

*reprinted*

FILED MAR 16 1989

SENATE FILE 472  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 288)

Passed Senate, Date 4-4-89 (p 1177) Passed House, Date \_\_\_\_\_  
Vote: Ayes 34 Nays 15 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to private and home education and providing a  
2 penalty.

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

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*SF 472*

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1 Section 1. NEW SECTION. 299A.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Academic progress" means academic growth or  
5 development equal to a composite score reflecting growth of  
6 five grade equivalent points as evidenced by the child's  
7 scores on a nationally normed standardized test.

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8 2. "Nonaccredited private school" means a nonpublic school  
9 which is not accredited by the state board of education under  
10 section 256.11, but which meets the requirements of this  
11 chapter.

12 3. "Certificated teacher" means a person who holds a  
13 teacher's certificate issued by the state board of educational  
14 examiners.

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15 4. "Dual enrollment" means the registration of a child in  
16 a public school while enrolled in a nonaccredited private  
17 school or a home education program.

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18 5. "Home education program" means an educational program  
19 provided in a home by a parent or guardian to one or more  
20 students, who have reached the age of seven and are under  
21 sixteen years of age, who are siblings.

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22 6. "Home instructor" means a parent or guardian providing  
23 instruction in a home education program, who holds a minimum  
24 of a high school diploma or its equivalent under chapter 259A.

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25 7. "Local school district" means the public school  
26 district in which the child is enrolled.

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27 8. "Private education program" means an educational  
28 program provided in a nonaccredited private school or home  
29 education program.

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30 9. "Private instructor" means a person providing  
31 instruction in a nonaccredited private school who holds a  
32 minimum of a high school diploma or its equivalent under  
33 chapter 259A.

34 10. "Public school" means a school directly supported in  
35 whole or in part by taxation and accredited by the state board

1 of education under section 256.11.

2455-2 11. "Teaching or classroom assistant" means a person who  
3 is not a private or home instructor, but who assists a private  
4 or home instructor in the provision of instruction in a  
5 nonaccredited private school or home education program and who  
6 holds a minimum of a high school diploma or its equivalent  
7 under chapter 259A.

8 Sec. 2. NEW SECTION. 299A.2 COMPULSORY ATTENDANCE.

3455-9 Notwithstanding any conflicting provisions in chapters 280,  
10 282, and 299, a parent or guardian of a child may place the  
11 child under instruction for one hundred sixty days per  
12 calendar year in one of the following:

13 1. A nonaccredited private school.

14 2. A home education program.

3455, 3441-15 Sec. 3. NEW SECTION. 299A.3 NOTICE OF INTENT.

3455-16 A parent or guardian who places a child in a nonaccredited  
17 private school or a home education program shall annually  
18 provide written notice of intent to the superintendent of  
19 schools of the local school district each school year. The  
20 notice shall include the name and age of the child, the period  
21 of time during which the child has been or will be receiving  
22 instruction in a private education program, an outline and  
23 summary of the course of study, and the name, address, the  
24 educational qualifications of the private or home instructor  
25 and any teaching or classroom assistants, evidence of required  
26 immunizations of the child, and the results of a routine  
27 physical examination of the child completed no more than two  
28 months before the delivery of the notice. The term "course of  
29 study" shall include the subjects covered and the time spent  
30 on the areas of study.

3483, 3396, 3457-31 Sec. 4. NEW SECTION. 299A.4 DUAL ENROLLMENT.

3396-32 A child who is receiving instruction in a private education  
33 program under this chapter shall also register in a public  
34 school for dual enrollment purposes. The child shall be  
35 permitted to participate on the same basis as public school

1 children in any extracurricular activities available to  
2 children in the child's grade or group. The child shall be  
3 included in the public school's basic enrollment under section  
4 442.4 and shall be counted as five-tenths of a pupil, unless  
5 the child is receiving academic remediation. If a child has  
6 received or will be receiving academic remediation under sec-  
7 tion 299A.9, 299A.10, or 299A.11 in a school year in which the  
8 child was or would have been counted as five-tenths of a  
9 pupil, the child shall be counted as one pupil in the  
10 succeeding school year.

3483-

3309-11 Sec. 5. NEW SECTION. 299A.5 QUALIFICATIONS OF PRIVATE  
12 INSTRUCTORS.

3452, 3309-

13 For every thirty children enrolled in a nonaccredited  
14 private school, the board of directors or governing body of  
15 the school shall employ one private instructor who holds a  
16 bachelor's degree from a postsecondary institution. Any  
17 nonaccredited private school which does not meet the  
18 requirements of this section by July 1, 1989, may continue to  
19 conduct private instruction, but must provide proof of  
20 compliance with the requirements by July 1, 1994.

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21 Sec. 6. NEW SECTION. 299A.6 INSTRUCTION.

3453, 3441-

22 A private instruction program shall include, but is not  
23 limited to, language arts, social studies, mathematics,  
24 science, health and physical education, art, and music.

25 Sec. 7. NEW SECTION. 299A.7 PREENROLLMENT ASSESSMENT.

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26 Before a parent or guardian enrolls a child in a private or  
27 home education program, the child must submit to a  
28 preenrollment assessment administered through the local school  
29 district. The assessment shall be developmentally appropriate  
30 for the child's perceived level of intellectual functioning or  
31 discerned grade level, and is not required for other than the  
32 first year of enrollment.

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33 Sec. 8. NEW SECTION. 299A.8 ANNUAL TEST.

346, 3441-

34 Each child enrolled in a private education program shall  
35 annually complete a nationally normed, standardized test,

1 administered through the local school district. The test  
2 shall be chosen by the parent or guardian of the child from a  
3 list of no less than five tests selected and approved by the  
4 department of education for use under this chapter. The test  
5 shall be administered in the building or facility where the  
6 private education program is conducted. The results of the  
7 test shall be submitted to the superintendent of the local  
8 school district.

9 Sec. 9. NEW SECTION. 299A.9 ACADEMIC REMEDIATION.

3455, 3441

-10 If a child enrolled in a private education program fails to  
11 demonstrate academic progress as evidenced by the child's  
12 scores on the test administered pursuant to section 299A.8,  
13 the private or home instructor shall modify the private  
14 education program with the assistance of a certificated  
15 teacher employed by the local school district, to remediate  
16 the academic problem. The modified private education program  
17 shall continue for one semester, after which the child shall  
18 be tested, using a test approved under section 299A.8. If the  
19 results of the test indicate that remediation has resulted in  
20 academic progress, the private or home instructor may return  
21 to an unsupervised private education program. The test used  
22 to determine whether remediation has resulted in academic  
23 progress shall be in addition to the annual test required  
24 under section 299A.8.

25 Sec. 10. NEW SECTION. 299A.10 EDUCATION ASSISTANCE  
26 PROGRAM.

3455, 3441

27 If a child fails to achieve academic progress after one  
28 semester of remediation as described in section 299A.9, the  
29 superintendent of the local school district shall implement an  
30 education assistance program for the child. The board of  
31 directors shall assign a certificated teacher to assist the  
32 private or home instructor for not more than ten hours per  
33 week. The education assistance program shall continue for one  
34 semester, after which the child shall be tested, using a test  
35 approved under section 299A.8. If the results of the test

1 indicate that the education assistance program has resulted in  
3455, 3441-2 academic progress, the private or home instructor may return  
3 to an unsupervised private education program and further  
4 assistance by a certificated teacher shall not be required.  
5 The test administered under this section is in addition to the  
6 test administered under section 299A.8 or 299A.9.

7 Sec. 11. NEW SECTION. 299A.11 ACADEMIC FAILURE.

3455-8 If a child has not achieved academic progress following an  
9 education assistance program conducted under section 299A.10,  
10 the board of directors of the local school district shall  
11 require the parent or guardian of the child to enroll the  
3441-12 child in either a public school, a nonpublic school which has  
13 been accredited by the state board of education under section  
14 256.11, a nonaccredited private school if the child has been  
15 enrolled in a home education program, or a home education  
16 program if the child has been enrolled in a nonaccredited  
17 private school, or may require the continuation of the  
18 education assistance program for an additional semester. In  
19 determining which placement will best serve the child's  
20 educational development, the board shall consider the  
21 interests of the parent or guardian, the recommendations of  
22 the certificated teacher assigned to assist in the education  
23 assistance program, and the results of the tests administered  
24 under sections 299A.8, 299A.9, and 299A.10.

25 Sec. 12. NEW SECTION. 299A.12 APPEAL.

26 The decision of the board of directors of the local school  
27 district may be appealed to the state board of education under  
28 chapter 290. A decision by the state board of education  
29 constitutes final agency action for purposes of judicial  
30 review. Except where the district court has granted a  
31 parent's or guardian's special application for relief, the  
3455-32 private education program from which the child is being  
33 removed shall not be continued during the pendency of the  
34 appeal. Enrollment of a child under section 299A.10 in a  
35 public school or a nonpublic school, which has been accredited

1 by the state board of education under section 256.11, shall  
 2 not preclude reenrollment of a child in a private education  
 3 program if a parent or guardian establishes to the board of  
 4 directors of the local school district that the private  
 5 education program to be offered will result in academic  
 6 progress.

3455-7 Sec. 13. NEW SECTION. 299A.13 HOME INSTRUCTION  
 8 ASSISTANCE.

3346-9 A public school shall develop a home instruction assistance  
 10 program which shall be implemented upon request by a home  
 11 instructor. The program shall not be available to a private  
 3441-12 instructor or a teaching or classroom assistant. The program  
 13 shall include, but need not be limited to, providing a  
 14 certificated teacher to meet regularly with the child and the  
 15 home instructor to assist in instructional planning to achieve  
 16 academic progress in one or more of the subject areas  
 3476-17 specified in section 299A.6.

18 Notwithstanding the provisions of this section, this  
 19 chapter shall not be construed to apply to home instruction  
 20 programs in effect prior to the enactment of this Act.

3441-21 Sec. 14. NEW SECTION. 299A.14 INSTRUCTOR OTHERWISE NOT  
 22 QUALIFIED.

3441, 3309-23 A private or home instructor or a teaching or classroom  
 24 assistant who does not hold a teacher's certificate issued by  
 25 the state board of educational examiners is not a certificated  
 26 teacher.

27 Sec. 15. NEW SECTION. 299A.15 NOT TAX EXEMPT.

3455-28 A home used for a private education program under this  
 29 chapter is not eligible for tax exemption under section 427.1.

30 Sec. 16. NEW SECTION. 299A.16 VIOLATIONS.

31 A person who violates the provisions of this chapter is  
 3455-32 guilty of a serious misdemeanor, punishable by a fine not  
 33 exceeding one thousand dollars, confinement not exceeding one  
 34 year, or the performance of up to one hundred twenty hours of  
 35 unpaid community services, or any combination of a fine,

1 confinement, or community services.

2 EXPLANATION

3 This bill permits private education in the home and in  
 4 certain nonaccredited private schools. Any child who attends  
 5 private education shall be registered with the public school  
 6 district for dual enrollment purposes and must attend school  
 7 or a private education program for one hundred sixty days per  
 8 calendar year. A child is tested once before entering home  
 9 instruction and retested each year to determine whether the  
 10 child is making academic progress. A notice of intent to  
 11 enroll in a private education program must be sent to the  
 12 public school district for each year of private education  
 13 enrollment. Remediation, education assistance, and  
 14 instruction assistance are provided for a home instructor.  
 15 Persons violating this chapter are guilty of a serious mis-  
 16 demeanor.

17 The bill may include a state mandate as defined in chapter  
 18 25B.

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## SENATE FILE 472

S-3396

1 Amend Senate File 472 as follows:

2 1. Page 2, by inserting after line 30, the  
3 following:

4 "By June 1 of the year before a parent or guardian  
5 places a child in a nonaccredited private school or a  
6 home education program, the parent or guardian shall  
7 provide the results of an initial screening and  
8 evidence that a subsequent evaluation is in progress  
9 or completed, if an evaluation is required as a result  
10 of the screening, for vision, hearing, speech, and  
11 motor skills and to determine eligibility for special  
12 education services. The initial screening and any  
13 subsequent evaluation may be performed either by area  
14 education agency personnel or by personnel not  
15 employed by the area education agency, if the other  
16 personnel have been approved by the department of  
17 education to conduct screenings or evaluations. If  
18 the screening or evaluation is performed by personnel  
19 other than those employed by the area education  
20 agency, the parent or guardian shall pay for the cost  
21 of any screening and any subsequent evaluation. If  
22 the screening shows the presence of a vision, hearing,  
23 speech, or motor impairment, the parent or guardian  
24 shall annually provide evidence that appropriate  
25 services are being provided for the child. Services  
26 may be provided either by area education agency  
27 personnel or by means of the parent or guardian  
28 contracting with, and paying for the services of,  
29 private special education services providers. If the  
30 screening or evaluation shows the need for special  
31 education services requiring removal of the child from  
32 the intended educational environment, the child shall  
33 not be placed in a private or home education program  
34 under this chapter without the approval of the special  
35 education director of the area education agency in  
36 accordance with the rules adopted by the state board  
37 of education and the procedures specified in section  
38 281.6."

39 2. Page 3, line 5, by inserting after the word  
40 "remediation" the following: "or is receiving special  
41 education support services provided by area education  
42 agency personnel".

3423-42  
43 3. Page 3, line 10, by inserting after the word  
44 "year." the following: "If a child is receiving  
45 special education support services, as a result of a  
46 screening and any subsequent evaluation showing the  
47 presence of a vision, hearing, speech, or motor  
3423-48  
48 impairment, the child shall be counted as six-tenths  
49 of a pupil. The one-tenth of a pupil weighting  
50 received by a district as a result of the provision of

S-3396

Page 2

3423-1 special education support services shall be  
2 transmitted by the district to the area education  
3 agency which is providing the services."  
4 4. Page 6, line 17, by inserting after the figure  
5 "299A.6" the following: "and the use of area  
6 education agency services for provision of initial  
7 screenings, evaluations, and the provision of special  
8 education support services".

By WALLY HORN

S-3396 FILED MARCH 23, 1989

Withdrawn 4-4-89 (p1176)

SENATE FILE 472

S-3427

1 Amend Senate File 472 as follows:  
2 1. Page 3, line 20, by striking the figure "1994"  
3 and inserting the following: "1991".

By MARK HAGERLA

S-3427 FILED MARCH 27, 1989

Adopted 4-4-89 (p. 1174)

SENATE FILE 472

S-3423

1 Amend the amendment, S-3396, to Senate File 472 as  
2 follows:

3 1. Page 1, line 42, by inserting after the word  
4 "personnel" the following: "or is in the first year  
5 of enrollment in a nonaccredited school or home  
6 education program".

7 2. Page 1, line 48, by inserting after the word  
8 "impairment," the following: "or is in the first year  
9 of enrollment in a private or home education  
10 program,".

11 3. Page 2, line 1, by inserting after the word  
12 "services" the following: ", an initial screening, or  
13 a subsequent evaluation".

By WALLY HORN

S-3423 FILED MARCH 27, 1989

Out of Order 4-4-89 (p. 1176)

SENATE FILE 472

S-3309

- 1 Amend Senate File 472 as follows:
- 2 1. Page 1, by striking lines 32 and 33 and
- 3 inserting the following: "teaching certificate issued
- 4 under chapter 260."
- 5 2. Page 3, line 11, by striking the words
- 6 "QUALIFICATIONS OF" and inserting the following:
- 7 "PUPIL-TEACHER RATIO FOR".
- 8 3. Page 3, lines 15 and 16, by striking the words
- 9 "who holds a bachelor's degree from a postsecondary
- 10 institution".
- 11 4. Page 6, line 23, by striking the words
- 12 "private or".

By WALLY HORN

S-3309 FILED MARCH 20, 1989

*Withdrawn 4-4-89 (p 1176)*

SENATE FILE 472

S-3346

- 1 Amend Senate File 472 as follows:
- 2 1. Page 6, line 9, by inserting after the word
- 3 "school" the following: "district".
- 4 2. Page 6, line 11, by inserting after the word
- 5 "instructor." the following: "Programs developed may
- 6 be operated by or contracted for by the public school
- 7 district. Districts contracting for the operation of
- 8 a home instruction assistance program shall contract
- 9 with either an area education agency or another public
- 10 school district for the provision of program
- 11 services."

By WILMER RENSINK

S-3346 FILED MARCH 20, 1989

*Adopted 4-4-89 (p 1177)*

## SENATE FILE 472

S-3441

1 Amend Senate File 472 as follows:

2 1. Page 1, by inserting after line 26, the  
3 following:

4 "\_\_\_\_\_. "Noncertificated teacher" or  
5 "noncertificated instructor" means a person who does  
6 not hold a teacher's certificate issued by the state  
7 board of educational examiners, but who provides  
8 instruction in a school in a local school district and  
9 holds a bachelor's degree from a postsecondary  
10 institution."

11 2. Page 2, by inserting after line 14, the  
12 following:

13 "\_\_\_\_\_. An instructional program provided by a  
14 noncertificated teacher in a public or accredited  
15 nonpublic school under section 299A.13A."

16 3. Page 3, line 22, by inserting after the word  
17 "program" the following: "or educational program  
18 provided by a noncertificated teacher in a public or  
19 accredited nonpublic school".

20 4. Page 3, line 27, by inserting after the word  
21 "program" the following: "or a program under section  
22 299A.13A".

23 5. Page 3, line 34, by inserting after the word  
24 "program" the following: "or an instructional program  
25 provided under section 299A.13A".

26 6. Page 4, line 10, by inserting after the word  
27 "program" the following: "or an instructional program  
28 provided under section 299A.13A".

29 7. Page 4, line 13, by inserting after the word  
30 "home" the following: "or noncertificated".

A 31 8. Page 4, line 16, by inserting after the word  
32 "program" the following: "or modified instructional  
33 program under section 299A.13A".

B 34 9. Page 4, line 20, by inserting after the word  
35 "home" the following: "or noncertificated".

36 10. Page 4, line 32, by inserting after the word  
37 "home" the following: "or noncertificated".

38 11. Page 5, line 2, by inserting after the word  
39 "home" the following: "or noncertificated".

40 12. Page 5, line 3, by inserting after the word  
41 "program" the following: "or instructional program  
42 under section 299A.13A".

43 13. Page 5, line 12, by inserting after the word  
44 "either" the following: "regular instruction in".

45 14. Page 5, line 12, by inserting before the  
46 words "a nonpublic" the following: "regular  
47 instruction in".

A 48 15. Page 6, line 12, by inserting after the word  
49 "program" the following: "or instructional program  
50 under section 299A.13A".

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Page 2

R 1 16. Page 6, by inserting after line 20, the  
 2 following:  
 3 "Sec. \_\_\_\_ . NEW SECTION. 299A.13A NONCERTIFICATED  
 4 INSTRUCTION IN PUBLIC AND NONPUBLIC SCHOOLS.  
 5 With the permission of a parent or guardian, a  
 6 public school or an accredited nonpublic school may  
 7 provide instruction using noncertificated teachers,  
 8 notwithstanding the accreditation requirements of  
 9 section 256.11."  
 10 17. Page 6, line 23, by inserting after the word  
 11 "home" the following: "or noncertificated".  
 By RICHARD VARN

S-3441 FILED MARCH 28, 1989

DIVISION A-RULED OUT OF ORDER, DIVISION B-RULED OUT OF ORDER

3-28-89 (p.1044) R

SENATE FILE 472 REQ. BY SEN. BAGERLA  
FISCAL NOTE

A fiscal note for SF 472 AS AMENDED BY S3455 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment S3455 requires the Department of Education to employ a coordinator to gather information on standardized tests and noncertified private and home education curricula, collect test scores of students enrolled in noncertified private and home education programs, and be a source of information on this issue.

The amendment also establishes a Noncertified Educational Programs Advisory Committee to advise and make recommendations to the Department of Education and the State Board of Education on matters affecting noncertified private and home education programs. The committee will be made up of five members who are participants in alternative school or noncertified private or home education programs. They will be reimbursed for expenses and may be eligible to receive compensation as provided in Section 7E.6, Code of Iowa.

The amendment directs the school district to hire certificated personnel to provide instructional services on a consulting basis to instructors or parents of students enrolled in noncertified home education programs. If an education assistance program is in place, assistance will be provided for not less than five hours per week. Students will also be registered in a public school for dual enrollment purposes and will be counted as one pupil. If notice of intent to enroll a child in a noncertified private or home education program is filed, the local school district will form a committee within ninety days to assist and advise the district in the development of a program.

Fiscal Effect:

It is estimated that the yearly cost will be \$47,000 for the Department of Education to employ and provide support services for a consultant, and \$6,000 to establish the Noncertificated Educational Programs Advisory Committee and meet their expenses.

At this time it is not possible to estimate the total cost to the local school districts to monitor and consult on nonaccredited private or home school education programs as there is no exact count on students who will be enrolled in these programs. The average salary for a certificated teacher is \$25,800. For FY 1990, the school district would receive an average of \$2,292 in state foundation aid from the school aid formula for each student enrolled for dual enrollment purposes.

Source: Department of Education (LSB 1765s.2, AAW)

## SENATE FILE 472

S-3455

1 Amend Senate File 472 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Sec. \_\_\_\_ . Section 256.9, Code 1989, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 35. Employ a coordinator to  
7 assist the department in gathering information on  
8 standardized tests and noncertified private and home  
9 education curricula, collecting test scores of  
10 students enrolled in noncertified private and home  
11 education programs, and disbursing information about  
12 the programs, standardized tests, and curricula to the  
13 area education agencies and public school districts  
14 and the chairpersons of the committees on education of  
15 the senate and house of representatives.

16 Sec. \_\_\_\_ . NEW SECTION. 256.15A NONCERTIFIED  
17 EDUCATIONAL PROGRAMS ADVISORY COMMITTEE.

3590  
18 A noncertified educational programs advisory  
19 committee is established to advise and make  
20 recommendations to the department and state board of  
21 education on matters affecting noncertified private  
22 and home education programs. The committee shall  
23 consist of five members, to be appointed by the  
24 governor, each of whom shall be a citizen of the  
25 United States and a resident of the state of Iowa.  
26 The term of the members is four years. Members of the  
27 committee shall be participants in alternative school  
28 or noncertified private or home education programs.  
29 Duties of the committee shall include, but are not  
30 limited to, recommending curricula, recommending the  
31 use and kinds of tests to be used, and the development  
32 of rules relating to noncertified private and home  
33 education programs under chapter 299A.

34 Committee members shall be reimbursed for actual  
35 and necessary expenses incurred in the performance of  
36 their duties. Members may also be eligible to receive  
37 compensation as provided in section 7E.6. The expense  
38 reimbursements shall be paid from moneys appropriated  
39 to the department of education."

40 2. Page 1, line 8, by striking the word  
41 "Nonaccredited" and inserting the following:  
42 "Noncertified".

43 3. Page 1, line 16, by striking the word  
44 "nonaccredited" and inserting the following:  
45 "noncertified".

46 4. Page 1, line 17, by inserting after the word  
47 "a" the following: "noncertified".

48 5. Page 1, line 18, by striking the word "Home"  
49 and inserting the following: "Noncertified home".

50 6. Page 1, line 19, by inserting before the word

S-3455

Page 2

- 1 "parent" the following: "noncertificated teacher who  
2 is a".
- 3 7. Page 1, by striking lines 20 and 21 and  
4 inserting the following: "students, who have reached  
5 the ages of compulsory attendance under chapter 299,  
6 and who are siblings."
- 7 8. Page 1, line 23, by inserting after the words  
8 "in a" the following: "noncertified".
- 9 9. Page 1, line 28, by striking the word  
10 "nonaccredited" and inserting the following:  
11 "noncertified".
- 12 10. Page 1, line 28, by inserting after the word  
13 "or" the following: "noncertified".
- 14 11. Page 1, line 31, by striking the word  
15 "nonaccredited" and inserting the following:  
16 "noncertified".
- 17 12. Page 1, by striking lines 32 and 33 and  
18 inserting the following: "minimum of a bachelor's  
19 degree and does not hold a teaching certificate issued  
20 under chapter 260."
- 21 13. Page 2, line 5, by striking the words  
22 "nonaccredited private school or" and inserting the  
23 following: "noncertified private school or  
24 noncertified".
- 25 14. Page 2, by striking line 9.
- 26 15. Page 2, line 10, by striking the words and  
27 figures "282, and 299, a" and inserting the following:  
28 "A".
- 29 16. Page 2, by striking lines 11 and 12 and  
30 inserting the following: "child under instruction for  
31 at least the number of days required for attendance in  
32 private equivalent instruction under chapter 299 in  
33 one of the following:".
- 34 17. Page 2, line 13, by striking the word  
35 "nonaccredited" and inserting the following:  
36 "noncertified".
- 37 18. Page 2, line 14, by inserting after the word  
38 "A" the following: "noncertified".
- 39 19. Page 2, by inserting after line 14 the  
40 following:  
41 "A parent who complies with the provisions of this  
42 chapter shall be deemed to have met the attendance  
43 requirements of chapter 299."
- 44 20. Page 2, line 16, by striking the word "non-  
45 accredited" and inserting the following:  
46 "noncertified".
- 47 21. Page 2, line 17, by inserting after the word  
48 "a" the following: "noncertified".
- 350 49 22. Page 2, line 19, by striking the words "each  
50 school year" and inserting the following: "by

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1 February 1 of the year before each school year of  
2 placement".

3 23. Page 2, line 23, by inserting after the word  
4 "study," the following: "the titles, or publisher  
5 where appropriate, of texts or curriculum used,".

3550- 6 24. Page 2, line 31, by inserting after the word  
7 "ENROLLMENT" the following: "AND ALTERNATIVE SCHOOL  
8 PROGRAMS".

9 25. Page 2, line 32, by striking the word  
10 "private" and inserting the following: "noncertified  
11 private or home".

3550- 12 26. Page 3, by striking lines 4 through 10, and  
13 inserting the following: "442.4 and shall be counted  
14 as one pupil. The district shall hire certificated  
15 personnel to provide instructional services on a  
16 consulting basis to parents of students enrolled in  
17 noncertified home education programs or to instructors  
18 in noncertified private schools. The district shall  
19 determine the number of certificated personnel needed  
20 for the instructional services under this section and  
21 develop an alternative school program for provision of  
22 the instructional services. The program shall  
23 include, but is not limited to, providing assistance  
24 in instructional planning to home instructors to  
25 achieve academic progress in one or more subject  
26 areas."

27 27. Page 3, by striking line 13 and inserting the  
28 following:

29 "For up to thirty children, and for every thirty  
30 children beyond the initial thirty, enrolled in a  
31 noncertified".

32 28. Page 3, line 17, by striking the word  
33 "nonaccredited" and inserting the following:  
34 "noncertified".

35 29. Page 3, line 19, by striking the words  
36 "private instruction" and inserting the following:  
37 "noncertified private or home education".

38 30. Page 3, line 22, by striking the words  
39 "private instruction" and inserting the following:  
40 "noncertified private or home education".

41 31. Page 3, line 26, by inserting before the word  
42 "private" the word "noncertified".

43 32. Page 3, line 34, by striking the words  
44 "private education" and inserting the following:  
45 "noncertified private or home education".

46 33. Page 4, line 1, by striking the word  
47 "through" and inserting the following: "jointly by  
48 the parents and".

49 34. Page 4, line 8, by inserting after the word  
50 "district." the following: "The superintendent shall

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1 forward a copy of the results to the department of  
2 education."

3 35. Page 4, line 12, by inserting after the  
4 figure "299A.8," the following: "within thirty days  
5 of obtaining the test results,".

6 36. Page 4, by striking line 16 and inserting the  
7 following: "the academic problem. The modification  
8 of the noncertified private or home education program  
9 shall be subject to the approval of the public school  
10 district superintendent. The decision of the  
11 superintendent shall be considered a decision of the  
12 board under section 290.1 and may be appealed by the  
13 parent or guardian. The modified noncertified private  
14 or home education program".

15 37. Page 4, line 20, by inserting after the word  
16 "progress" the following: "to the child's discerned  
17 grade level".

18 38. Page 4, line 21, by striking the words "an  
19 unsupervised private" and inserting the following: "a  
20 regular noncertified private or home".

3550-21 39. Page 4, line 32, by striking the words "more  
22 than ten" and inserting the following: "less than  
23 five".

24 40. Page 5, line 2, by inserting after the word  
25 "progress" the following: "to the child's discerned  
26 grade level".

27 41. Page 5, line 3, by striking the words "an  
28 unsupervised private" and inserting the following: "a  
29 regular noncertified private or home".

30 42. Page 5, line 14, by striking the word  
31 "nonaccredited" and inserting the following: "non-  
32 certified".

33 43. Page 5, line 16, by striking the word  
34 "nonaccredited" and inserting the following: "non-  
35 certified".

36 44. Page 5, by striking lines 21 through 24, and  
37 inserting the following: "interests of the child, the  
38 results of the tests administered under sections  
39 299A.8, 299A.9, and 299A.10, the interests of the  
40 parent or guardian, and the recommendations of the  
41 certificated teacher assigned to assist in the  
42 education assistance program."

43 45. Page 5, line 32, by striking the word  
44 "private" and inserting the following: "noncertified  
45 private or home".

46 46. Page 6, line 2, by striking the word  
47 "private" and inserting the following: "noncertified  
48 private or home".

49 47. Page 6, line 4, by striking the word  
50 "private" and inserting the following: "noncertified

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1 private or home".

2 48. Page 6, by striking lines 7 through 20, and  
3 inserting the following:

4 "Sec. \_\_\_\_ . NEW SECTION. 299A.13 NONCERTIFIED  
5 PRIVATE AND HOME EDUCATION ADVISORY COMMITTEES.

6 If a notice of intent to enroll a child in a  
7 noncertified private or home education program is  
8 filed with a superintendent under section 299A.3, the  
9 local school district shall form a committee within  
10 ninety days of the receipt of the notice, to assist  
11 and advise the district in the development of an  
12 alternative school program in the district under  
13 section 299A.4."

14 49. Page 6, line 28, by striking the word  
15 "private" and inserting the following: "noncertified  
16 private or home".

17 50. Page 6, line 32, by striking the word  
18 "serious" and inserting the following: "simple".

19 51. By striking page 6, line 33 through page 7,  
20 line 1, and inserting the following: "to exceed one  
21 hundred dollars, confinement not to exceed thirty  
22 days, or the performance of up to one hundred twenty  
23 hours of unpaid community service. The court, in  
24 imposing sentence, shall give preference to the  
25 imposition of unpaid community service over a fine or  
26 confinement and shall give preference to the  
27 imposition of a fine over confinement."

28 52. By renumbering as necessary.

By LARRY MURPHY

S-3455 FILED MARCH 28, 1989

ADOPTED

3-28-89 (p.1043)

Motion to reconsider 3-29-89 (p.1078)

Motion prevailed 4-4-89 (p.1173)

Adopted 4-4-89 (p.1176)

## SENATE FILE 472

S-3483

1 Amend Senate File 472 as follows:

2 1. Page 2, by inserting after line 30, the  
3 following:

3553-4 "By June 1 of the year before a parent or guardian  
5 places a child in a nonaccredited private school or a  
6 home education program, the parent or guardian shall  
7 provide the results of an initial screening and  
8 evidence that a subsequent evaluation is in progress  
9 or completed, if an evaluation is required as a result  
10 of the screening, for vision, hearing, speech, and  
11 motor skills and to determine eligibility for special  
12 education services. The initial screening and any  
13 subsequent evaluation may be performed either by area  
14 education agency personnel or by personnel not  
15 employed by the area education agency, if the other  
16 personnel have been approved by the department of  
17 education to conduct screenings or evaluations. If  
18 the screening or evaluation is performed by personnel  
19 other than those employed by the area education  
20 agency, the parent or guardian shall pay for the cost  
21 of any screening and any subsequent evaluation. If  
22 the screening shows the presence of a vision, hearing,  
23 speech, or motor impairment, the parent or guardian  
24 shall annually provide evidence that appropriate  
25 services are being provided for the child. Services  
26 may be provided either by area education agency  
27 personnel or by means of the parent or guardian  
28 contracting with, and paying for the services of,  
29 private special education services providers. If the  
30 screening or evaluation shows the need for special  
31 education services requiring removal of the child from  
32 the intended educational environment, the child shall  
33 not be placed in a private or home education program  
34 under this chapter without the approval of the special  
35 education director of the area education agency in  
36 accordance with the rules adopted by the state board  
37 of education and the procedures specified in section  
38 281.6."

39 2. Page 3, by inserting after line 10, the  
40 following:

41 "Sec. \_\_\_\_ . NEW SECTION. 299A.4A SPECIAL  
42 EDUCATION SUPPORT SERVICES.

43 If a child is receiving special education support  
44 services through the area education agency, as a  
45 result of a screening and any subsequent evaluation  
46 showing the need for special education support  
47 services, the services shall be provided on the  
48 premises of the area education agency or the public  
49 school. Transportation shall be provided by the  
50 parent if special or additional transportation is

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B 1 required."

2 3. By renumbering as needed.

By WALLY HORN

S-3483 FILED MARCH 29, 1989

3483 A+B - Adopted 4-4-89 (p.1174)

SENATE FILE 472

S-3550

- 1 Amend the amendment, S-3455, to Senate File 472, as  
2 follows:  
3 1. Page 1, lines 27 and 28, by striking the words  
4 "alternative school or".  
5 2. By striking page 2, line 49 through page 3,  
6 line 2.  
7 3. Page 3, by striking lines 6 through 8.  
8 4. Page 3, by striking lines 12 through 26.  
9 5. Page 4, by striking lines 21 through 23.  
10 6. Page 5, by striking lines 2 through 13.

By RAY TAYLOR

WILLIAM W. DIELEMAN

S-3550 FILED APRIL 4, 1989

ADOPTED

4-4-89 (p. 1176)

SENATE FILE 472

S-3553

- 1 Amend the amendment, S-3483, to Senate File 472, as  
2 follows:  
3 1. By striking page 1, line 29, through page 2,  
4 line 1, and inserting the following: "private special  
5 education services providers.""

By RAY TAYLOR

S-3553 FILED APRIL 4, 1989

LOST

4-4-89 (p. 1174)

S-3752

Page 3

1 line 12, and inserting the following:

2 "Sec. \_\_\_\_ NEW SECTION. 299A.13 NONCERTIFIED

3 HOME EDUCATION ADVISORY COMMITTEES.

4 If a notice of intent to enroll a child in a

3210 5 noncertified home education program is filed with a  
6 superintendent under section 299A.3, the local school  
7 district shall form a committee within ninety days of  
8 the receipt of the notice, to assist and advise the  
9 district in the development of an alternative school  
10 program in the district under section 299A.4."

3210 11 40. Page 9, line 15, by striking the words

12 "private or".

3210 13 41. Page 9, line 20, by striking the words

14 "private or".

15 42. Page 9, line 22, by inserting after the  
16 figure "427.1." the following: "If, however, the home  
17 otherwise qualifies for tax exemption under section  
18 427.1, this section shall not prevent the home from  
19 being exempt under that section."

3949, 4143, 3210 20 43. Title Page, line 1, by striking the words

21 "private and".

22 44. By renumbering, relettering, or redesignating  
23 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3752 FILED APRIL 18, 1989

Senate Concurred 5-5-89 (p.1997)



1 Section 1. Section 256.9, Code 1989, is amended by adding  
2 the following new subsection:

3933-3 NEW SUBSECTION. 35. Employ a coordinator to assist the  
4 department in gathering information on standardized tests and  
5 noncertified private and home education curricula, collecting  
6 test scores of students enrolled in noncertified private and  
7 home education programs, and disbursing information about the  
8 programs, standardized tests, and curricula to the area  
9 education agencies and public school districts and the  
10 chairpersons of the committees on education of the senate and  
11 house of representatives.

12 Sec. 2. NEW SECTION. 256.15A NONCERTIFIED EDUCATIONAL  
13 PROGRAMS ADVISORY COMMITTEE.

3933-14 A noncertified educational programs advisory committee is  
15 established to advise and make recommendations to the  
16 department and state board of education on matters affecting  
17 noncertified private and home education programs. The  
18 committee shall consist of five members, to be appointed by  
19 the governor, each of whom shall be a citizen of the United  
20 States and a resident of the state of Iowa. The term of the  
21 members is four years. Members of the committee shall be  
22 participants in noncertified private or home education  
23 programs. Duties of the committee shall include, but are not  
24 limited to, recommending curricula, recommending the use and  
25 kinds of tests to be used, and the development of rules  
26 relating to noncertified private and home education programs  
27 under chapter 299A.

28 Committee members shall be reimbursed for actual and  
29 necessary expenses incurred in the performance of their  
30 duties. Members may also be eligible to receive compensation  
31 as provided in section 7E.6. The expense reimbursements shall  
32 be paid from moneys appropriated to the department of  
33 education.

34 Sec. 3. NEW SECTION. 299A.1 DEFINITIONS.

35 As used in this chapter, unless the context otherwise

1 requires:

2 1. "Academic progress" means academic growth or  
3 development equal to a composite score reflecting growth of  
4 five grade equivalent points as evidenced by the child's  
5 scores on a nationally normed standardized test.

3933-6 2. "Noncertified private school" means a nonpublic school  
7 which is not accredited by the state board of education under  
8 section 256.11, but which meets the requirements of this  
9 chapter.

10 3. "Certificated teacher" means a person who holds a  
11 teacher's certificate issued by the state board of educational  
12 examiners.

3933-13 4. "Dual enrollment" means the registration of a child in  
14 a public school while enrolled in a noncertified private  
15 school or a noncertified home education program.

16 5. "Noncertified home education program" means an  
17 educational program provided in a home by a noncertificated  
18 teacher who is a parent or guardian to one or more students,  
19 who have reached the ages of compulsory attendance under  
20 chapter 299, and who are siblings.

21 6. "Home instructor" means a parent or guardian providing  
22 instruction in a noncertified home education program, who  
23 holds a minimum of a high school diploma or its equivalent  
24 under chapter 259A.

25 7. "Local school district" means the public school  
26 district in which the child is enrolled.

3933-27 8. "Private education program" means an educational  
28 program provided in a noncertified private school or  
29 noncertified home education program.

3933-30 9. "Private instructor" means a person providing  
31 instruction in a noncertified private school who holds a  
32 minimum of a bachelor's degree and does not hold a teaching  
33 certificate issued under chapter 260.

34 10. "Public school" means a school directly supported in  
35 whole or in part by taxation and accredited by the state board

1 of education under section 256.11.

3933-2 11. "Teaching or classroom assistant" means a person who  
3 is not a private or home instructor, but who assists a private  
4 or home instructor in the provision of instruction in a  
5 noncertified private school or noncertified home education  
6 program and who holds a minimum of a high school diploma or  
7 its equivalent under chapter 259A.

8 Sec. 4. NEW SECTION. 299A.2 COMPULSORY ATTENDANCE.

3933-9 A parent or guardian of a child may place the child under  
10 instruction for at least the number of days required for  
11 attendance in private equivalent instruction under chapter 299  
12 in one of the following:

13 1. A noncertified private school.

14 2. A noncertified home education program.

15 A parent who complies with the provisions of this chapter  
16 shall be deemed to have met the attendance requirements of  
17 chapter 299.

18 Sec. 5. NEW SECTION. 299A.3 NOTICE OF INTENT.

3933-19 A parent or guardian who places a child in a noncertified  
20 private school or a noncertified home education program shall  
21 annually provide written notice of intent to the  
22 superintendent of schools of the local school district each  
23 school year. The notice shall include the name and age of the  
24 child, the period of time during which the child has been or  
25 will be receiving instruction in a private education program,  
26 an outline and summary of the course of study, the titles, or  
27 publisher where appropriate, of texts or curriculum used, and  
28 the name, address, the educational qualifications of the  
29 private or home instructor and any teaching or classroom  
30 assistants, evidence of required immunizations of the child,  
31 and the results of a routine physical examination of the child  
32 completed no more than two months before the delivery of the  
33 notice. The term "course of study" shall include the subjects  
34 covered and the time spent on the areas of study.

35 By June 1 of the year before a parent or guardian places a

3933

1 child in a nonaccredited private school or a home education  
2 program, the parent or guardian shall provide the results of  
3 an initial screening and evidence that a subsequent evaluation  
4 is in progress or completed, if an evaluation is required as a  
5 result of the screening, for vision, hearing, speech, and  
6 motor skills and to determine eligibility for special  
7 education services. The initial screening and any subsequent  
8 evaluation may be performed either by area education agency  
9 personnel or by personnel not employed by the area education  
10 agency, if the other personnel have been approved by the  
11 department of education to conduct screenings or evaluations.  
12 If the screening or evaluation is performed by personnel other  
13 than those employed by the area education agency, the parent  
14 or guardian shall pay for the cost of any screening and any  
15 subsequent evaluation. If the screening shows the presence of  
16 a vision, hearing, speech, or motor impairment, the parent or  
17 guardian shall annually provide evidence that appropriate  
18 services are being provided for the child. Services may be  
19 provided either by area education agency personnel or by means  
20 of the parent or guardian contracting with, and paying for the  
21 services of, private special education services providers. If  
22 the screening or evaluation shows the need for special  
23 education services requiring removal of the child from the  
24 intended educational environment, the child shall not be  
25 placed in a private or home education program under this  
26 chapter without the approval of the special education director  
27 of the area education agency in accordance with the rules  
28 adopted by the state board of education and the procedures  
29 specified in section 281.6.

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30 Sec. 6. NEW SECTION. 299A.4 DUAL ENROLLMENT.  
31 A child who is receiving instruction in a noncertified  
32 private or home education program under this chapter shall  
33 also register in a public school for dual enrollment purposes.  
34 The child shall be permitted to participate on the same basis  
35 as public school children in any extracurricular activities

3933-1 available to children in the child's grade or group. The  
2 child shall be included in the public school's basic  
3 enrollment under section 442.4 and shall be counted as five-  
4 tenths of a pupil, unless the child is receiving academic  
5 remediation. If a child has received or will be receiving  
6 academic remediation under section 299A.9, 299A.10, or 299A.11  
7 in a school year in which the child was or would have been  
8 counted as five-tenths of a pupil, the child shall be counted  
9 as one pupil in the succeeding school year.

10 Sec. 7. NEW SECTION. 299A.4A SPECIAL EDUCATION SUPPORT  
11 SERVICES.

12 If a child is receiving special education support services  
13 through the area education agency, as a result of a screening  
14 and any subsequent evaluation showing the need for special  
15 education support services, the services shall be provided on  
16 the premises of the area education agency or the public  
17 school. Transportation shall be provided by the parent if  
18 special or additional transportation is required.

3933-19 Sec. 8. NEW SECTION. 299A.5 QUALIFICATIONS OF PRIVATE  
20 INSTRUCTORS.

21 For up to thirty children, and for every thirty children  
22 beyond the initial thirty, enrolled in a noncertified private  
23 school, the board of directors or governing body of the school  
24 shall employ one private instructor who holds a bachelor's  
25 degree from a postsecondary institution. Any noncertified  
26 private school which does not meet the requirements of this  
27 section by July 1, 1989, may continue to conduct noncertified  
28 private or home education, but must provide proof of  
29 compliance with the requirements by July 1, 1991.

30 Sec. 9. NEW SECTION. 299A.6 INSTRUCTION.

3933-31 A noncertified private or home education program shall  
32 include, but is not limited to, language arts, social studies,  
33 mathematics, science, health and physical education, art, and  
34 music.

35 Sec. 10. NEW SECTION. 299A.7 PREENROLLMENT ASSESSMENT.

1 Before a parent or guardian enrolls a child in a  
3933-2 noncertified private or home education program, the child must  
3 submit to a preenrollment assessment administered through the  
4 local school district. The assessment shall be  
5 developmentally appropriate for the child's perceived level of  
6 intellectual functioning or discerned grade level, and is not  
7 required for other than the first year of enrollment.

8 Sec. 11. NEW SECTION. 299A.8 ANNUAL TEST.

3933-9 Each child enrolled in a noncertified private or home  
10 education program shall annually complete a nationally normed,  
11 standardized test, administered jointly by the parents and the  
12 local school district. The test shall be chosen by the parent  
13 or guardian of the child from a list of no less than five  
14 tests selected and approved by the department of education for  
4063-15 use under this chapter. The test shall be administered in the  
16 building or facility where the private education program is  
17 conducted. The results of the test shall be submitted to the  
18 superintendent of the local school district. The  
19 superintendent shall forward a copy of the results to the  
20 department of education.

21 Sec. 12. NEW SECTION. 299A.9 ACADEMIC REMEDIATION.

3933-22 If a child enrolled in a private education program fails to  
23 demonstrate academic progress as evidenced by the child's  
24 scores on the test administered pursuant to section 299A.8,  
25 within thirty days of obtaining the test results, the private  
26 or home instructor shall modify the private education program  
27 with the assistance of a certificated teacher employed by the  
28 local school district, to remediate the academic problem. The  
29 modification of the noncertified private or home education  
30 program shall be subject to the approval of the public school  
31 district superintendent. The decision of the superintendent  
32 shall be considered a decision of the board under section  
33 290.1 and may be appealed by the parent or guardian. The  
34 modified noncertified private or home education program shall  
35 continue for one semester, after which the child shall be

1 tested, using a test approved under section 299A.8. If the  
2 results of the test indicate that remediation has resulted in  
3 academic progress to the child's discerned grade level, the  
4 private or home instructor may return to a regular  
5 noncertified private or home education program. The test used  
6 to determine whether remediation has resulted in academic  
7 progress shall be in addition to the annual test required  
8 under section 299A.8.

9 Sec. 13. NEW SECTION. 299A.10 EDUCATION ASSISTANCE  
10 PROGRAM.

11 If a child fails to achieve academic progress after one  
12 semester of remediation as described in section 299A.9, the  
13 superintendent of the local school district shall implement an  
14 education assistance program for the child. The board of  
15 directors shall assign a certificated teacher to assist the  
16 private or home instructor for not more than ten hours per  
17 week. The education assistance program shall continue for one  
18 semester, after which the child shall be tested, using a test  
19 approved under section 299A.8. If the results of the test  
20 indicate that the education assistance program has resulted in  
21 academic progress to the child's discerned grade level, the  
22 private or home instructor may return to a regular

3933-23 noncertified private or home education program and further  
24 assistance by a certificated teacher shall not be required.  
25 The test administered under this section is in addition to the  
26 test administered under section 299A.8 or 299A.9.

3933-27 Sec. 14. NEW SECTION. 299A.11 ACADEMIC FAILURE.

28 If a child has not achieved academic progress following an  
29 education assistance program conducted under section 299A.10,  
30 the board of directors of the local school district shall  
31 require the parent or guardian of the child to enroll the  
32 child in either a public school, a nonpublic school which has  
33 been accredited by the state board of education under section  
34 256.11, a noncertified private school if the child has been  
35 enrolled in a home education program, or a home education

1 program if the child has been enrolled in a noncertified  
 2 private school, or may require the continuation of the  
 3 education assistance program for an additional semester. In  
 4 determining which placement will best serve the child's  
 5 educational development, the board shall consider the  
 6 interests of the child, the results of the tests administered  
 7 under sections 299A.8, 299A.9, and 299A.10, the interests of  
 8 the parent or guardian, and the recommendations of the  
 9 certificated teacher assigned to assist in the education  
 10 assistance program.

11 Sec. 15. NEW SECTION. 299A.12 APPEAL.

3933-12 The decision of the board of directors of the local school  
 13 district may be appealed to the state board of education under  
 14 chapter 290. A decision by the state board of education  
 15 constitutes final agency action for purposes of judicial  
 16 review. Except where the district court has granted a  
 17 parent's or guardian's special application for relief, the  
 18 noncertified private or home education program from which the  
 19 child is being removed shall not be continued during the  
 20 pendency of the appeal. Enrollment of a child under section  
 21 299A.10 in a public school or a nonpublic school, which has  
 22 been accredited by the state board of education under section  
 23 256.11, shall not preclude reenrollment of a child in a  
 24 noncertified private or home education program if a parent or  
 25 guardian establishes to the board of directors of the local  
 26 school district that the noncertified private or home  
 27 education program to be offered will result in academic  
 28 progress.

3933-29 Sec. 16. NEW SECTION. 299A.13 HOME INSTRUCTION  
 30 ASSISTANCE.

31 A public school district shall develop a home instruction  
 32 assistance program which shall be implemented upon request by  
 33 a home instructor. Programs developed may be operated by or  
 34 contracted for by the public school district. Districts  
 35 contracting for the operation of a home instruction assistance

1 program shall contract with either an area education agency or  
2 another public school district for the provision of program  
3 services. The program shall not be available to a private  
4 instructor or a teaching or classroom assistant. The program  
5 shall include, but need not be limited to, providing a  
6 certificated teacher to meet regularly with the child and the  
7 home instructor to assist in instructional planning to achieve  
8 academic progress in one or more of the subject areas  
9 specified in section 299A.6.

10 Notwithstanding the provisions of this section, this  
11 chapter shall not be construed to apply to home instruction  
12 programs in effect prior to the enactment of this Act.

13 Sec. 17. NEW SECTION. 299A.14 INSTRUCTOR OTHERWISE NOT  
14 QUALIFIED.

3933-15 A private or home instructor or a teaching or classroom  
16 assistant who does not hold a teacher's certificate issued by  
17 the state board of educational examiners is not a certificated  
18 teacher.

19 Sec. 18. NEW SECTION. 299A.15 NOT TAX EXEMPT.

3933-20 A home used for a noncertified private or home education  
21 program under this chapter is not eligible for tax exemption  
3922-22 under section 427.1.

23 Sec. 19. NEW SECTION. 299A.16 VIOLATIONS.

24 A person who violates the provisions of this chapter is  
25 guilty of a simple misdemeanor, punishable by a fine not to  
26 exceed one hundred dollars, confinement not to exceed thirty  
27 days, or the performance of up to one hundred twenty hours of  
28 unpaid community service. The court, in imposing sentence,  
29 shall give preference to the imposition of unpaid community  
30 service over a fine or confinement and shall give preference  
31 to the imposition of a fine over confinement.

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## SENATE FILE 472

H-3933

- 1 Amend Senate File 472 as amended, passed, and re-  
2 printed by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the words "private  
4 and".
- 5 2. Page 1, line 6, by striking the words "private  
6 and".
- 7 3. Page 1, line 17, by striking the words  
8 "private and".
- 9 4. Page 1, by striking line 22, and inserting the  
10 following: "participants in alternative school or  
11 noncertified home education".
- 12 5. Page 1, line 26, by striking the words  
13 "private and".
- 14 6. Page 2, by striking lines 6 through 9.
- 15 7. Page 2, lines 14 and 15, by striking the words  
16 "noncertificated private school or a".
- 17 8. Page 2, line 28, by striking the words  
18 "noncertified private school or".
- 19 9. Page 2, by striking lines 30 through 33.
- 20 10. Page 3, by striking line 3 and inserting the  
21 following: "is not a home instructor, but who assists  
22 a".
- 23 11. Page 3, line 4, by striking the word "or".
- 24 12. Page 3, by striking lines 12 through 14, and  
25 inserting the following: "in a noncertified home  
26 education program."
- 27 13. Page 3, lines 19 and 20, by striking the  
28 words "a noncertified private school or".
- 29 14. Page 3, lines 22 and 23, by striking the  
30 words "each school year" and inserting the following:  
31 "by February 1 of the year before each school year of  
32 placement".
- 33 15. Page 4, line 1, by striking the words  
34 "nonaccredited private school or a" and inserting the  
35 following: "noncertified".
- 36 16. Page 4, line 25, by striking the words  
37 "private or" and inserting the following:  
38 "noncertified".
- 39 17. Page 4, line 30, by inserting after the word  
40 "ENROLLMENT" the following: "AND ALTERNATIVE SCHOOL  
41 PROGRAMS".
- 42 18. Page 4, line 32, by striking the words  
43 "private or".
- 44 19. Page 5, by striking lines 3 through 9, and  
45 inserting the following: "enrollment under section  
46 442.4 and shall be counted as one pupil. The district  
47 shall hire certificated personnel to provide  
48 instructional services on a consulting basis to  
49 parents of students enrolled in noncertified home  
50 education programs. The district shall determine the

H-3933

Page 2

1 number of certificated personnel needed for the  
 2 instructional services under this section and develop  
 3 an alternative school program for provision of the  
 4 instructional services. The program shall include,  
 5 but is not limited to, providing assistance in  
 6 instructional planning to home instructors to achieve  
 7 academic progress in one or more subject areas."

8 20. Page 5, by striking lines 19 through 29.

9 21. Page 5, line 31, by striking the words  
 10 "private or".

11 22. Page 6, line 2, by striking the words  
 12 "private or".

13 23. Page 6, line 9, by striking the words  
 14 "private or".

402 15 24. Page 6, line 29, by striking the words  
 16 "private or".

17 25. Page 6, line 34, by striking the words  
 18 "private or".

19 26. Page 7, line 5, by striking the words  
 20 "private or".

21 27. Page 7, by striking line 16 and inserting the  
 22 following: "home instructor for not less than five  
 23 hours per".

24 28. Page 7, line 23, by striking the words  
 25 "private or".

26 29. By striking page 7, line 34, through page 8,  
 27 line 2, and inserting the following: "256.11, or may  
 28 require the continuation of the".

29 30. Page 8, line 18, by striking the words  
 30 "private or".

31 31. Page 8, line 24, by striking the words  
 32 "private or".

33 32. Page 8, line 26, by striking the words  
 34 "private or".

35 33. By striking page 8, line 29 through page 9,  
 36 line 12, and inserting the following:

37 "Sec. \_\_\_\_ . NEW SECTION. 299A.13 NONCERTIFIED  
 38 HOME EDUCATION ADVISORY COMMITTEES.

39 If a notice of intent to enroll a child in a  
 40 noncertified home education program is filed with a  
 41 superintendent under section 299A.3, the local school  
 42 district shall form a committee within ninety days of  
 43 the receipt of the notice, to assist and advise the  
 44 district in the development of an alternative school  
 45 program in the district under section 299A.4."

46 34. Page 9, line 15, by striking the words  
 47 "private or".

48 35. Page 9, line 20, by striking the words  
 49 "private or".

50 36. Title Page, line 1, by striking the words

Page 3

1 "private and".

2 37. By renumbering as necessary.

By COMMITTEE ON EDUCATION  
 OLLIE of Clinton, Chairperson

H-3933 FILED APRIL 10, 1989

Indepd 4-17 89 (P 334)

SENATE FILE 472

H-4064

1 Amend Senate File 472, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 31 the  
4 following:

5 "Sec. \_\_\_\_ . 1988 Iowa Acts, chapter 1259, sections  
6 7, 8, and 9, are amended to read as follows:

7 SEC. 7. Notwithstanding section 802.4,  
8 prosecutions for violations of chapter 299, which  
9 occur as the result of the enrollment of a child in a  
10 nonaccredited school which employs instructors who are  
11 not certificated under chapter 260, and which occur  
12 between the effective date of this Act and July 1,  
13 1989 1990, shall be deferred until after July 1, 1989  
14 1990 unless the parent, guardian, or custodian fails  
15 to meet the requirements of section 299.4.

16 This section does not apply to any parent,  
17 guardian, or custodian who has enrolled a child in an  
18 equivalent instruction program which meets the  
19 requirements of section 299.1 on or prior to the  
20 effective date of this Act.

21 SEC. 8. Until July 1, 1989 1990, any person  
22 providing equivalent instruction under section 299.1  
23 shall provide evidence, as part of the report  
24 submitted under section 299.4, that any child  
25 instructed has complied with the immunization  
26 requirements of section 139.9.

27 SEC. 9. Until July 1, 1989 1990, a person who is  
28 not a certified instructor, but who is providing  
29 equivalent instruction under section 299.1, is a  
30 mandatory reporter of child abuse under section  
31 232.69."

By VAN MAANEN of Mahaska

H-4064 FILED APRIL 17, 1989

LOST 1789 (1635)

SENATE FILE 472

H-3922

- 1 Amend Senate File 472, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 22, by inserting after the figure
- 4 "427.1." the following: "If, however, the home
- 5 otherwise qualifies for tax exemption under section
- 6 427.1, this section shall not prevent the home from
- 7 being exempt under that section."

By SPEAR of Lee

H-3922 FILED APRIL 7, 1989

SENATE FILE 472

H-4062

- 1 Amend the amendment, H-3933, to Senate File 472, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 17 and 18 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 2, by striking lines 27 through 29."
- 7 2. Page 1, by inserting after line 32, the
- 8 following:
- 9 "\_\_\_\_\_. Page 3, line 25, by striking the word
- 10 "private" and inserting the following: "noncertified
- 11 home".
- 12 3. Page 2, by inserting after line 14 the
- 13 following:
- 14 "\_\_\_\_\_. Page 6, line 16, by striking the word
- 15 "private" and inserting the following: "noncertified
- 16 home".
- 17 "\_\_\_\_\_. Page 6, line 22, by striking the word
- 18 "private" and inserting the following: "noncertified
- 19 home".
- 20 "\_\_\_\_\_. Page 6, line 25, by striking the word
- 21 "private".
- 22 "\_\_\_\_\_. Page 6, by striking line 26, and inserting
- 23 the following: "home instructor shall modify the
- 24 noncertified home education program".

By COHOON of Des Moines  
SIEGRIST of Pottawattamie  
OLLIE of Clinton

H-4062 FILED APRIL 17, 1989

ADOPTED

SENATE FILE 472

H-4063

- 1 Amend Senate File 472, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 15, by striking the word "shall"
- 4 and inserting the following: "may".

By OLLIE of Clinton

H-4063 FILED APRIL 17, 1989

ADOPTED

HOUSE AMENDMENT TO  
SENATE FILE 472

S-3752

1 Amend Senate File 472 as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, line 5, by striking the words "private  
4 and".

5 2. Page 1, line 6, by striking the words "private  
6 and".

7 3. Page 1, line 17, by striking the words  
8 "private and".

9 4. Page 1, by striking line 22, and inserting the  
10 following: "participants in alternative school or  
11 noncertified home education".

12 5. Page 1, line 26, by striking the words  
13 "private and".

14 6. Page 2, by striking lines 6 through 9.

15 7. Page 2, lines 14 and 15, by striking the words  
16 "noncertificated private school or a".

17 8. Page 2, by striking lines 27 through 29.

18 9. Page 2, by striking lines 30 through 33.

19 10. Page 3, by striking line 3 and inserting the  
20 following: "is not a home instructor, but who assists  
21 a".

22 11. Page 3, line 4, by striking the word "or".

23 12. Page 3, by striking lines 12 through 14, and  
24 inserting the following: "in a noncertified home  
25 education program."

26 13. Page 3, lines 19 and 20, by striking the  
27 words "a noncertified private school or".

28 14. Page 3, lines 22 and 23, by striking the  
29 words "each school year" and inserting the following:  
30 "by February 1 of the year before each school year of  
31 placement".

32 15. Page 3, line 25, by striking the word  
33 "private" and inserting the following: "noncertified  
34 home".

35 16. Page 4, line 1, by striking the words  
36 "nonaccredited private school or a" and inserting the  
37 following: "noncertified".

38 17. Page 4, line 25, by striking the words  
39 "private or" and inserting the following:  
40 "noncertified".

41 18. Page 4, line 30, by inserting after the word  
42 "ENROLLMENT" the following: "AND ALTERNATIVE SCHOOL  
43 PROGRAMS".

44 19. Page 4, line 32, by striking the words  
45 "private or".

46 20. Page 5, by striking lines 3 through 9, and  
47 inserting the following: "enrollment under section  
48 442.4 and shall be counted as one pupil. The district  
49 shall hire certificated personnel to provide  
50 instructional services on a consulting basis to

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Page 2

- 1 parents of students enrolled in noncertified home  
2 education programs. The district shall determine the  
3 number of certificated personnel needed for the  
4 instructional services under this section and develop  
5 an alternative school program for provision of the  
6 instructional services. The program shall include,  
7 but is not limited to, providing assistance in  
8 instructional planning to home instructors to achieve  
9 academic progress in one or more subject areas."  
10 21. Page 5, by striking lines 19 through 29.  
11 22. Page 5, line 31, by striking the words  
12 "private or".  
13 23. Page 6, line 2, by striking the words  
14 "private or".  
15 24. Page 6, line 9, by striking the words  
16 "private or".  
17 25. Page 6, line 15, by striking the word "shall"  
18 and inserting the following: "may".  
19 26. Page 6, line 16, by striking the word  
20 "private" and inserting the following: "noncertified  
21 home".  
22 27. Page 6, line 22, by striking the word  
23 "private" and inserting the following: "noncertified  
24 home".  
25 28. Page 6, line 25, by striking the word  
26 "private".  
27 29. Page 6, by striking line 26, and inserting  
28 the following: "home instructor shall modify the  
29 noncertified home education program".  
30 30. Page 6, line 29, by striking the words  
31 "private or".  
32 31. Page 6, line 34, by striking the words  
33 "private or".  
34 32. Page 7, line 5, by striking the words  
35 "private or".  
36 33. Page 7, by striking line 16 and inserting the  
37 following: "home instructor for not less than five  
38 hours per".  
39 34. Page 7, line 23, by striking the words  
40 "private or".  
41 35. By striking page 7, line 34, through page 8,  
42 line 2, and inserting the following: "256.11, or may  
43 require the continuation of the".  
44 36. Page 8, line 18, by striking the words  
45 "private or".  
46 37. Page 8, line 24, by striking the words  
47 "private or".  
48 38. Page 8, line 26, by striking the words  
49 "private or".  
50 39. By striking page 8, line 29 through page 9,

SENATE FILE 472

S-3949

- 1 Amend the House amendment, S-3752, to Senate File  
2 472, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by striking lines 3 through 31.  
5 2. Page 1, line 36, by striking the words  
6 "private school or a".  
7 3. Page 1, line 38, by striking the word  
8 "striking" and inserting the following: "inserting  
9 before".  
10 4. Page 1, line 39, by striking the words "and  
11 inserting".  
12 5. By striking page 1, line 41, through page 2,  
13 line 16, and inserting the following:  
14 "\_\_\_\_. Page 5, line 3, by striking the word "five-  
15 ".  
16 \_\_\_\_\_. Page 5, by striking lines 4 and 5, and  
17 inserting the following: "one pupil during the first  
18 year of enrollment. In succeeding years, the child  
19 shall be counted as five-tenths of a pupil, unless the  
20 child has received an evaluation by area education  
21 agency personnel, is receiving special education  
22 services through the area education agency, or is  
23 receiving academic remediation. If a child has  
24 received an evaluation by area education agency  
25 personnel, the child shall be counted as one pupil  
26 during the first two years of enrollment and as five-  
27 tenths of a pupil in succeeding years. If a child has  
28 or will be receiving special education or has or will  
29 be receiving".  
30 6. By striking page 2, line 19, through page 3,  
31 line 14.  
32 7. Page 3, by striking lines 20 and 21.

By WILLIAM DIELEMAN

S-3949 FILED APRIL 26, 1989

Withdrawn 5-5-89 (4/9/89)

SENATE FILE 472

S-3810

- 1 Amend the House amendment, S-3752, to Senate File
- 2 472, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 8.
- 5 2. Page 1, line 11, by inserting after the word
- 6 "noncertified" the following: "private or".
- 7 3. Page 1, by striking lines 12 through 27.
- 8 4. Page 1, by striking lines 32 through 34.
- 9 5. Page 1, line 36, by striking the words
- 10 "private school or a".
- 11 6. Page 1, line 38, by striking the word
- 12 "striking" and inserting the following: "inserting
- 13 before".
- 14 7. Page 1, line 39, by striking the words "and
- 15 inserting".
- 16 8. Page 2, line 2, by inserting after the word
- 17 "programs" the following: "or to instructors in
- 18 noncertified private schools".
- 19 9. Page 2, by striking lines 10 through 16.
- 20 10. Page 2, by striking lines 19 through 35.
- 21 11. Page 2, line 37, by inserting before the
- 22 words "home instructor" the following: "private or".
- 23 12. Page 2, by striking lines 39 through 49.
- 24 13. Page 3, line 5, by inserting after the word
- 25 "noncertified" the following: "private or".
- 26 14. Page 3, by striking lines 11 through 14.
- 27 15. Page 3, by striking lines 20 and 21.

By LARRY MURPHY

S-3810 FILED APRIL 19, 1989

withdrawn 5-5-89 (p. 197)

SENATE FILE 472

S-4143

1 Amend the House amendment, S-3752, to Senate File  
2 472, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 3, by inserting before line 20, the  
5 following:

6 "\_\_\_\_. Page 9, by inserting after line 31, the  
7 following:

8 "For the school years which begin and end during  
9 the period commencing July 1, 1989, and ending  
10 September 1, 1994, a parent or guardian who places a  
11 child under instruction in a nonaccredited school  
12 which employs instructors who are not certificated  
13 teachers shall be deemed to have met the requirements  
14 of this chapter and chapter 299, if the nonaccredited  
15 school receives approval from the department of  
16 education, based upon an annual report filed by the  
17 nonaccredited school, that the school is making a good  
18 faith effort to employ certificated instructional  
19 personnel. The state board of education shall adopt  
20 rules defining the term "good faith effort", which  
21 shall include, but is not limited to, policies that  
22 support and encourage noncertificated instructors to  
23 become certificated, advertisements for positions that  
24 state a preference for certificated persons or persons  
25 who can reasonably obtain certification by 1994, and  
26 evidence of the enrollment of noncertificated  
27 instructors in courses leading to certification.""

By WILLIAM DIELEMAN  
LARRY MURPHY

S-4143 FILED MAY 5, 1989

ADOPTED

5589 (4997)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 472  
H-4468

1 Amend the House amendment, S-3752, to Senate File  
2 472, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 3, by inserting before line 20, the  
5 following:

6 " . Page 9, by inserting after line 31, the  
7 following:

8 "For the school years which begin and end during  
9 the period commencing July 1, 1989, and ending  
10 September 1, 1994, a parent or guardian who places a  
11 child under instruction in a nonaccredited school  
12 which employs instructors who are not certificated  
13 teachers shall be deemed to have met the requirements  
14 of this chapter and chapter 299, if the nonaccredited  
15 school receives approval from the department of  
16 education, based upon an annual report filed by the  
17 nonaccredited school, that the school is making a good  
18 faith effort to employ certificated instructional  
19 personnel. The state board of education shall adopt  
20 rules defining the term "good faith effort", which  
21 shall include, but is not limited to, policies that  
22 support and encourage noncertificated instructors to  
23 become certificated, advertisements for positions that  
24 state a preference for certificated persons or persons  
25 who can reasonably obtain certification by 1994, and  
26 evidence of the enrollment of noncertificated  
27 instructors in courses leading to certification.""

RECEIVED FROM THE SENATE

H-4468 FILED MAY 5, 1989

REFUSED TO CONCUR

5-5-89 (p.2570)

Senate invited 5/6 (p.2027)

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 472

To the President of the Senate and the Speaker of the House  
of Representatives:

We, the undersigned members of the conference committee  
appointed to resolve the differences between the Senate and  
the House of Representatives on Senate File 472, a bill for An  
Act relating to private and home education and providing a  
penalty, respectfully make the following report:

- 1. That the conference committee is unable to agree.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

LARRY MURPHY, Chairperson  
WILLIAM DIELEMAN  
WILMER RENSINK  
ELAINE SZYMONIAK  
RAY TAYLOR

DENNIS COHOON, Chairperson  
RON CORBETT  
HORACE DAGGETT  
STEVEN HANSEN  
C. ARTHUR OLLIE

*Reported 5/6 (p. 2655)*

REPORT OF THE CONFERENCE COMMITTEE

ON SENATE FILE 472

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 472, a bill for An Act relating to private and home education and providing a penalty, respectfully make the following report:

1. That the conference committee is unable to agree.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

---

LARRY MURPHY, Chairperson

---

DENNIS COHOON, Chairperson

---

WILLIAM DIELEMAN

---

RON CORBETT

---

WILMER RENSINK

---

HORACE DAGGETT

---

ELAINE SZYMONIAK

---

STEVEN HANSEN

---

RAY TAYLOR

---

C. ARTHUR OLLIE