accredited private college preparatory school, who
33 has been excused under Code section 299.22 (deaf or hard of
34 hearing and blind children), or who is exempted under Code
35 section 299.24 (religious groups exempted from school standards).