

House File 2547 - Reprinted

HOUSE FILE 2547
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2254)

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

A BILL FOR

1 An Act relating to education, including by requiring school
2 engagement meetings and attendance cooperation proceedings
3 when children are absent from school, requiring school
4 districts to restrict student use of cellular phones and
5 smartphones, modifying provisions related to open enrollment
6 of truant students, and modifying penalties.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

COMPULSORY EDUCATION

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2
3 Section 1. Section 299.1, Code 2024, is amended to read as
4 follows:

5 **299.1 Attendance requirements — attendance policies.**

6 1. Except as provided in [section 299.2](#), the parent,
7 guardian, or legal or actual custodian of a child who is of
8 compulsory attendance age shall cause the child to attend some
9 public school or an accredited nonpublic school, or place
10 the child under competent private instruction or independent
11 private instruction in accordance with the provisions of
12 chapter 299A, during a school year, as defined under section
13 279.10.

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

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

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

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

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

1 determines whether a child is chronically absent.

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

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

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

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

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

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

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

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

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

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

31 **Sec. 3. Section 299.6, subsection 1, unnumbered paragraph**
32 **1, Code 2024, is amended to read as follows:**

33 Any person who violates ~~a mediation agreement under section~~
34 ~~299.5A~~ the terms of an absenteeism prevention plan or an
35 attendance cooperation agreement entered into under section

1 299.12, who is referred for prosecution under section ~~299.5A~~
2 299.12 and is convicted of a violation of any of the provisions
3 of sections 299.1 through 299.5, who violates any of the
4 provisions of sections 299.1 through 299.5, or who refuses
5 to participate in ~~mediation under section 299.5A~~ a school
6 engagement meeting or an attendance cooperation proceeding
7 under section 299.12, commits a public offense.

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

10 **299.8 "Truant" defined.**

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

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

26 2. The truancy officer shall promptly institute proceedings
27 against any person violating any of the provisions of sections
28 299.1 through ~~299.5A~~ 299.5.

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

31 **299.12 Failure to attend.**

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

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

1 school.

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

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

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

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

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

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

1 the child's attendance.

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

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

8 (1) The child.

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

11 (3) A school official.

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

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

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

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

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

4 *f.* This subsection is not applicable to a child who is
5 receiving competent private instruction or independent private
6 instruction in accordance with the requirements of chapter
7 299A.

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

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

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

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

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

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

29 (1) The child.

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

32 (3) A school official.

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

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

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

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

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

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

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

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

5 *i.* This subsection is not applicable to a child who is
6 receiving competent private instruction or independent private
7 instruction in accordance with the requirements of chapter
8 299A.

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

11 **299.13 Civil enforcement.**

12 A person shall not disseminate or redisseminate information
13 shared with the person pursuant to section ~~299.5A~~ or 299.12,
14 unless specifically authorized to do so by section 217.30,
15 ~~299.5A~~, or 299.12. Unless a prohibited dissemination or
16 redissemination of information is subject to injunction
17 or sanction under other state or federal law, an action
18 for judicial enforcement may be brought in accordance with
19 this section. An aggrieved person, the attorney general,
20 or a county attorney may seek judicial enforcement of the
21 requirements of [this section](#) in an action brought against the
22 public school or accredited nonpublic school or any other
23 person who has been granted access to information pursuant to
24 section ~~299.5A~~ or 299.12. Suits to enforce [this section](#) shall
25 be brought in the district court for the county in which the
26 information was disseminated or redisseminated. Upon a finding
27 by a preponderance of the evidence that a person has violated
28 this section, the court shall issue an injunction punishable
29 by civil contempt ordering the person in violation of this
30 section to comply with the requirements of, and to refrain from
31 any violations of section ~~299.5A~~ or 299.12 with respect to the
32 dissemination or redissemination of information shared with the
33 person pursuant to section ~~299.5A~~ or 299.12.

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

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

1 ELECTRONIC DEVICES.

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

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

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

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

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

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

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

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

6 DIVISION II

7 TRUANT STUDENTS — OPEN ENROLLMENT

8 Sec. 12. Section 282.18, subsection 2, paragraph b, Code
9 2024, is amended to read as follows:

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

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

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

35 *b.* The sending district shall enroll the pupil who is

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

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