

Provisions of SF 2435 Chronic Absenteeism/Truancy

Senate File 2435, p. 22

close of the succeeding fiscal year. Any moneys appropriated pursuant to this subsection that remain unencumbered or unobligated after the completion of payments under section 256.25A, subsection 1, paragraph "a", may be deposited in the therapeutic classroom incentive fund created in section 256.25, as determined by the department.

Sec. 13. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII CHRONIC ABSENTEEISM

Sec. 14. 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 shall adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school related to absenteeism and truancy. The policy may contain attendance requirements that are more stringent than the attendance requirements established under this chapter.

4. *a.* The board of directors of a public school district 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:

Notes Buckton 8/5/24

(Underline is new language amended into existing Code, ~~strikethrough~~ is deletion from current Code. New Subsection or strike and replace is final language in Code.)

Notice public school board and governing body of nonpublic school define days/hours (*state sets minimum for school calendar, but not necessarily for individual students.*)

Does this existing Code section have any impact or grant some local control?

- 1) Requires board policy on absenteeism and truancy (can be more stringent)
- 2) Requires board policy or rules on chronic absenteeism. Specifies required policy or rules elements:

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

(2) The different interventions that the board of directors 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 pursuant to paragraph "a" must not apply to any child:

(1) Who has completed the requirements for graduation in a public school district 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.

(6) Who has a plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, that affects the child's attendance.

Sec. 15. 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. 16. 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 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

Items 1-3 are required elements of the policy or rules.

Little "a" is chronic absenteeism policy

Exceptions: chronic absenteeism local policy or rules must not apply to any child who has:

- 1) Completed grad requirements
- 2) Excused by a court/judge
- 3) Attending religious services/instruction
- 4) Legit medical reasons
- 5) IEP or 504 plan that affects the child's attendance

(Consider equity issues and definitional implications of how these exceptions may impact students.)

County Attorney: County of district admin location is responsible for enforcement.

Any person who violates the prevention plan, or is referred for prosecution and convicted per 299.1 – 299.5 (this whole new law) OR who refuses to participate in the school engagement meeting commits a public offense.

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 under [section 299.12](#), commits a public offense.

Sec. 17. 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 299.1, subsection 4, paragraph "b", or 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~~ has been absent from school, for any reason, for at least twenty percent of the days or hours in the grading period, shall be deemed to be a truant. 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. 18. 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. 19. 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 grading period established 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.*

Truant Defined: child of compulsory attendance age who is absent for at least 20% of hours of the grading period for any reason (except for the stated exceptions above)

Chronically Absent Defined: missed 10% of the grading period (after exceptions)

School official: employee with job duties defined



a. When a child becomes chronically absent, a school official shall send a notice by ordinary mail or electronic mail to the county attorney of the county in which the public school's central administrative office is located, and a notice by certified mail 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 of the days or hours in the grading period, 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.

Chronic Absenteeism Process:

Send notice by ordinary or email to county attorney.
Send notice by certified mail to parent. . .

Notice includes info about child's absences and policies and disciplinary processes associated with additional absences. (in some cases, presumable no disciplinary action, such as a student out for two months with surgery and recovery. . .)

School may send THE NOTICE earlier if

- 1) county attorney agrees and
- 2) provisions of notice are in the student handbook

(Doesn't preclude earlier and or regular notice of attendance and encouragement to get to school, or other process to identify barriers, etc.)

School Engagement Meeting (SEM):

Triggered at 15% of days/hours in grading period:

- 1) school official attempts to find causes
- 2) initiates and participates in the SEM
- 3) Purpose: to ID barriers to attendance and ID interventions

School official may initiate the SEM earlier

Requires specific attendees:

Child, parent/guardian, school official



(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 may initiate a proceeding under section 299.6.

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.

Sec. 20. 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

During SEM,

Create an **absenteeism prevention plan**. Everyone gets a copy. Includes causes of absences and assigns responsibilities.

School official monitors compliance with the terms of the prevention plan.

School official contacts participants weekly for the rest of the year to monitor.

May initiate referrals to other services/counseling.

If folks fail to enter into the prevention plan (does this include the school official?) or if the child or parents violate a term of the plan or fail to participate in the SEM, the county attorney **may** initiate proceedings.

Doesn't apply to home school

Conforming code sections removing mediation references (299.5A)

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. 21. REPEAL. Section 299.5A, Code 2024, is repealed.

Sec. 22. 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.

Repeals mediation code section (299.5A)

The state aid that goes to schools is deemed sufficient to pay the costs of full implementation of this act. *(Does this mean the county attorney can bill the school for court costs?)*

Our county attorney advised us that Iowa Code says hand delivery -- with signature acknowledging receipt - meets the requirement to send vis certified mail

Thoughts: There is local discretion in creating the policy or rules, defining the grading period, but what about other exceptions? Coding from DE will identify students participating in school activities as in attendance. What about student participating in important but non school activities? What about high achieving students involved in national dance competitions, national spelling bee, or other non-school activities?

ESSER state plan may also include suspensions in the number of absences (suspensions are not listed as an exception in the new law, so will count for determine 10% and 15% thresholds). Does this include only out of school suspensions? There is no open enrollment deadline for enrolling in an online school.