HOUSE FILE 2547
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2254)

(As Amended and Passed by the House March 12, 2024)
ALL New Language by the House

A BILL FOR

An Act relating to education, including by requiring school engagement meetings and attendance cooperation proceedings when children are absent from school, requiring school districts to restrict student use of cellular phones and smartphones, modifying provisions related to open enrollment of truant students, and modifying penalties.

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

DIVISION I

COMPULSORY EDUCATION

Section 1. Section 299.1, Code 2024, is amended to read as follows:

299.1 Attendance requirements —— attendance policies.

1. Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age shall cause the child to attend some public school or an accredited nonpublic school, or place the child under competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, during a school year, as defined under section 279.10.

2. *a.* The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of days or hours of required attendance for the schools under its control.

b. The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year ~~and~~.

3. The board of directors of a public school district or the governing board of an accredited nonpublic school shall adopt a policy ~~or rules relating to the reasons considered to be valid or acceptable excuses for absence from school~~, in consultation with the county attorney of the county in which the public school district's or accredited nonpublic school's central administrative office is located, related to absenteeism and truancy.

4. *a.* The board of directors of a public school district or the governing body of an accredited nonpublic school shall adopt a policy or rules relating to children who are chronically absent. The policy or rules must contain provisions that clearly explain all of the following:

(1) How the board of directors or the governing body

determines whether a child is chronically absent.

(2) The different interventions that the board of directors or the governing body may use when a child is chronically absent.

(3) The different penalties associated with a child being chronically absent.

b. The policy or rules adopted by the board of directors of a public school district or the governing body of an accredited nonpublic school pursuant to paragraph "*a*" must not apply to any child:

(1) Who has completed the requirements for graduation in a public school district or an accredited school or has obtained a high school equivalency diploma under chapter 259A.

(2) Who is excused for sufficient reason by any court of record or judge.

(3) While attending religious services or receiving religious instructions.

(4) Who is unable to attend school due to legitimate medical reasons.

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

Sec. 2. NEW SECTION. **299.1C County attorney.**

The county attorney of the county in which the public school's or accredited nonpublic school's central administrative office is located shall be responsible for the enforcement of this chapter, as described in this chapter. Actions instituted by a county attorney pursuant to this chapter shall be instituted in the county in which the public school's or accredited nonpublic school's central administrative office is located.

Sec. 3. Section 299.6, subsection 1, unnumbered paragraph 1, Code 2024, is amended to read as follows:

Any person who violates ~~a mediation agreement under section 299.5A~~ the terms of an absenteeism prevention plan or an attendance cooperation agreement entered into under section

299.12, who is referred for prosecution under section ~~299.5A~~ 299.12 and is convicted of a violation of any of the provisions of sections 299.1 through 299.5, who violates any of the provisions of sections 299.1 through 299.5, or who refuses to participate in ~~mediation under section 299.5A~~ a school engagement meeting or an attendance cooperation proceeding under section 299.12, commits a public offense.

Sec. 4. Section 299.8, Code 2024, is amended to read as follows:

299.8 "Truant" defined.

Any child of compulsory attendance age, to whom the exceptions described in section 299.2 do not apply, who ~~fails to attend school as provided in this chapter, or as required by the school board's or school governing body's attendance policy, or who fails to attend competent private instruction or independent private instruction under chapter 299A, without reasonable excuse for the absence, shall be deemed to be a truant~~ has been absent from school, for any reason, for at least twenty percent of the days or hours in the school calendar. A finding that a child is truant, however, shall not by itself mean that the child is a child in need of assistance within the meaning of chapter 232 and shall not be the sole basis for a child in need of assistance petition.

Sec. 5. Section 299.11, subsection 2, Code 2024, is amended to read as follows:

2. The truancy officer shall promptly institute proceedings against any person violating any of the provisions of sections 299.1 through ~~299.5A~~ 299.5.

Sec. 6. Section 299.12, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

299.12 Failure to attend.

1. *Definitions.* As used in this section:

a. "Chronically absent" means any absence from school for more than ten percent of the days or hours in the school calendar established pursuant to section 279.10 by a public

school.

b. "School official" means an employee of a public school whose job duties involve identifying children who are at risk for becoming chronically absent, creating interventions to limit the rate of student absenteeism, and participating in the legal process related to student absenteeism.

2. *Chronic absenteeism. a.* When a child becomes chronically absent, a school official shall send a notice by certified mail to the county attorney of the county in which the public school's central administrative office is located, and to the child's parent, guardian, or legal or actual custodian of the child, if the child is not an emancipated minor, or to the child, if the child is an emancipated minor, that includes information related to the child's absences from school and the policies and disciplinary processes associated with additional absences.

b. A school official may send the notice described in paragraph *"a"* prior to a child at risk of becoming chronically absent if all of the following requirements are satisfied:

(1) The county attorney of the county in which the public school's central administrative office is located and the board of directors of the public school agree to the amount of absences that will lead to the school official sending the notice.

(2) The amount of absences that will lead to the school official sending the notice is described in the school's student handbook.

3. *School engagement meeting. a.* (1) If a child is absent from school for greater than or equal to fifteen percent, but less than eighteen percent, of the days or hours in the school calendar, a school official shall attempt to find the cause for the child's absences and shall initiate and participate in a school engagement meeting. The purpose of the school engagement meeting is to identify the child's barriers to attendance and the interventions that may be used to improve

the child's attendance.

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

b. All of the following individuals shall participate in the school engagement meeting:

(1) The child.

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

(3) A school official.

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

(2) A school official shall monitor the participants' compliance with the terms of the absenteeism prevention plan. The school official shall contact the participants at least once each week during the remainder of the school calendar to monitor the performance of the participants under the plan.

d. During the school engagement meeting, the participants may initiate referrals to any services or counseling that the participants believe may be appropriate under the circumstances to improve the child's attendance.

e. If the participants in the school engagement meeting fail to enter into an absenteeism prevention plan, or if the child or the child's parent, guardian, or legal or actual custodian violates a term of the absenteeism prevention plan or fails to participate in the school engagement meeting, the county attorney shall initiate an attendance cooperation proceeding under subsection 4 and shall serve a notice of such initiation on the child's parent, guardian, or legal or actual custodian,

if the child is not an emancipated minor, or on the child, if the child is an emancipated minor, in the manner provided by the rules of civil procedure for service of an original notice.

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

4. *Absenteeism arbitration. a.* (1) When a child becomes truant, a school official shall send a notice to the county attorney of the county in which the public school's central administrative office is located. Within a reasonable time after receipt of the notice, the county attorney shall initiate and participate in an attendance cooperation proceeding under this subsection.

(2) A school official may send a notice to the county attorney, and a county attorney may initiate and participate in an attendance cooperation proceeding under subparagraph (1) prior to a child becoming truant.

b. The county attorney of the county in which the public school's central administrative office is located shall designate any of the following individuals to serve as an arbitrator during the attendance cooperation proceeding:

(1) A judge of this state or the United States.

(2) A neutral, third-party attorney who is licensed to practice law in this state.

c. All of the following individuals shall participate in the attendance cooperation proceeding before the arbitrator selected under paragraph "*b*":

(1) The child.

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

(3) A school official.

(4) The county attorney of the county in which the public school's central administrative office is located, or the county attorney's designee.

d. During the attendance cooperation proceeding, the participants shall attempt to find the cause for the child's absences, identify the child's barriers to attendance, and identify the interventions that may be used to improve the child's attendance.

e. (1) During the attendance cooperation proceeding, the participants shall create and sign an attendance cooperation agreement. The arbitrator shall receive a copy of the attendance cooperation agreement, and each participant signing the agreement shall also receive a copy. The attendance cooperation agreement shall identify the causes of the child's absences and the future responsibilities of each participant related to the child's attendance. The arbitrator may require any clause or provision to be included in the attendance cooperation agreement if the arbitrator reasonably believes such clause or provision will improve the child's attendance.

(2) A school official shall monitor the participants' compliance with the terms of the attendance cooperation agreement. The attendance cooperation agreement shall require a school official to periodically contact the participants to monitor the performance of the participants under the agreement.

f. During the attendance cooperation proceeding, the participants may initiate referrals to any services or counseling that the participants believe may be appropriate under the circumstances to improve the child's attendance.

g. If the participants in the attendance cooperation proceeding fail to enter into an attendance cooperation agreement, or if the child or the child's parent, guardian, or legal or actual custodian violates a term of the agreement or fails to participate in the proceeding, the school official may refer the child to juvenile court or may refer the matter to the county attorney for prosecution within the county where the school's central administrative office is located.

h. The public school and the child's parent, guardian, or

legal or actual custodian, if the child is not an emancipated minor child, or the child, if the child is an emancipated minor, shall equally share the costs of the attendance cooperation proceeding.

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

Sec. 7. Section 299.13, Code 2024, is amended to read as follows:

299.13 Civil enforcement.

A person shall not disseminate or redisseminate information shared with the person pursuant to section ~~299.5A or~~ 299.12, unless specifically authorized to do so by section 217.30~~,~~ ~~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 ~~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 ~~299.5A or~~ 299.12 with respect to the dissemination or redissemination of information shared with the person pursuant to section ~~299.5A or~~ 299.12.

Sec. 8. REPEAL. Section 299.5A, Code 2024, is repealed.

Sec. 9. SCHOOL DISTRICTS —— POLICIES RELATED TO PORTABLE

ELECTRONIC DEVICES.

1. a. On or before December 31, 2024, each school district, shall develop a policy that restricts student use of cellular telephones and smartphones during classroom instructional time.

b. The policy shall describe with specificity the expectations related to student use of cellular telephones and smartphones during the school day and disciplinary actions the school district will take if a student violates the policy.

c. The policy shall apply to all attendance centers within the school district; provided, however, that the policy may establish different expectations and disciplinary actions for different grade levels.

d. The policy shall describe the circumstances in which an employee of the school district may temporarily waive or make exceptions to the policy for a student in cases that require that reasonable exceptions be made.

2. The school district shall make the policy available to the public, including by publishing the policy on the school district's internet site.

Sec. 10. COUNTY ATTORNEYS —— SCHOOL HANDBOOK AND SCHOOL POLICY REVISIONS. On or before December 31, 2024, each school district shall, in consultation with the county attorney of the county in which the school district's central administrative office is located, revise all school district handbooks and policies applicable to students enrolled in prekindergarten through grade eight to incorporate changes this Act has made related to student absenteeism and truancy, and prekindergarten through grade twelve for policies related to portable electronic devices.

Sec. 11. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this division of this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state

cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this division of this Act by and enforcement of this division of this Act against all affected school districts.

DIVISION II

TRUANT STUDENTS —— OPEN ENROLLMENT

Sec. 12. Section 282.18, subsection 2, paragraph b, Code 2024, is amended to read as follows:

b. The board of the receiving district shall enroll the pupil in a school in the receiving district unless the receiving district has insufficient classroom space for the pupil or unless the receiving district has prohibited the pupil from enrolling pursuant to subsection 11A. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. The parent or guardian may withdraw the request at any time prior to the board's action on the application. A denial of a request by the board of a receiving district is not subject to appeal.

Sec. 13. Section 282.18, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 11A. *a.* If a pupil participating in open enrollment is truant as defined in section 299.8, the receiving district may prohibit the pupil from remaining enrolled in the receiving district and from enrolling in the receiving district in the future. A receiving district shall send notification of the receiving district's decision to prohibit the pupil from remaining enrolled in the receiving district pursuant to this paragraph to the pupil's parent or guardian and to the pupil's sending district.

b. The sending district shall enroll the pupil who is

prohibited from remaining enrolled in the receiving district pursuant to paragraph *"a"*.

c. This subsection shall not be construed to prohibit the pupil's parent or guardian from filing a request to transfer pursuant to subsection 2, paragraph *"a"*, subsequent to the receiving district's decision to prohibit the pupil from remaining enrolled in the receiving district.