

EA

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SENATE FILE 239  
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and KERSTEN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to permit private instruction of a child of compulsory  
2 attendance age by a parent, guardian, or custodian upon  
3 provision of notice to the clerk of the district court in the  
4 child's district of residence.

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

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SF 239

1 Section 1. Section 299.1, unnumbered paragraph 4, Code  
2 1991, is amended to read as follows:

3 In lieu of such attendance such child may attend upon  
4 equivalent private instruction by a licensed teacher or by the  
5 child's parent, guardian, or custodian elsewhere.

6 Sec. 2. Section 299.4, Code 1991, is amended to read as  
7 follows:

8 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

9 1. The parent, guardian, or custodian of a child who by  
10 September 15 is over seven and under sixteen years of age, who  
11 places the child under private instruction by a licensed  
12 teacher, not in an accredited or approved school, shall  
13 furnish a report in duplicate, to the district by the earliest  
14 starting date specified in section 279.10, subsection 1. The  
15 secretary shall retain and file one copy and forward the other  
16 copy to the district's area education agency. The report  
17 shall state the name and age of the child, the period of time  
18 during which the child has been or will be under private  
19 instruction for the school year, an outline of the course of  
20 study, texts used, and the name and address of the instructor.  
21 The term "outline of course of study" shall include, but is  
22 not limited to, subjects covered, weekly lesson plans, and  
23 time spent on the areas of study.

24 2. The parent, guardian, or custodian of a child who is  
25 over seven and under sixteen years of age by September 15, who  
26 instructs the child without the assistance of a licensed  
27 teacher, shall send a written notice to the clerk of the  
28 district court in the district of the child's residence within  
29 thirty days of the earliest starting date specified in section  
30 279.10, subsection 1. The clerk shall retain and file the  
31 notice and forward a copy of the notice to the board of the  
32 local public school district and the district's area education  
33 agency. The notice shall state the names and ages of the  
34 children under private instruction, the location at which the  
35 private instruction by the parent, guardian, or custodian is

1 taking place, and contain a certification that the parent,  
2 guardian, or custodian will provide instruction in reading,  
3 language arts, mathematics, social studies, and science. The  
4 notice shall also include at least one of the following:

5     a. Evidence that the parent, guardian, or custodian  
6 providing the instruction holds a baccalaureate degree from an  
7 accredited public or private higher education institution.

8     b. A written statement from a licensed teacher which  
9 certifies that the teacher has examined a portfolio of the  
10 child's work and that the child's progress is adequate for the  
11 child's age and ability.

12     c. The results of a nationally normed standardized  
13 achievement test that demonstrates progress of no less than  
14 the achievement of the fifteenth percentile in the child's  
15 cumulative score, that is administered by a person chosen by  
16 the parent, guardian, or custodian.

17     d. A written statement that the parent, guardian, or  
18 custodian is conscientiously opposed, due to a bona fide  
19 religious belief or training, to the child's attendance at a  
20 public or accredited private school.

21     Instruction methods and curriculum used in private  
22 instruction which is provided by a parent, guardian, or  
23 custodian are not subject to supervision or approval by a  
24 public school district, area education agency, the department  
25 of education, or the state board of education unless the  
26 parent, guardian, or custodian consents to the supervision or  
27 approval, nor is the district, area education agency,  
28 department, or state board obligated to provide services to  
29 children under this type of instruction. A parent, guardian,  
30 or custodian providing instruction under this section is also  
31 not required to provide instruction in any particular subject  
32 matter areas. A child who is the subject of a notice under  
33 this subsection is not truant, as defined in this chapter.

34     Sec. 3. Section 602.8102, Code 1991, is amended by adding  
35 the following new subsection:

1 NEW SUBSECTION. 49A. Carry out duties relating to receipt  
2 and recording of notice of private instruction by a parent or  
3 guardian under section 299.4.

4 Sec. 4. Section 602.8105, subsection 1, Code 1991, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. v. For filing a notice of private  
7 instruction by a parent or guardian under section 299.4, ten  
8 dollars.

9 EXPLANATION

10 This bill permits parents, guardians, and custodians of  
11 children of compulsory attendance age to provide private  
12 instruction to their children, with or without the assistance  
13 of a licensed teacher. A parent, guardian, or custodian who  
14 wishes to act as their child's instructor is required to  
15 submit a notice to the clerk of the district court in the  
16 district of the child's residence, who will in turn send  
17 notice to the local public school district and the area  
18 education agency indicating that the parent, guardian, or  
19 custodian intends to provide private instruction, the names  
20 and ages of the children being instructed, the location of the  
21 place where instruction is being provided, and state that the  
22 parent is providing instruction in reading, language arts,  
23 mathematics, social studies, and science. The filing of the  
24 notice will be at a cost of \$10. The notice may also include  
25 one of a series of other pieces of information relating to the  
26 child's work or academic progress, or the parent's educational  
27 qualifications or religious beliefs. If a parent, guardian,  
28 or custodian chooses the private instruction option, the  
29 public educational entities are not responsible for the  
30 supervision, approval, or maintenance of the child's  
31 education, although the parent, guardian, or custodian may  
32 consent to approval or supervision by public educational  
33 entities, and the child is not considered to be truant.

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