

Senate File 2131

S-5091

1 Amend the House amendment, S-5068, to Senate File 2131, as  
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 26 and inserting:

4 <1. By striking everything after the enacting clause and  
5 inserting:

6 <Section 1. Section 261E.8, subsection 2, Code 2018, is  
7 amended to read as follows:

8 2. Students from accredited nonpublic schools and students  
9 receiving competent private instruction ~~or independent private~~  
10 ~~instruction~~ under [chapter 299A](#) may access the program through  
11 the school district in which the accredited nonpublic school or  
12 private institution is located.

13 Sec. 2. Section 299.1, subsection 1, Code 2018, is amended  
14 to read as follows:

15 1. Except as provided in [section 299.2](#), the parent,  
16 guardian, or legal or actual custodian of a child who is of  
17 compulsory attendance age shall cause the child to attend some  
18 public school or an accredited nonpublic school, or place  
19 the child under competent private instruction ~~or independent~~  
20 ~~private instruction~~ in accordance with the provisions of  
21 chapter 299A, during a school year, as defined under section  
22 279.10.

23 Sec. 3. Section 299.1B, Code 2018, is amended to read as  
24 follows:

25 **299.1B Failure to attend — driver's license.**

26 A person who ~~is of compulsory attendance age who does~~  
27 ~~not meet the requirements for an exception under section~~  
28 ~~299.2, who~~ does not attend a public school or an accredited  
29 nonpublic school, who is not receiving competent private  
30 instruction ~~or independent private instruction~~ in accordance  
31 with the provisions of [chapter 299A](#), and who does not attend  
32 an alternative school or adult education classes, shall not  
33 receive an intermediate or full driver's license until age  
34 eighteen.

35 Sec. 4. Section 299.4, subsection 1, Code 2018, is amended

1 to read as follows:

2 1. The parent, guardian, or legal custodian of a child who  
3 is of compulsory attendance age, who places the child under  
4 competent private instruction under either [section 299A.2](#) or  
5 [299A.3](#), not in an accredited school or a home school assistance  
6 program operated by a school district or accredited nonpublic  
7 school, shall furnish a report in duplicate on forms provided  
8 by the public school district, to the district by September 1  
9 of the school year in which the child will be under competent  
10 private instruction. The secretary shall retain and file  
11 one copy and forward the other copy to the district's area  
12 education agency. The report shall state the name and age of  
13 the child, the period of time during which the child has been  
14 or will be under competent private instruction for the year,  
15 an outline of the course of study, texts used, and the name  
16 and address of the instructor. The parent, guardian, or legal  
17 custodian of a child, who is placing the child under competent  
18 private instruction for the first time, shall also provide the  
19 district with evidence that the child has had the immunizations  
20 required under [section 139A.8](#), and, if the child is elementary  
21 school age, a blood lead test in accordance with section  
22 135.105D. The term "*outline of course of study*" shall include  
23 subjects covered, lesson plans, and time spent on the areas of  
24 study.

25 Sec. 5. Section 299.6A, subsection 1, Code 2018, is amended  
26 to read as follows:

27 1. In lieu of a criminal proceeding under [section 299.6](#),  
28 a county attorney may bring a civil action against a parent,  
29 guardian, or legal or actual custodian of a child who is of  
30 compulsory attendance age, has not completed educational  
31 requirements, and is truant, if the parent, guardian, or legal  
32 or actual custodian has failed to cause the child to attend a  
33 public school or an accredited nonpublic school, or to place  
34 the child under competent private instruction ~~or independent~~  
35 ~~private instruction~~ in the manner provided in [this chapter](#). If

1 the court finds that the parent, guardian, or legal or actual  
2 custodian has failed to cause the child to attend as required  
3 in [this section](#), the court shall assess a civil penalty of not  
4 less than one hundred but not more than one thousand dollars  
5 for each violation established.

6 Sec. 6. Section 299.8, Code 2018, is amended to read as  
7 follows:

8 **299.8 "Truant" defined.**

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

19 Sec. 7. Section 299.11, subsection 1, Code 2018, is amended  
20 to read as follows:

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

35 Sec. 8. Section 299.12, subsection 2, Code 2018, is amended

1 to read as follows:

2 2. **This section** is not applicable to a child who is  
3 receiving competent private instruction ~~or independent private~~  
4 ~~instruction~~ in accordance with the requirements of chapter  
5 299A. If a child is not in compliance with the attendance  
6 requirements established under **section 299.1**, and has not  
7 completed educational requirements through the sixth grade,  
8 and the school has used every means available to assure the  
9 child does attend, the school truancy officer shall contact  
10 the child's parent, guardian, or legal or actual custodian to  
11 participate in an attendance cooperation meeting. The parties  
12 to the attendance cooperation meeting may include the child  
13 and shall include the child's parent, guardian, or legal or  
14 actual custodian and the school truancy officer. The school  
15 truancy officer contacting the participants in the attendance  
16 cooperation meeting may invite other school officials, a  
17 designee of the juvenile court, the county attorney or the  
18 county attorney's designee, or other persons deemed appropriate  
19 to participate in the attendance cooperation meeting.

20 Sec. 9. Section 299A.1, Code 2018, is amended to read as  
21 follows:

22 **299A.1 ~~Competent private~~ Private instruction and ~~independent~~**  
23 **~~private instruction.~~**

24 1. The parent, guardian, or legal custodian of a child of  
25 compulsory attendance age who places the child under private  
26 instruction shall provide, unless otherwise exempted, competent  
27 private instruction ~~or independent private instruction~~ in  
28 accordance with **this chapter**. A parent, guardian, or legal  
29 custodian of a child of compulsory attendance age who places  
30 the child under private instruction which is not competent  
31 private instruction ~~or independent private instruction~~,  
32 or otherwise fails to comply with the requirements of this  
33 chapter, is subject to the provisions of sections 299.1 through  
34 299.4 and the penalties provided in **section 299.6**.

35 2. For purposes of **this chapter** and **chapter 299**:

1     *a.* “*Competent private instruction*” means private instruction  
2 provided on a daily basis for at least one hundred forty-eight  
3 days during a school year, to be met by attendance for at  
4 least thirty-seven days each school quarter, by or under the  
5 supervision of a licensed practitioner in the manner provided  
6 under [section 299A.2](#), or a parent, guardian, or legal custodian  
7 under section 299A.3, which results in the student making  
8 adequate progress.

9     ~~*b.* “*Independent private instruction*” means instruction that~~  
10 ~~meets the following criteria:~~

11     ~~(1) Is not accredited.~~

12     ~~(2) Enrolls not more than four unrelated students.~~

13     ~~(3) Does not charge tuition, fees, or other remuneration for~~  
14 ~~instruction.~~

15     ~~(4) Provides private or religious-based instruction as its~~  
16 ~~primary purpose.~~

17     ~~(5) Provides enrolled students with instruction in~~  
18 ~~mathematics, reading and language arts, science, and social~~  
19 ~~studies.~~

20     ~~(6) Provides, upon written request from the superintendent~~  
21 ~~of the school district in which the independent private~~  
22 ~~instruction is provided, or from the director of the department~~  
23 ~~of education, a report identifying the primary instructor,~~  
24 ~~location, name of the authority responsible for the independent~~  
25 ~~private instruction, and the names of the students enrolled.~~

26     ~~(7) Is not a nonpublic school and does not provide competent~~  
27 ~~private instruction as defined in [this subsection](#).~~

28     ~~(8) Is exempt from all state statutes and administrative~~  
29 ~~rules applicable to a school, a school board, or a school~~  
30 ~~district, except as otherwise provided in [chapter 299](#) and this~~  
31 ~~chapter.~~

32     ~~*c.* b. “*Private instruction*” means instruction using a~~  
33 ~~plan and a course of study in a setting other than a public or~~  
34 ~~organized accredited nonpublic school.~~

35     Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2018,

1 is amended to read as follows:

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

6 Sec. 11. Section 299A.11, Code 2018, is amended to read as  
7 follows:

8 **299A.11 Student records confidential.**

9 Notwithstanding any provision of law or rule to the  
10 contrary, personal information in records regarding a child  
11 receiving competent private instruction ~~or independent private~~  
12 ~~instruction~~ pursuant to this chapter, which are maintained,  
13 created, collected, or assembled by or for a state agency,  
14 shall be kept confidential in the same manner as personal  
15 information in student records maintained, created, collected,  
16 or assembled by or for a school corporation or educational  
17 institution in accordance with section 22.7, subsection 1.

18 Sec. 12. Section 321.178, subsection 1, paragraph c, Code  
19 2018, is amended to read as follows:

20 c. Every public school district in Iowa shall offer  
21 or make available to all students residing in the school  
22 district, or Iowa students attending a nonpublic school or  
23 receiving competent private instruction ~~or independent private~~  
24 ~~instruction as defined in section 299A.1~~, in the district, an  
25 approved course in driver education. The receiving district  
26 shall be the school district responsible for making driver  
27 education available to a student participating in open  
28 enrollment under section 282.18. The courses may be offered  
29 at sites other than at the public school, including nonpublic  
30 school facilities within the public school districts. An  
31 approved course offered during the summer months, on Saturdays,  
32 after regular school hours during the regular terms or partly  
33 in one term or summer vacation period and partly in the  
34 succeeding term or summer vacation period, as the case may  
35 be, shall satisfy the requirements of this section to the

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

19 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code  
20 2018, is amended to read as follows:

21 a. The department may issue an intermediate driver's  
22 license to a person sixteen or seventeen years of age who  
23 possesses an instruction permit issued under [subsection 1](#) or  
24 a comparable instruction permit issued by another state for a  
25 minimum of twelve months immediately preceding application,  
26 and who presents an affidavit signed by a parent, guardian, or  
27 custodian on a form to be provided by the department that the  
28 permittee has accumulated a total of twenty hours of street  
29 or highway driving of which two hours were conducted after  
30 sunset and before sunrise and the street or highway driving was  
31 with the permittee's parent, guardian, custodian, instructor,  
32 a person certified by the department, or a person at least  
33 twenty-five years of age who had written permission from a  
34 parent, guardian, or custodian to accompany the permittee, and  
35 whose driving privileges have not been suspended, revoked,

1 or barred under [this chapter](#) or [chapter 321J](#) during, and who  
2 has been accident and violation free continuously for, the  
3 six-month period immediately preceding the application for an  
4 intermediate license. An applicant for an intermediate license  
5 must meet the requirements of [section 321.186](#), including  
6 satisfactory completion of driver education as required in  
7 [section 321.178](#) ~~or [321.178A](#)~~, and payment of the required  
8 license fee before an intermediate license will be issued. A  
9 person issued an intermediate license must limit the number of  
10 passengers in the motor vehicle when the intermediate licensee  
11 is operating the motor vehicle to the number of passenger  
12 safety belts. In addition, unless waived by the person's  
13 parent or guardian at the time the intermediate license is  
14 issued, for the first six months following issuance of the  
15 license, a person issued an intermediate license must limit the  
16 number of unrelated minor passengers in the motor vehicle when  
17 the intermediate licensee is operating the motor vehicle to  
18 one, except when the intermediate licensee is accompanied in  
19 accordance with [subsection 1](#). For purposes of [this subsection](#),  
20 *"unrelated minor passenger"* means a passenger who is under  
21 eighteen years of age and who is not a sibling of the driver, a  
22 stepsibling of the driver, or a child who resides in the same  
23 household as the driver. The department shall prescribe the  
24 form for waiver of the six-month restriction on unrelated minor  
25 passengers, which may be in an electronic format, and shall  
26 designate characteristics for the intermediate license that  
27 shall distinguish between an intermediate license that includes  
28 the six-month restriction on unrelated minor passengers and  
29 an intermediate license that does not include the six-month  
30 restriction on unrelated minor passengers.

31 Sec. 14. REPEAL. Section 321.178A, Code 2018, is repealed.>  
32 2. Title page, by striking lines 1 through 4 and inserting  
33 <An Act relating to private instruction.>>



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MATT McCOY