

a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990. For the purposes of this section, "active duty" means full-time duty in the armed forces of the United States, excluding active duty for training purposes only and excluding any period a person was assigned by the armed forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as a cadet or midshipman, however enrolled, at one of the service academies.

Sec. 6. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 22, 1991

## CHAPTER 200

### SCHOOL INSTRUCTION AND ATTENDANCE — TRUANCY

*H.F. 455*

**AN ACT** relating to school instruction and attendance of children of compulsory school attendance age and providing for mediation of truancy issues and penalties.

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

Section 1. Section 280.2, Code 1991, is amended to read as follows:

#### 280.2 DEFINITIONS.

The term "public school" means any school directly supported in whole or in part by taxation. The term "nonpublic school" means any other school which is accredited or which uses licensed practitioners as instructors.

Sec. 2. Section 280.3, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status or place of national origin.

Sec. 3. Section 299.1, Code 1991, is amended to read as follows:

#### 299.1 ATTENDANCE REQUIREMENTS.

The Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is over seven and under sixteen years of age by September 15, in proper physical and mental condition to attend school is of compulsory attendance age, shall enroll cause the child in to attend some public school, commencing as provided an accredited nonpublic school, or competent private instruction in accordance with the provisions of chapter 299B, during a school year, as defined under section 279.10. The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of days of required attendance for the schools under its control.

The board of directors of a public or the governing body of an accredited nonpublic school may, by resolution, require attendance in the public schools for the entire time when the schools are in session in any school year and adopt a policy or rules relating to the reasons considered to be valid or acceptable excuses for absence from school.

A child shall attend an accredited or approved school for at least one hundred twenty days each school year. The requirement shall be met by attendance for at least thirty days each school quarter, or a similar distribution of attendance throughout the school year.

In lieu of such attendance such child may attend upon equivalent instruction by a licensed teacher elsewhere.

Sec. 4. NEW SECTION. 299.1A COMPULSORY ATTENDANCE AGE.

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age.

Sec. 5. Section 299.2, Code 1991, is amended to read as follows:

299.2 EXCEPTIONS.

Section 299.1 shall not apply to any child:

1. Who is over the age of fourteen and is regularly employed.
2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.
  1. Who has completed the requirements for graduation in an accredited school or has obtained a high school equivalency diploma under chapter 259A.
  2. Who is excused for sufficient reason by any court of record or judge.
  3. While attending religious services or receiving religious instructions.
  4. Who is attending a private college preparatory school accredited or probationally accredited under section 256.11, subsection 13.
  5. Who has been excused under section 299.22.
  6. Who is exempted under section 299.24.

Sec. 6. Section 299.3, Code 1991, is amended to read as follows:

299.3 REPORTS FROM PRIVATE ACCREDITED NONPUBLIC SCHOOLS.

Within ten days from receipt of notice from the secretary of the school district within which any private an accredited nonpublic school is conducted, the principal of such the accredited nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to such the secretary of the public school district, within which the accredited nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names, ages, and number of days attendance of each pupil of such the accredited nonpublic school over seven and under sixteen years of age who is of compulsory attendance age, and the course of study pursued by each such child the pupil, the texts used, and the names of the teachers, during the preceding year and from the time of the last preceding report to the time at which a report is required. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

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

299.4 REPORTS AS TO PRIVATE INSTRUCTION.

The parent, guardian, or legal or actual custodian of a child who by September 15 is over seven and under sixteen years of age is of compulsory attendance age, who places the child under competent private instruction under chapter 299B, not in an accredited or approved school, shall furnish a report in duplicate on forms provided by the public school district, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the school year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal or actual custodian of a child, who is placing the child under competent private instruction, for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139.9. The term "outline of course of study" shall include, but is not limited to, subjects covered, weekly lesson plans, and time spent on the areas of study.

Sec. 8. Section 299.5, Code 1991, is amended to read as follows:

**299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.**

The parent, guardian, or legal or actual custodian of a child who is ~~over seven and under sixteen years of age by September 15 of compulsory attendance age~~, who is physically or mentally unable to attend school, or whose presence in school would be injurious to the health of other pupils, shall furnish proofs by affidavit certificate under sections 281.6 and 281.7 as to the physical or mental condition of the child.

**Sec. 9. NEW SECTION. 299.5A MEDIATION.**

If a child is truant as defined in section 299.8, school officers shall attempt to find the cause for the child's absence and use every means available to the school to assure that the child does attend. If the parent, guardian, or legal or actual custodian, or child refuses to accept the school's attempt to assure the child's attendance or the school's attempt to assure the child's attendance is otherwise unsuccessful, the truancy officer shall refer the matter to the county attorney for mediation or prosecution.

If the matter is referred for mediation, the county attorney shall cause a notice of the referral to be sent to the parent, guardian, or legal or actual custodian and designate a person to serve as mediator in the matter. If mediation services are available in the community, those services may be used as the designated mediation service. If mediation services are not available in the community, mediation shall be provided by the county attorney or the county attorney's designee. The mediator shall contact the school, the parent, guardian, or legal or actual custodian, and any other person the mediator deems appropriate in the matter and arrange meeting dates and times for discussion of the child's nonattendance. The mediator shall attempt to ascertain the cause of the child's nonattendance, attempt to cause the parties to arrive at an agreement relative to the child's attendance, and initiate referrals to any agencies or counseling that the mediator believes to be appropriate under the circumstances.

If the parties reach an agreement, the agreement shall be reduced to writing and signed by a school officer, parent, guardian, or legal or actual custodian, and the child. The mediator, the school, and the parent, guardian, or legal or actual custodian shall each receive a copy of the agreement, which shall set forth the settlement of the issues and future responsibilities of each party.

The school district shall be responsible for monitoring any agreements arrived at through mediation. If a parent, guardian, or legal or actual custodian refuses to engage in mediation or violates a term of the agreement, the matter shall be rereferred to the county attorney for prosecution under section 299.6. The county attorney's office or the mediation service shall require the parent, guardian, or legal or actual custodian and the school to pay a fee to help defray the administrative cost of mediation services. The county attorney's office or the mediation service shall establish a sliding scale of fees to be charged parents, guardians, and legal or actual custodians based upon ability to pay. A parent, guardian, or legal or actual custodian shall not be denied the services of a mediator solely because of inability to pay the fee.

Sec. 10. Section 299.6, Code 1991, is amended to read as follows:

**299.6 VIOLATIONS – COMMUNITY SERVICE IN LIEU OF OR FINE OR IMPRISONMENT.**

Any person who ~~shall violate~~ violates a mediation agreement under section 299.5A, who is referred for prosecution under section 299.5A and is convicted of a violation of any of the provisions of sections 299.1 through 299.5, who violates any of the provisions of sections 299.1 to through 299.5, or who refuses to participate in mediation under section 299.5A, inclusive, shall be for a first offense, is guilty of a simple misdemeanor and the court shall.

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

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

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

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

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

Sec. 11. Section 299.8, Code 1991, is amended to read as follows:

**299.8 "TRUANT" DEFINED.**

Any child over seven and under sixteen years of age, in proper physical and mental condition to attend school, of compulsory attendance age who fails to attend school regularly as provided in this chapter, or as required by the school board's or school governing body's attendance policy, or who fails to attend competent private instruction under chapter 299B, without reasonable excuse for the absence, shall be deemed to be a truant. A finding that a child is truant, however, shall not by itself mean that the child is a child in need of assistance within the meaning of chapter 232 and shall not be the sole basis for a child in need of assistance petition.

Sec. 12. Section 299.9, Code 1991, is amended to read as follows:

**299.9 TRUANT SCHOOLS TRUANTS — RULES FOR PUNISHMENT.**

The board of directors may provide for the confinement, maintenance, and instruction of truant children and may for that purpose establish truant schools or set apart separate rooms in any public school building; and it of a public school district or the authorities in charge of an accredited nonpublic school shall prescribe reasonable rules for the punishment of truants.

Sec. 13. Section 299.10, Code 1991, is amended to read as follows:

**299.10 TRUANCY OFFICERS — APPOINTMENT — COMPENSATION.**

The board of each school district may, and in school districts having a population of twenty thousand shall, appoint a truancy officer. The board of each school district, which does not appoint a truancy officer for the district, shall designate a suitable person to collect information on the numbers of children in the district who are truant.

In districts having therein a city, the The board may appoint a member of the police force, or marshal, as such officer, and other districts may appoint a constable a teacher, school official, or other suitable person to serve as the district truancy officer.

Such officers shall be paid a reasonable compensation by the board.

Sec. 14. Section 299.11, Code 1991, is amended to read as follows:

**299.11 DUTIES OF TRUANCY OFFICER.**

The truancy officer shall may take into custody without warrant any apparently truant child and place the child in the charge of the teacher in charge of the public school principal, or the principal's designee, designated by the board of directors of the school district in which said the child resides, or of any private nonpublic school designated by the person having legal control of the child parent, guardian, or legal or actual custodian; but if it is other than a public school, the instruction and maintenance of the child therein shall be without expense to the school district. If a child is taken into custody under this section, the truancy officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal or actual custodian of the child's location.

The truancy officer shall promptly institute ~~criminal~~ proceedings against any person violating any of the provisions of sections 299.1 to ~~299.5~~ through 299.5A.

Sec. 15. Section 299.16, Code 1991, is amended to read as follows:  
299.16 FAILURE TO ATTEND.

School officers shall ascertain the number of children ~~over seven and under sixteen years of age who are of compulsory attendance age~~, in their respective districts, the number of ~~such~~ those children who ~~do not attend school are truant under section 299.8 or who have accumulated fifteen unexcused absences during a three-year period~~, and so far as possible the cause of the failure to attend. School officers shall, until July 1, 1999, biennially report this information to the department of education on forms provided by the department. The department shall attach a summary of the reports, an analysis of the data, and policy recommendations based on the data analysis, along with the department's annual report under section 256.9, subsection 28.

Sec. 16. Section 299.18, Code 1991, is amended to read as follows:  
299.18 EDUCATION — STATE SCHOOL.

Children ~~over seven and under nineteen years of~~ who are of compulsory attendance age and who are so deaf or blind or severely handicapped as to be unable to obtain an education in the ~~common~~ public or accredited nonpublic schools shall be sent to the ~~proper~~ appropriate state operated school ~~therefor~~, or shall receive appropriate special education under chapter 281, unless exempted, and any person having such a child under the person's control or custody shall see that ~~such~~ the child attends ~~such~~ the state operated school or special education program during the scholastic year.

Sec. 17. Section 299.19, Code 1991, is amended to read as follows:  
299.19 PROCEEDING AGAINST PARENT.

Upon the failure of ~~any~~ a person having the custody and control of ~~such~~ a deaf, blind, or severely handicapped child to require ~~its~~ the child's attendance as provided in section 299.18, the state board of regents may make application to the district court or the juvenile court of the county in which ~~such~~ the person resides for an order requiring ~~such~~ the person to compel the attendance of ~~such~~ the child at the proper state institution operated school.

Sec. 18. Section 299.20, Code 1991, is amended to read as follows:  
299.20 ORDER.

Upon the filing of the application mentioned in section 299.19, the time of hearing shall be determined by the juvenile court or the district court. If, upon hearing, the court determines that the person required to appear has the custody and control of a child who should be required to attend a state operated school under section 299.18, the court shall make an order requiring ~~such~~ the person to keep ~~such~~ the child in attendance at ~~such~~ the state operated school.

Sec. 19. Section 299.22, Code 1991, is amended to read as follows:  
299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

Attendance at the state ~~institution~~ operated school may be excused when the superintendent thereof is satisfied:

1. That the child is in such bodily or mental condition as to prevent or render futile attendance at the school.

2. That the child is so diseased or possesses such habits as to render the child's presence a menace to the health or morals of other pupils.

3. That of the state operated school certifies that an interdisciplinary staffing team has determined, pursuant to the requirements of chapter 281, that the child is efficiently taught for the scholastic year in a private accredited nonpublic or other school devoted to ~~such~~ the instruction, or by a private tutor, in the branches taught in public schools, or is shown to be physically or mentally unable to attend school under section 299.5.

Sec. 20. NEW SECTION. 299B.1 PRIVATE INSTRUCTION.

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

For purposes of this chapter, "competent private instruction" means private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under section 299B.2, or other person under section 299B.3, which results in the student making adequate progress.

For purposes of this chapter and chapter 299, "private instruction" means instruction using a plan and a course of study in a setting other than a public or organized accredited nonpublic school.

Sec. 21. NEW SECTION. 299B.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED PRACTITIONER.

If a licensed practitioner provides competent instruction to a child of compulsory attendance age, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 260 and which is appropriate to the ages and grade levels of the children to be taught. Competent private instruction may include, but is not limited to, instruction or instructional supervision offered through an accredited nonpublic school or public school district by a teacher, who is employed by the accredited nonpublic school or public school district, who assists and supervises a parent, guardian, or legal custodian in providing instruction to a child. If competent private instruction is provided through a public school district, the child shall be enrolled and included in the basic enrollment of the school district. Sections 299B.3 through 299B.7 do not apply to competent private instruction provided by a licensed practitioner under this section.

Sec. 22. NEW SECTION. 299B.3 PRIVATE INSTRUCTION BY NONLICENSED PERSON.

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

1. Complete and send, in a timely manner, the report required under section 299.4 to the school district of residence of the child.
2. Ensure that the child under the parent's, guardian's, or legal custodian's instruction is evaluated annually to determine whether the child is making adequate progress, as defined in section 299B.6.
3. Ensure that the results of the child's annual evaluation are reported to the school district of residence of the child and to the department of education by a date not later than June 30 of each year in which the child is under private instruction.

Sec. 23. NEW SECTION. 299B.4 ANNUAL ACHIEVEMENT TESTS — REQUIREMENTS AND PROCEDURE.

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

2. A child, who is seven years of age and is receiving competent private instruction or who is placed under competent private instruction for the first time, shall be administered a test for purposes of obtaining educational baseline data.

3. The director of the department of education, or the director's designee, which may include a school district or an area education agency, shall conduct the evaluations required under subsections 1 and 2 for children under competent private instruction. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian.

4. The parent, guardian, or legal custodian of a child receiving competent private instruction may be present when the child is evaluated, but only if both the parent, guardian, or legal custodian and the child are under the supervision of the test administrator.

5. The conducting of evaluations shall include, but is not limited to, purchasing of evaluation materials, giving the evaluations, scoring and interpreting the evaluations, and reporting the evaluation results.

6. Except when a child has been enrolled in a public school district under section 299B.8, the parent, guardian, or legal custodian of the child being evaluated shall reimburse the entity conducting the evaluation for no more than the actual cost of evaluation required by this chapter. However, the parent, guardian, or legal custodian is not required to reimburse the evaluating entity for costs incurred as a result of evaluation under section 299B.9.

7. In lieu of annual achievement tests, a parent, guardian, or legal custodian of a child may submit, as evidence of adequate academic progress, all of the following:

a. A book of lesson plans, a diary, or other written record indicating the subjects taught and activities in which the child has been engaged.

b. A portfolio of the child's work, including but not limited to, an outline of the curriculum used by the child, copies of homework completed in conjunction with the curriculum and instruction, and copies of tests completed by the child which have been produced by the parent, guardian, or legal custodian.

c. Completed assessment tests, other than the annual achievement test, if assessment tests are administered to a pupil as part of the competent private instruction by the parent, guardian, or legal custodian.

If a parent, guardian, or legal custodian submits evidence under this section, the information shall be reviewed by a qualified, licensed, Iowa practitioner selected as the evaluator by the parent, guardian, or legal custodian and approved by the superintendent of the local school district or the superintendent's designee. The evaluator shall prepare a report based on a review of the child's work submitted, which shall include an assessment of the child's achievement or academic progress levels, and submit a copy of the report to the child's parent, guardian, or legal custodian, the school district of residence of the child, and the department of education. If the evidence demonstrates, in the evaluator's opinion, that the child is achieving adequate progress, the report shall create a presumption that the child is making adequate progress.

#### Sec. 24. NEW SECTION. 299B.5 REPORTING OF TEST RESULTS.

The results of tests administered to children of compulsory attendance age who are under competent private instruction shall be reported by the test administrator to the child's parent, guardian, or legal custodian, the school district of residence of the child, and the department of education. Personally identifiable information relating to or contained in the test scores is confidential and shall not be released without the prior consent of the child's parent, guardian, or custodian except as otherwise permitted by law.

#### Sec. 25. NEW SECTION. 299B.6 FAILURE TO MAKE ADEQUATE PROGRESS.

If the results of tests, administered to a child of compulsory attendance age who is under competent private instruction, indicate that the student has failed to make adequate progress, the parent, guardian, or legal custodian shall cause the child to attend an accredited public or nonpublic school at the beginning of the next school year unless, before the beginning of

the next school year, the child retakes the same test and the results indicate that adequate progress has been made, the child has demonstrated adequate performance in the opinion of an evaluator and documented in a report under section 299B.4, subsection 7, or the director of the department of education, or the director's designee, grants approval for competent private instruction to continue under a plan for remediation.

A child who is required to attend an accredited public or nonpublic school under this section shall continue attendance at an accredited public or nonpublic school until the child achieves adequate progress.

For purposes of this chapter, "adequate progress" means, for children in all grade levels of competent private instruction, test scores which are above the thirtieth percentile, nationally normed, in each of the areas of reading, mathematics, and language arts, and which indicate either that the child has made six months' progress from the previous test results or that the child is at or above grade level for the child's age. For children in grade levels six and above, "adequate progress" also means that the child has achieved test scores in both science and social studies which are above the thirtieth percentile, nationally normed, and which either indicate that the child has made six months' progress from the previous test results or that the child is at or above grade level for the child's age.

**Sec. 26. NEW SECTION. 299B.7 NOTICE TO PARENTS -- REMEDIATION.**

If a child is placed under competent private instruction and the child fails to make adequate progress under competent private instruction, the director of the department of education, or the director's designee, shall notify the parent, guardian, or custodian of the child that the child is required to attend an accredited public or nonpublic school, unless approval for competent private instruction under a remediation plan is granted. The director, or the director's designee, may provisionally approve continued competent private instruction under an approved remediation plan designed to improve instruction for up to one year.

**Sec. 27. NEW SECTION. 299B.8 DUAL ENROLLMENT.**

If a parent, guardian, or legal custodian of a child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group, and the parent, guardian, or legal custodian shall not be required to pay the costs of any annual testing under this chapter. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under sections 442.4 and 257.6 and shall be counted as one pupil.

**Sec. 28. NEW SECTION. 299B.9 CHILDREN REQUIRING SPECIAL EDUCATION.**

A child of compulsory attendance age who is identified as requiring special education under chapter 281 is eligible for placement under competent private instruction with prior approval of the placement by the director of special education of the area education agency of the child's district of residence.

A child who has been placed under competent private instruction, whose performance indicates that the child may require special education, shall be referred for evaluation under chapter 281 and the rules of the state board of education. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian.

**Sec. 29. NEW SECTION. 299B.10 RULEMAKING.**

The department of education shall develop and recommend and the state board shall adopt rules to implement this chapter.



Sec. 30. ASSESSMENT FOR CERTAIN CHILDREN. The department of education shall develop and recommend and the state board of education shall adopt by July 1, 1993, rules which provide an alternative assessment mechanism for children who meet age and educational development criteria generally accepted for placing a child in third or a lesser grade. Rules adopted shall require that the assessment mechanism utilize observation, anecdotal description of a child's achievement, samples of the child's work, and other samples of data relating to the child's academic performance, and shall include requirements relating to collection and evaluation of the information. In developing the alternative assessment mechanism, the department shall review and consider available home schooling data and shall consult with any available committees, councils, or task forces, and home schooling practitioners or research organizations which are working on or have experience in the assessment of children who have been placed under home instruction. The department shall also develop any recommendations for legislation deemed necessary to implement the alternative assessment mechanism.

Sec. 31. Sections 299.13 and 299.14, Code 1991, are repealed.

Approved May 23, 1991

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## CHAPTER 201

### SCHOOLS — BUS DRIVERS — CHILD ABUSE INVESTIGATION PROCEDURES

*H.F. 698*

**AN ACT** relating to school bus driver education and qualifications, establishing a fund for school bus driver and passenger safety programs, and providing for a fee.

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

Section 1. Section 321.376, Code 1991, is amended to read as follows:

**321.376 LICENSE — PERMIT — INSTRUCTION REQUIREMENT.**

1. The driver of a school bus shall hold a school bus driver's permit issued annually by the department of education and a driver's license issued by the department valid for the operation of the school bus. The department of education shall charge a fee for the issuance of a school bus driver's permit in the amount of five dollars, which shall be deposited in the general fund of the state. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department shall revoke or refuse to issue a permit to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for the revocation and issuance of permits to persons. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation of, or refusal to issue, permits to persons who are determined to have committed any of the acts proscribed under section 321.375, subsection 2.

2. A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of the required school bus driver's course, the driver's employer shall report the failure to the department of education and the employee's school bus driver's permit shall be revoked. The department of education shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school bus driver's permit has been revoked under this