

**COMPULSORY ATTENDANCE MEDIATION AGREEMENT
PURSUANT TO 299.5A OF THE 2013 CODE OF IOWA**

WHEREAS, 2013 Code of Iowa Chapter 299.5A sets forth procedures for mediation if a child is a Truant as defined in Section 299.8, and

WHEREAS, in accordance with Chapter 299 of the 2013 Code of Iowa, _____, as Representative of _____ School in Pottawattamie County, has referred _____, hereafter referred to as "Student", whose parents/custodians/guardians are _____ hereafter referred to as "Parent", to the Pottawattamie County Attorney's Office for mediation all in accordance with Iowa Law and;

WHEREAS, that pursuant to 299.5A, no fee shall be charged for this mediation and;

WHEREAS, that pursuant to 299.5A, the parent/guardian/custodian acknowledge, that if the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the County Attorney for mediation or prosecution and the parent/guardian/custodian can decline to participate in mediation process if they so choose and;

WHEREAS, the parent/guardian/custodian acknowledge that declining to sign the mediation agreement may result in prosecution by the County Attorney's office;

WHEREAS, the parties hereto have reached an agreement pursuant to mediation held

WHEREAS, the terms and conditions of which are set forth below, and,

WHEREAS, it is the finding of the mediator that the parties have reached an agreement in accordance with 299.5A as follows:

1. The parent will comply with the attached mediation agreement, which is marked Exhibit "A" attached hereto and incorporated by reference.
2. This mediation agreement applies to the rest of this school year, as well as subsequent school years, as required by 2013 Code of Iowa Section 299.1A.
3. This agreement also applies if the student changes school districts or schools within the State of Iowa.
4. The parent acknowledges that if they violate the Mediation Agreement, then they may be punished under 2013 Code of Iowa 299.6 and 299.6A, Exhibit "B"
5. The student and parent further acknowledge that they have received a copy of the mediation agreement, which sets forth the settlement of all the issues and further responsibilities.

**EXHIBIT A
MEDIATION AGREEMENT**

Student: **Birthdate:** **Grade:** **School:**

DATE OF MEDIATION:

AGREEMENT:

1. Parent will have the child attend all classes every day during the school year, unless properly excused with a physician's note or by the school administration. This includes:
 - a. The physician's note must include the exact nature of the illness and the exact date and times that the student will need to miss school. Any follow up appointments should be noted, as well as limitation of involvement/activity during the school day. Child must be seen in the office by a Doctor/LMHP/Physician Assistant.
 - b. The parent cannot call into the doctor's office to ask for a note excusing the child from school.
 - c. The parent is expected to ensure the school has received the excusal note from the Doctor's office.
 - d. The parent will sign a release of information to the Doctor/LMHP/Physician Assistant/Nurse for the school if requested.
 - e. If the student is sick or feeling sick, and the child has not complied with paragraph (1)(a), the student is expected to go to school and consult the school administrator, nurse, or health associate. That person will make the determination as to whether the student should be excused from school for that specific day (s).
 - f. All doctor's notes must be turned in to the school no later than 3 days after the missed class time.
2. Parent will cause child to attend school on time with no unexcused tardies. This may include taking the child out early before school dismissal time. Tardies can be counted as truant and may result in legal action being taken.
3. Parent agrees to allow the Pottawattamie County Attorney's Office access to attendance/discipline records of the child. This information may be accessed via written or electronic access.

The following signatures indicate an agreement to the Mediation Agreement and the above disclosures:

Student _____ Date _____

Parent _____ SS# _____ DOB _____ Date _____

Parent _____ SS# _____ DOB _____ Date _____

School Administrator _____ Date _____

Mediator _____ Date _____

Copies to: Pottawattamie County Attorney
 School
 Parent/Custodian/Guardian

EXHIBIT B-2013 CODE OF IOWA 299.6

299.6 VIOLATIONS -- COMMUNITY SERVICE OR FINE OR IMPRISONMENT.

Any person who violates a mediation agreement under section 299.5A, who is referred for prosecution under section 299.5A 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, for a first offense, is guilty of a simple misdemeanor.

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

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

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

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

If a parent, guardian, or legal or actual custodian of a child who is truant, has made reasonable efforts to comply with the provisions of sections 299.1 through 299.5, but is unable to cause the child to attend school, the parent, guardian, or legal or actual custodian may file an affidavit listing the reasonable efforts made by the parent, guardian, or legal or actual custodian to cause the child's attendance and the parent, guardian, or legal or actual custodian shall not be criminally liable for the child's nonattendance.