

Senate File 423

S-3182

1 Amend Senate File 423 as follows:

2 1. Page 1, after line 24 by inserting:

3 <Sec. \_\_\_\_\_. Section 261E.8, subsection 2, Code 2011,  
4 is amended to read as follows:

5 2. Students from accredited nonpublic schools and  
6 students receiving competent private instruction or  
7 independent private instruction under chapter 299A may  
8 access the program through the school district in which  
9 the accredited nonpublic school or private institution  
10 is located.

11 Sec. \_\_\_\_\_. Section 299.1, subsection 1, Code 2011,  
12 is amended to read as follows:

13 1. Except as provided in section 299.2, the parent,  
14 guardian, or legal or actual custodian of a child  
15 who is of compulsory attendance age, shall cause the  
16 child to attend some public school, or an accredited  
17 nonpublic school, or place the child under competent  
18 private instruction or independent private instruction  
19 in accordance with the provisions of chapter 299A,  
20 during a school year, as defined under section 279.10.

21 Sec. \_\_\_\_\_. Section 299.1B, Code 2011, is amended to  
22 read as follows:

23 **299.1B Failure to attend — driver's license.**

24 A person who is of compulsory attendance age, who  
25 is not exempt under section 299.2, who does not attend  
26 a public school, or an accredited nonpublic school,  
27 who is not receiving competent private instruction or  
28 independent private instruction in accordance with the  
29 provisions of chapter 299A, and who does not attend an  
30 alternative school, or adult education classes, shall  
31 not receive an intermediate or full driver's license  
32 until age eighteen.

33 Sec. \_\_\_\_\_. Section 299.6A, subsection 1, Code 2011,  
34 is amended to read as follows:

35 1. In lieu of a criminal proceeding under section  
36 299.6, a county attorney may bring a civil action  
37 against a parent, guardian, or legal or actual  
38 custodian of a child who is of compulsory attendance  
39 age, has not completed educational requirements, and  
40 is truant, if the parent, guardian, or legal or actual  
41 custodian has failed to cause the child to attend a  
42 public school, or an accredited nonpublic school, or  
43 placed the child under competent private instruction or  
44 independent private instruction in the manner provided  
45 in this chapter. If the court finds that the parent,  
46 guardian, or legal or actual custodian has failed to  
47 cause the child to attend as required in this section,  
48 the court shall assess a civil penalty of not less than  
49 one hundred but not more than one thousand dollars for  
50 each violation established.

1 Sec. \_\_\_\_\_. Section 299.8, Code 2011, is amended to  
2 read as follows:

3 **299.8 "Truant" defined.**

4 Any child of compulsory attendance age who fails  
5 to attend school as provided in this chapter, or as  
6 required by the school board's or school governing  
7 body's attendance policy, or who fails to attend  
8 competent private instruction or independent private  
9 instruction under chapter 299A, without reasonable  
10 excuse for the absence, shall be deemed to be a truant.  
11 A finding that a child is truant, however, shall not  
12 by itself mean that the child is a child in need of  
13 assistance within the meaning of chapter 232 and shall  
14 not be the sole basis for a child in need of assistance  
15 petition.

16 Sec. \_\_\_\_\_. Section 299.11, unnumbered paragraph 1,  
17 Code 2011, is amended to read as follows:

18 The truancy officer may take into custody without  
19 warrant any apparently truant child and place the  
20 child in the charge of the school principal, or the  
21 principal's designee, designated by the board of  
22 directors of the school district in which the child  
23 resides, or of any nonpublic school, or any authority  
24 providing competent private instruction or independent  
25 private instruction as defined in section 299A.1,  
26 subsection 2, designated by the parent, guardian, or  
27 legal or actual custodian; but if it is other than a  
28 public school, the instruction and maintenance of the  
29 child shall be without expense to the school district.  
30 If a child is taken into custody under this section,  
31 the truancy officer shall make every reasonable attempt  
32 to immediately notify the parent, guardian, or legal or  
33 actual custodian of the child's location.

34 Sec. \_\_\_\_\_. Section 299.12, subsection 2, Code 2011,  
35 is amended to read as follows:

36 2. This section is not applicable to a child  
37 who is receiving competent private instruction or  
38 independent private instruction in accordance with the  
39 requirements of chapter 299A. If a child is not in  
40 compliance with the attendance requirements established  
41 under section 299.1, and has not completed educational  
42 requirements through the sixth grade, and the school  
43 has used every means available to assure the child  
44 does attend, the school truancy officer shall contact  
45 the child's parent, guardian, or legal or actual  
46 custodian to participate in an attendance cooperation  
47 meeting. The parties to the attendance cooperation  
48 meeting may include the child and shall include the  
49 child's parent, guardian, or legal or actual custodian  
50 and the school truancy officer. The school truancy

1 officer contacting the participants in the attendance  
2 cooperation meeting may invite other school officials,  
3 a designee of the juvenile court, the county attorney  
4 or the county attorney's designee, or other persons  
5 deemed appropriate to participate in the attendance  
6 cooperation meeting.

7 Sec. \_\_\_\_\_. Section 299A.1, Code 2011, is amended to  
8 read as follows:

9 **299A.1 Private Competent private instruction and**  
10 **independent private instruction.**

11 1. The parent, guardian, or legal custodian of  
12 a child of compulsory attendance age who places the  
13 child under private instruction shall provide, unless  
14 otherwise exempted, competent private instruction or  
15 independent private instruction in accordance with this  
16 chapter. A parent, guardian, or legal custodian of  
17 a child of compulsory attendance age who places the  
18 child under private instruction which is not competent  
19 private instruction or independent private instruction,  
20 or otherwise fails to comply with the requirements of  
21 this chapter, is subject to the provisions of sections  
22 299.1 through 299.4 and the penalties provided in  
23 section 299.6.

24 2. For purposes of this chapter, ~~"competent and~~  
25 chapter 299:

26 a. "Competent private instruction" means private  
27 instruction provided on a daily basis for at least  
28 one hundred forty-eight days during a school year, to  
29 be met by attendance for at least thirty-seven days  
30 each school quarter, by or under the supervision of  
31 a licensed practitioner in the manner provided under  
32 section 299A.2, or other person under section 299A.3,  
33 which results in the student making adequate progress.

34 ~~For purposes of this chapter and chapter 299,~~  
35 ~~"private instruction"~~

36 b. "Independent private instruction" means  
37 instruction that meets the following criteria:

- 38 (1) Is not accredited.
- 39 (2) Enrolls not more than four unrelated students.
- 40 (3) Does not charge tuition, fees, or other  
41 remuneration for instruction.
- 42 (4) Provides private or religious-based instruction  
43 as its primary purpose.
- 44 (5) Provides enrolled students with instruction in  
45 mathematics, reading and language arts, science, and  
46 social studies.
- 47 (6) Provides, upon written request from the  
48 superintendent of the school district in which the  
49 independent private instruction is provided, or from  
50 the director of the department of education, a report

1 identifying the primary instructor, location, name of  
2 the authority responsible for the independent private  
3 instruction, and the names of the students enrolled.

4 (7) Is not a nonpublic school and does not provide  
5 competent private instruction as defined in this  
6 subsection.

7 (8) Is exempt from all state statutes and  
8 administrative rules applicable to a school, a school  
9 board, or a school district, except as otherwise  
10 provided in chapter 299 and this chapter.

11 c. "Private instruction" means instruction using a  
12 plan and a course of study in a setting other than a  
13 public or organized accredited nonpublic school.

14 Sec. \_\_\_\_\_. Section 299A.11, Code 2011, is amended to  
15 read as follows:

16 **299A.11 Student records confidential.**

17 Notwithstanding any provision of law or rule to the  
18 contrary, personal information in records regarding  
19 a child receiving competent private instruction or  
20 independent private instruction pursuant to this  
21 chapter, which are maintained, created, collected,  
22 or assembled by or for a state agency, shall be kept  
23 confidential in the same manner as personal information  
24 in student records maintained, created, collected, or  
25 assembled by or for a school corporation or educational  
26 institution in accordance with section 22.7, subsection  
27 1.

28 Sec. \_\_\_\_\_. Section 321.178, subsection 1, paragraph  
29 c, Code 2011, is amended to read as follows:

30 c. Every public school district in Iowa shall offer  
31 or make available to all students residing in the  
32 school district, or Iowa students attending a nonpublic  
33 school or receiving independent private instruction  
34 as defined in section 299A.1, subsection 2, in the  
35 district, an approved course in driver education.

36 The receiving district shall be the school district  
37 responsible for making driver education available  
38 to a student participating in open enrollment under  
39 section 282.18. The courses may be offered at sites  
40 other than at the public school, including nonpublic  
41 school facilities within the public school districts.  
42 An approved course offered during the summer months,  
43 on Saturdays, after regular school hours during the  
44 regular terms or partly in one term or summer vacation  
45 period and partly in the succeeding term or summer  
46 vacation period, as the case may be, shall satisfy the  
47 requirements of this section to the same extent as  
48 an approved course offered during the regular school  
49 hours of the school term. A student who successfully  
50 completes and obtains certification in an approved

1 course in driver education or an approved course in  
2 motorcycle education may, upon proof of such fact,  
3 be excused from any field test which the student  
4 would otherwise be required to take in demonstrating  
5 the student's ability to operate a motor vehicle. A  
6 student shall not be excused from any field test if a  
7 parent, guardian, or instructor requests that a test be  
8 administered. A final field test prior to a student's  
9 completion of an approved course shall be administered  
10 by a person qualified as a classroom driver education  
11 instructor and certified to provide street and highway  
12 driving instruction. A person qualified as a classroom  
13 driver education instructor but not certified to  
14 provide street and highway driving instruction may  
15 administer the final field test if accompanied by  
16 another person qualified to provide street and highway  
17 driving instruction.>

18 2. Title page, line 1, after <to> by inserting  
19 <private instruction, including>

20 3. Title page, line 3, after <eligibility> by  
21 inserting <, and the establishment of an independent  
22 private instruction option for students of compulsory  
23 attendance age>

24 4. By renumbering as necessary.

---

BILL DIX

---

MARK CHELGREN

---

KENT SORENSON

---

ROBY SMITH

---

HUBERT HOUSER

---

JAMES A. SEYMOUR

---

JERRY BEHN

---

PAUL McKINLEY

---

STEVE KETTERING

---

BRAD ZAUN

---

BILL ANDERSON

---

JONI ERNST

---

SHAWN HAMERLINCK

---

JAMES F. HAHN

---

RANDY FEENSTRA

---

TIM KAPUCIAN

---

DAVID JOHNSON

---

JACK WHITVER