

Education
Taylor Chair
Brown
Gratias

MAR 2 1983

SENATE FILE 332
BY TAYLOR

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to compulsory education for a child between
2 seven and sixteen years of age and providing a penalty.

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

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S.F. 332

1 Section 1. NEW SECTION. 299.1 ATTENDANCE REQUIREMENT.

2 A person having control of a child over seven and under sixteen
3 years of age shall require that the child be enrolled in a
4 public school, nonpublic school, or private instruction.

5 A child enrolled in public school shall be enrolled commenc-
6 ing with the first day of school designated by the board of
7 directors of the school district.

8 The following requirements shall be met by the person hav-
9 ing control of a child enrolled in a nonpublic school or in
10 private instruction:

11 1. On or before September 15 of each year, the person
12 shall submit to the secretary of the school district of the
13 child's residence the name of the child, the age of the child,
14 and the location of the nonpublic school or private
15 instruction. The information shall be submitted on forms
16 provided by the secretary of the school district, if the
17 secretary elects to provide the forms.

18 2. On or before April 15 of each year the person having
19 control of a child enrolled in a nonpublic school or in private
20 instruction shall submit to the secretary of the school
21 district of the child's residence proof of achievement by
22 the child in the basic skills of arithmetic; the communicative
23 arts of reading, writing, grammar, and spelling; and an
24 understanding of United States history, history of Iowa, and
25 the principles of American government. Proof of achievement
26 shall be determined on the basis of tests or other means of
27 evaluation prescribed by the superintendent of public
28 instruction with the approval of the state board of public
29 instruction.

30 3. In addition to the requirements listed in subsections
31 1 and 2, a person enrolling a child in private instruction
32 shall meet periodically with a certificated teacher employed
33 by the board of the school district of residence of the child
34 to review the child's progress toward acquiring the basic
35 skills required in subsection 2.

1 Sec. 2. NEW SECTION. 299.2 EXCEPTIONS.

2 1. Section 299.1 does not apply to a child who:

3 a. Has successfully completed the eighth grade.

4 b. Is so mentally or physically impaired as to be unable
5 to attend a public school program as determined by the area
6 education agency under chapter 281.

7 c. Is attending a private college preparatory school
8 approved or probationally approved under section 257.25, sub-
9 section 13.

10 d. Is enrolled in a program at an institution governed
11 by the state board of regents or the department of social
12 services.

13 2. A person having control of a child required to attend
14 school under section 299.1 who wishes to exercise the excep-
15 tions to attendance listed under subsection 1 shall do so
16 by filing affidavits with the secretary of the resident school
17 district and receiving approval from the board of the resident
18 school district.

19 Sec. 3. NEW SECTION. 299.3 PROOF OF COMPLIANCE.

20 1. Every school district shall maintain enrollment records,
21 on forms prescribed by the department of public instruction,
22 of all children required to attend school under section 299.1
23 who are enrolled in the public schools of the district.

24 2. The secretary of each school district shall submit
25 no later than October 15 of each year to the department of
26 public instruction, on forms prescribed by the department
27 of public instruction, the total number of children required
28 to attend school under section 299.1 who are enrolled in the
29 public schools, listing separately the numbers of children
30 enrolled for each category.

31 Sec. 4. NEW SECTION. 299.4 PENALTY. A person who
32 violates section 299.1 or 299.2, is guilty of a simple
33 misdemeanor, except as otherwise provided in section 299.9.

34 Sec. 5. NEW SECTION. 299.5 CUSTODY OF RECORDS. Records
35 required to be filed under this chapter shall be filed and

1 preserved in the office of the secretary of the school district
2 and with the department of public instruction as a part of
3 the records of the office.

4 Sec. 6. NEW SECTION. 299.6 DEFINITION OF TRUANT. A
5 child over seven and under sixteen years of age who does not
6 meet the requirements of sections 299.1 and 299.2 or does
7 not meet the attendance policies established by the board
8 of the school district of residence is a truant.

9 Sec. 7. NEW SECTION. 299.7 STANDARDS. The board of
10 directors of each school district shall establish attendance
11 standards for public schools within the requirements set forth
12 in this chapter for determining truancy of a child.

13 Sec. 8. NEW SECTION. 299.8 TRUANCY COUNSELOR. The board
14 of directors of each school district shall designate a
15 certificated employee as a truancy counselor who may serve
16 in this capacity in addition to other responsibilities as
17 an employee of the district.

18 The board shall prescribe the duties of the truancy
19 counselor under this chapter and the standards established
20 under section 299.7.

21 Sec. 9. NEW SECTION. 299.9 PROCEEDINGS. The truancy
22 counselor shall contact the person having control over a
23 truant child to ascertain compliance with sections 299.1 and
24 299.2 and may interview the truant student for the same
25 purpose. A written report shall be made to the next regular
26 school board meeting with a recommendation to do any of the
27 following:

28 1. Counsel with the person having control over the truant
29 child and advise the person that willful noncompliance will
30 necessitate proceedings under section 299.4.

31 2. Institute a criminal proceeding under section 299.4
32 against the person having control over a truant child.

33 3. Approve an alternative educational program for the
34 truant child.

35 4. Approve expulsion proceedings against the truant child

1 for violation of this chapter or the standards established
2 by the board under section 299.7.

3 Sec. 10. NEW SECTION. 299.10 RELIGIOUS EXEMPTION. When
4 members or representatives of a local congregation of a
5 recognized church or religious denomination established for
6 ten years or more within the state of Iowa prior to July 1,
7 1967, which professes principles or tenets that differ
8 substantially from the objectives, goals, and philosophy of
9 education embodied in standards set forth in section 257.25,
10 and rules adopted in implementation of that section, file
11 with the superintendent of public instruction proof of the
12 existence of the conflicting tenets or principles, together
13 with a list of the names, ages, and post office addresses
14 of all persons of compulsory school age desiring to be exempted
15 from the compulsory education law and the educational standards
16 law, whose parents or guardians are members of the congregation
17 or religious denomination, the state superintendent, subject
18 to the approval of the state board of public instruction,
19 may exempt the members of the congregation or religious
20 denomination from compliance with any or all requirements
21 of the compulsory education law and the educational standards
22 law for two school years. When the exemption has once been
23 granted, renewal of the exemption for each succeeding school
24 year may be conditioned by the state superintendent, with
25 the approval of the board, upon proof of achievement in the
26 basic skills of arithmetic, the communicative arts of read-
27 ing, writing, grammar, and spelling, and an understanding
28 of United States history, history of Iowa, and the principles
29 of American government, by persons of compulsory school age
30 exempted in the preceding year, which shall be determined
31 on the basis of tests or other means of evaluation selected
32 by the state superintendent with the approval of the board.
33 The testing or evaluation, if required, shall be accomplished
34 prior to submission of the request for renewal of the exemp-
35 tion. Renewal requests shall be filed with the state super-

1 intendent on or before April 15 of the school year preceding
2 the school year for which the applicants desire exemption.

3 Sec. 11. NEW SECTION. 299.11 RELIGIOUS SERVICES OR
4 CLASSES. A child enrolled in a public school under section
5 299.1, or a person having control of a child enrolled in a
6 public school, may request that the child be excused from
7 a portion of the school day for the purposes of attending
8 a religious service or class if the child maintains an
9 acceptable level of performance in the school's academic
10 program.

11 Sec. 12. Section 280.3, unnumbered paragraph 2, Code 1983,
12 is amended to read as follows:

13 A nonpublic school which is unable to meet the minimum
14 educational program may request an exemption from the state
15 board of public instruction. The authorities in charge of
16 the nonpublic school shall file with the superintendent of
17 public instruction the names and locations of all schools
18 desiring to be exempted and the names, ages, and post office
19 addresses of all pupils of compulsory school age who are
20 enrolled. The superintendent, subject to the approval of
21 the state board, may exempt the nonpublic school from
22 compliance with the minimum educational program for two school
23 years. When the exemption has once been granted, renewal
24 of the exemption for each succeeding school year may be
25 conditioned by the state superintendent, with the approval
26 of the board, upon proof of achievement in the basic skills
27 of arithmetic, the communicative arts of reading, writing,
28 grammar, and spelling, and an understanding of United States
29 history, history of Iowa, and the principles of American
30 government, of the pupils of compulsory school age exempted
31 in the preceding year. Proof of achievement shall be
32 determined on the basis of tests or other means of evaluation
33 prescribed by the superintendent of public instruction with
34 the approval of the board of public instruction. The testing
35 or evaluation, if required, shall be accomplished prior to

1 submission of the request for renewal of the exemption.
2 Renewal requests shall be filed with the superintendent of
3 public instruction by April 15 of the school year preceding
4 the school year for which the applicants desire exemption.
5 This section ~~shall~~ does not apply to schools eligible for
6 exemption under section 299-24 299.10.

7 Sec. 13. Chapter 299, Code 1983, is repealed and sections
8 1 through 11 of this Act are enacted in lieu thereof.

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EXPLANATION

10 This bill rewrites the compulsory education chapter.

11 The bill requires a child between seven and sixteen years
12 of age to be enrolled in a public school, nonpublic school,
13 or receive private instruction. The person enrolling a child
14 in private instruction shall meet periodically with a certifi-
15 cated teacher employed by the board of the school district
16 to review the child's progress.

17 The bill provides for the custody of records, defines
18 "truant", permits the board of directors of each school
19 district to establish standards for the public school, requires
20 the board to designate a truancy counselor, and establishes
21 proceedings regarding a truant student.

22 The bill reenacts the religious exemption for a recognized
23 church or religious denomination established for ten years
24 or more prior to 1967, commonly known as the Amish exemption,
25 so that the exemption would be the same as current law
26 provides.

27 The bill permits a child enrolled in a public school to
28 be excused from a portion of the school day to attend a
29 religious service or class if the child maintains a
30 satisfactory academic level.

31 The bill repeals chapter 299 and recreates and refers to
32 sections 299.1 through 299.11.

33 The bill takes effect July 1 following its enactment.

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