

299A.6 Failure to make adequate progress.

1. If the results of evaluations, 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 a different form of the same evaluation, or another evaluation from the approved list of tests or assessment tools recognized by the department of education, 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 299A.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.

2. 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.

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

4. For purposes of [this chapter](#), "adequate progress" means, for children in all grade levels of competent private instruction, evaluation 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 evaluation 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 evaluation 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 evaluation results or that the child is at or above grade level for the child's age.

[91 Acts, ch 200, §25; 91 Acts, ch 258, §41; 92 Acts, ch 1135, §11; 2017 Acts, ch 54, §76; 2021 Acts, ch 88, §8](#)

Referred to in [§299A.2, 299A.3](#)

NEW subsection 3 and former subsection 3 renumbered as 4