

CHAPTER 88

PRIVATE INSTRUCTION AND DRIVER EDUCATION

S.F. 546

AN ACT relating to private instruction and driver education.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 256.11, subsection 17](#), paragraph c, subparagraph (3), Code 2021, is amended to read as follows:

(3) An online learning platform offered, subject to the initial availability of federal funds, by the department in collaboration with one or more area education agencies or in partnership with school districts and accredited nonpublic schools. The online learning platform may deliver distance education to students, including students receiving ~~independent private instruction as defined in [section 299A.1, subsection 2](#), paragraph “b”~~, competent private instruction under ~~[section 299A.2](#)~~, or private instruction by a nonlicensed person under ~~[section 299A.3 chapter 299A](#)~~, provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under [chapter 272](#) who has online learning experience and the course content meets the requirements established by rule pursuant to [section 256.7, subsection 32](#), paragraph “c”. The department and the area education agencies operating online learning programs pursuant to [section 273.16](#) shall coordinate to ensure the most effective use of resources and delivery of services. Federal funds, if available, may be used to offset what would otherwise be costs to school districts for participation in the program.

Sec. 2. [Section 273.16, subsection 1](#), Code 2021, is amended to read as follows:

1. Subject to an appropriation of funds by the general assembly for this purpose, the area education agencies may offer, separately or in collaboration with other area education agencies, or in partnership with school districts and accredited nonpublic schools, to provide an online learning program to deliver distance education to Iowa’s secondary students, including students receiving ~~independent private instruction as defined in [section 299A.1, subsection 2](#), paragraph “b”~~, competent private instruction under ~~[section 299A.2](#)~~, or private instruction by a nonlicensed person under ~~[section 299A.3 chapter 299A](#)~~.

Sec. 3. [Section 299A.1, subsection 1](#), Code 2021, is amended to read as follows:

1. The parent, guardian, or legal custodian of a child of compulsory attendance age ~~who places may place the child under private instruction shall provide, unless otherwise exempted,~~ competent private instruction or independent private instruction in accordance with [this chapter](#). A parent, guardian, or legal custodian of a child of compulsory attendance age who places the child under private instruction ~~which that is not competent private instruction or independent private instruction,~~ in compliance with [this chapter](#), or who otherwise fails to comply with the requirements of [this chapter](#), is subject to the provisions of [sections 299.1 through 299.4](#) and the penalties provided in [section 299.6](#).

Sec. 4. [Section 299A.1, subsection 2](#), paragraph a, Code 2021, is amended to read as follows:

a. “Competent private instruction” means private either of the following:

(1) Private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under [section 299A.2](#), which results in the student making adequate progress.

(2) Private instruction provided by a parent, guardian, or legal custodian under [section 299A.3](#).

Sec. 5. [Section 299A.1, subsection 2](#), paragraph b, unnumbered paragraph 1, Code 2021, is amended to read as follows:

“Independent private instruction” means private instruction that meets the following criteria:

Sec. 6. [Section 299A.3](#), Code 2021, is amended to read as follows:

299A.3 Private Competent private instruction by nonlicensed person parent, guardian, or legal custodian.

A parent, guardian, or legal custodian of a child of compulsory attendance age providing competent private instruction to the child may meet all of the following requirements:

1. Complete and send, in a timely manner, the report required under [section 299.4](#) to the school district of residence of the child.

2. Ensure that the child under the parent's, guardian's, or legal custodian's instruction is evaluated annually to determine whether the child is making adequate progress, as defined in [section 299A.6](#).

3. Ensure that the results of the child's annual evaluation are reported to the school district of residence of the child and to the department of education by a date not later than ~~June 30~~ August 1 of each the year following the school year in which the child is was under competent private instruction pursuant to [this section](#).

Sec. 7. [Section 299A.4, subsection 1](#), Code 2021, is amended to read as follows:

1. Each child of compulsory attendance age who is receiving competent private instruction shall either be evaluated annually by May ~~1~~ 31, using a nationally recognized standardized achievement evaluation or other assessment tool developed or recognized by the department of education and chosen by the child's parent, guardian, or legal custodian from a list of approved evaluations or assessment tools provided by the department of education or be evaluated annually in the manner provided in [subsection 7](#). The department shall provide information on the cost of and the administration time required for each of the approved evaluations. The department shall provide, as part of approval procedures for evaluations to be used under [this section](#), a mechanism which permits the introduction and approval of new or alternate methods of educational assessment which meet the requirements of [this chapter](#).

Sec. 8. [Section 299A.6](#), Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. [This section](#) shall not be construed to require or prohibit testing on any subject matter at intervals more frequently or at grade levels other than those set forth in [section 256.7, subsection 21](#), paragraph "b", subparagraph (2).

Sec. 9. [Section 321.178, subsection 1](#), paragraph a, subparagraph (4), Code 2021, is amended to read as follows:

(4) Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles. The instruction course shall be first approved by the state department of transportation. Instructional materials creating an awareness about sharing the road with pedestrians, bicycles, and motorcycles shall also be distributed during the course of instruction.

Sec. 10. [Section 321.178A, subsection 2](#), paragraph c, Code 2021, is amended to read as follows:

c. ~~"Teaching parent" means a parent, guardian, or legal custodian of a student who is currently providing competent private instruction to the student pursuant to [section 299A.2](#) or [299A.3](#) and who provided such instruction to the student during the previous year meeting the attendance requirement of [section 299.1, subsection 1](#);~~ who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, "clear driving record" means the individual has not been identified as a candidate for suspension or revocation of a driver's license under the habitual violator or habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

Sec. 11. [Section 321.178A, subsection 3](#), paragraph a, subparagraphs (1), (2), (3), (4), (5), and (6), Code 2021, are amended to read as follows:

(1) ~~Thirty clock hours of classroom instruction.~~

~~(2) Forty~~ Thirty hours of street or highway driving including ~~four~~ three hours of driving after sunset and before sunrise while accompanied by ~~the a~~ a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to [section 321.178](#).

~~(3) (2) Four hours of classroom instruction~~ Instruction concerning substance abuse.

~~(4) (3) A minimum of twenty minutes of instruction~~ Instruction concerning railroad crossing safety.

~~(5) (4)~~ Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in [chapter 142C](#).

~~(6) (5)~~ Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles.

Sec. 12. [Section 321.178A, subsection 3](#), paragraph b, Code 2021, is amended to read as follows:

b. The content of the course of instruction required under [this subsection](#) shall be equivalent to that required under [section 321.178](#). However, reference and study materials, physical classroom requirements, actual classroom hours and minutes, and extra vehicle safety equipment required for instruction under [section 321.178](#) shall not be required for the course of instruction provided under [this section](#).

Sec. 13. [Section 321.178A, subsection 4](#), paragraphs b, e, and g, Code 2021, are amended to read as follows:

b. Documentation that the ~~student is receiving competent private instruction under [section 299A.2](#) or the name of the school district within which the student is receiving instruction under [section 299A.3](#)~~ teaching parent is meeting the attendance requirement of [section 299.1, subsection 1](#).

e. Copies of written tests completed by the student or lesser documentation as may be required by the department.

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, ~~the student's and the teaching parent's name and initials noted next to each entry~~, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

Sec. 14. [Section 321.178A, subsection 5](#), Code 2021, is amended to read as follows:

5. *Intermediate license*. Any student who successfully completes an approved course as provided in [this section](#), passes a driving test to be administered by the department, and is otherwise qualified under [section 321.180B, subsection 2](#), shall be eligible for an intermediate license pursuant to [section 321.180B](#). Twenty of the ~~forty~~ thirty hours of street or highway driving instruction required under [subsection 3](#), paragraph "a", subparagraph ~~(2)~~ (1), may be used to satisfy the requirement of [section 321.180B, subsection 2](#).

Sec. 15. [Section 321.178A](#), Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 7. *Applicability*. [This section](#) shall not be construed to require a teaching parent to apply for or seek approval of the department separate from the course completion and certification requirements of [subsection 4](#).

Approved May 10, 2021