

FINAL REPORT
COMPULSORY SCHOOL ATTENDANCE STUDY COMMITTEE

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NOTICE OF AVAILABILITY OF MINUTES

Copies of the minutes of the meetings of the Compulsory School Attendance Study Committee are available under separate cover from the Legislative Service Bureau.

F I N A L R E P O R T

COMPULSORY SCHOOL ATTENDANCE STUDY COMMITTEE

January 1989

AUTHORIZATION AND APPOINTMENT

The Compulsory School Attendance Interim Study Committee was formed by the Legislative Council of the 72nd General Assembly for the 1988 interim period. The study of the compulsory school attendance provisions contained in chapter 299 of the Code was the result of the passage and subsequent enactment of H.F. 650 during the 1988 Session of the 72nd General Assembly.

The Committee was charged with studying Iowa's compulsory school attendance law and related issues, including truancy, equivalent instruction, and alternative schooling.

Members appointed and serving on the Committee were:

Senator Tom Mann, Co-chairperson
Representative Tom Swartz, Co-chairperson
Senator Patrick Deluhery
Senator William W. Dieleman
Senator Wilmer Rensink
Senator Ray Taylor
Representative Clifford Branstad
Representative Dennis Cohoon
Representative Virgil Corey
Representative Tom Jochum

MEETINGS OF THE COMMITTEE

The Committee was authorized by the Legislative Council to hold two meetings. The first meeting of the Committee took place on Friday, September 30, 1988, in Room 22 of the State House in Des Moines, Iowa. The second and final meeting of the Committee was held on Tuesday, December 20, 1988, in Room 22 of the State House in Des Moines, Iowa. Both meetings were open to the public and were attended by members of the Legislative Service and Fiscal Bureaus, caucus staff, representatives of various interest groups, the press, and other interested persons. Minutes were taken of both meetings and are on file with the Legislative Service Bureau.

SEPTEMBER 30, 1988, MEETING

At its first meeting the Committee heard from persons from various parts of the country, on the various issues that are involved with or inhere in the subjects of home and alternative schooling and a panel of three Iowa attendance officers on the subject of truancy. The persons, their organizational affiliation, and topics of presentation are as follows:

1. Mr. Roger Stephon, Human and Civil Rights Division, National Education Association. Mr. Stephon discussed his association's position regarding the use of certificated instructors in alternative or equivalent instruction. He also discussed the traditional and historical justifications and development of the certification requirements for both public and nonpublic instructors.

2. Dr. Samuel Peavy, Professor Emeritus, University of Kentucky. Dr. Peavy is an instructor in the University of Kentucky's School of Education. He discussed his experiences with the rise of the certification requirement and the "home school" movement. He also discussed his perceptions and research of the progress of the home schooled student.

3. Ms. Patricia Lines, Research Analyst and Legal Counsel. Ms. Lines is a research analyst in the U.S. Department of Education and a former research staff person at the Education Commission of the States. Ms. Lines generally discussed the provisions of the various states relating to the subject of home schooling, estimations of the numbers of students involved, statistics relating to success rates of students participating in home school programs, and the types of programs available in various home school environments.

4. Mr. Mark Weston, National Conference of State Legislatures. Mr. Weston discussed various systems and statutes used in the fifty states in the area of home schooling. He discussed the number of states using some form of student achievement testing, curricular packages, and instructional assistance programs and the various legal and practical problems encountered by other states in drafting statutes to accommodate the interests involved in the home school issue.

5. Mr. Gus Steinhilber, General Legal Counsel, National School Board Association. Mr. Steinhilber discussed various court opinions relating to the home school issue. He noted that the opinions reflected a singular trend toward the recognition of a

superior state interest in directing the quality of the educational upbringing of future members of society. He also discussed his role in the development of the New York regulations relating to that state's home school program and the content of those regulations.

6. Ms. Joan Mosel, Cedar Rapids Attendance Officer; Ms. Cheryl Huisman, Sioux City Attendance Officer; Mr. Gene Taylor, Davenport Attendance Officer. All of the attendance officers discussed their experiences and some of the difficulties they have encountered in the practical and legal application of past and present truancy laws. All of these presenters noted that the removal of criminal penalties from the compulsory attendance provisions has had the effect of removing their most effective deterrent mechanism in dealing with truants and their families. They also expressed the opinion that whether a violator of those penalties should be subject to incarceration should be left to the courts. Ms. Mosel expressed the need for involvement of the Department of Human Services in many of the truancy cases. Mr. Taylor expressed the concern that children who are not immunized or have head lice are legally allowed to be absent from school. He also noted it was unclear whether the use of the term "custodian" in H.F. 650 applies to a person who is not a legal custodian. Ms. Huisman mentioned that, in the past, her most effective deterrent for preventing continued absences from school was the use of a suspended sentence and probation.

At the close of the presentations the Committee discussed the information that had been provided and requested that bill drafts be prepared for the next meeting.

DECEMBER 20, 1988, MEETING

At the second and final meeting of the Committee, the members heard from various representatives of local interest groups and, in the afternoon, discussed four bill proposals relating to the issues of home schooling and truancy. The presenters to the Committee, their organizational affiliation, and summary of their presentations are as follows:

1. Mr. Will Lynch, Home School Association. Mr. Lynch discussed an outline of a proposal for a home school compromise that had been worked out with his constituents. He also discussed the provisions of one of the bill draft proposals that was based on his constituent outline.

2. Ms. Jan Reinicke, Iowa State Education Association. Ms. Reinicke discussed her Association's position regarding use of

certificated teachers in home instruction programs. She stressed the need to retain the certification and equivalency language in Code to ensure quality and professionalism in instruction, regardless of context.

3. Mr. Phillip Dunshee, Iowa Association of School Boards. Mr. Dunshee stressed his Association's belief that all students in Iowa should receive equivalent instruction from a licensed teacher. He also mentioned current enforcement problems in the state's truancy provisions as a result of the provisions in H.F. 650, and discussed a questionnaire that would be distributed to his Association's members on that subject.

The Committee took up and discussed two of the bill draft proposals, the bill proposed by the Home School Association and the bill draft relating to truancy that had been developed by Co-chairperson Swartz.

CONCLUSIONS AND RECOMMENDATIONS

The Committee considered two of the bill draft proposals and voted on the Home School Association bill proposal, LSB 1417SI. The bill failed to obtain the votes needed to obtain Committee endorsement. There were insufficient members to vote on any other bill drafts. The Committee did not make any other recommendations. Copies of the bill drafts considered are attached to this report.

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APPENDIX

Legislative Bill Proposals

Attached are copies of the four legislative bill proposals that were drafted for the Study Committee by the Legislative Service Bureau. The four drafts were distributed to the Study Committee members. The "Conclusions and Recommendations" portion of the Final Report summarizes Committee action on the bill proposals.

LISTING OF LEGISLATIVE BILL DRAFTS

LSB 1116SI -- An Act permitting private instruction by parents, guardians, and other defined persons and providing for remediation, reporting, private instruction assistance by public schools, dual enrollment, curriculum specifications, testing mechanisms, and supervision by the department of education; denying tax exemption for private instruction sites, denying certification to an instructor not otherwise certificated, and providing a penalty.

LSB 1117HI -- An Act relating to the compulsory attendance and truancy laws and providing penalties.

LSB 1417SI -- An Act relating to private and home education and providing a penalty.

LSB 1437HI -- An Act relating to compulsory attendance and providing penalties.

SENATE FILE _____
BY (PROPOSED COMPULSORY SCHOOL
ATTENDANCE STUDY COMMITTEE
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act permitting private instruction by parents, guardians, and
2 other defined persons and providing for remediation,
3 reporting, private instruction assistance by public schools,
4 dual enrollment, curriculum specifications, testing
5 mechanisms, and supervision by the department of education;
6 denying tax exemption for private instruction sites, denying
7 certification to an instructor not otherwise certificated, and
8 providing a penalty.

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

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1 Section 1. Section 232.69, subsection 1, paragraph b, Code
2 1989, is amended to read as follows:

3 b. ~~Every~~ A self-employed social worker, ~~every~~ social
4 worker under the jurisdiction of the department of human
5 services, ~~any~~ social worker employed by a public or private
6 agency or institution, public or private health care facility
7 as defined in section 135C.1, certified psychologist,
8 certificated school employee, instructor under section 299A.5,
9 employee or operator of a licensed child care center, or
10 registered group day care home, or registered family day care
11 home, individual licensee under chapter 237, member of the
12 staff of a mental health center, peace officer, dental
13 hygienist, counselor, paramedic, or mental health
14 professional, who, in the course of employment or in providing
15 child foster care, examines, attends, counsels, or treats a
16 child and reasonably believes a child has suffered abuse.

17 Sec. 2. Section 256.9, Code 1989, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 35. Coordinate, supervise, and recommend
20 rules for adoption by the state board of education as
21 necessary for the administration of private instruction under
22 chapter 299A.

23 Sec. 3. Section 273.2, subsection 4, Code 1989, is amended
24 to read as follows:

25 4. Auxiliary services for nonpublic school pupils as
26 provided in section 256.12 and chapter 299A. However, if
27 auxiliary services are provided, their funding shall be based
28 on the type of service provided.

29 Sec. 4. Section 279.10, subsection 1, Code 1989, is
30 amended to read as follows:

31 1. The school year shall begin on the first day of July
32 and each regularly established elementary and secondary school
33 shall begin no sooner than a day during the calendar week in
34 which the first day of September falls but no later than the
35 ~~first-Monday-in-December~~ September 15. School shall continue

1 for at least one hundred eighty days, except as provided in
 2 subsection 3, and may be maintained during the entire calendar
 3 year. A school corporation may begin employment of personnel
 4 for in-service training and development purposes before the
 5 date to begin elementary and secondary school.

6 Sec. 5. Section 280.3, unnumbered paragraph 1, Code 1989,
 7 is amended to read as follows:

8 The board of directors of each public school district and
 9 the authorities in charge of each nonpublic school shall
 10 prescribe the minimum educational program and the attendance
 11 policy for the schools under their jurisdictions. The minimum
 12 educational program shall be the curriculum set forth in
 13 section 256.11, except as otherwise provided by law. The
 14 board of directors of a public school district shall not allow
 15 discrimination in any educational program on the basis of
 16 race, color, creed, sex, marital status or place of national
 17 origin.

18 Sec. 6. Section 299.1, Code 1989, is amended to read as
 19 follows:

20 299.1 ATTENDANCE REQUIREMENTS.

21 The parent, guardian, or legal or actual custodian of a
 22 child who ~~is over seven~~ has reached the age of six and is
 23 under sixteen ~~eighteen~~ years of age by September 15, in proper
 24 physical and mental condition to attend school, shall ~~enroll~~
 25 the child be responsible for the child's attendance in some
 26 public school, commencing as provided under section 279.10.

27 ~~The board may, by resolution, require attendance in the~~
 28 ~~public schools for the entire time when the schools are in~~
 29 ~~session in any school year.~~

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

35 ~~In lieu of such attendance such child may attend upon~~

~~1 equivalent-instruction-by-a-certified-teacher-elsewhere:~~

2 The number of days of required school attendance shall be
3 set by the board of directors of a public school district or
4 the governing body of an accredited nonpublic school in the
5 school's attendance policy.

6 Sec. 7. Section 299.2, subsections 1 and 2, Code 1989, are
7 amended to read as follows:

8 1. ~~Who-is-over-the-age-of-fourteen-and-is-regularly~~
9 employed who is attending private instruction under chapter
10 299A.

11 2. Whose educational qualifications are equal to those of
12 pupils who have completed the ~~eighth~~ twelfth grade.

13 Sec. 8. Section 299.3, Code 1989, is amended to read as
14 follows:

15 299.3 REPORTS FROM PRIVATE SCHOOLS.

16 ~~Within-ten-days-from-receipt-of-notice-from-the-secretary~~
17 ~~of-the-school-district-within-which-any-private-school-is~~
18 ~~conducted~~ On or before the third Friday in September, the
19 principal of such a private school shall, once during each
20 school year, and at any time when requested in individual
21 cases, furnish to such the secretary, of the school district
22 in which the private school is located, a certificate and
23 report in duplicate of the names, ages, and number of days
24 attendance of each pupil of such school ~~over-seven~~ who has
25 reached the age of six and is under ~~sixteen~~ eighteen years of
26 age, the course of study pursued by each such child, the texts
27 used, and the names of the teachers, during the preceding year
28 and from the time of the last preceding report to the time at
29 which a report is required. The secretary shall retain one of
30 the reports and file the other with the secretary of the area
31 education agency.

32 Sec. 9. Section 299.4, Code 1989, is amended to read as
33 follows:

34 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

35 The parent, guardian, or legal or actual custodian of a

1 child who by September 15 ~~is over seven~~ has reached the age of
2 six and is under ~~sixteen~~ eighteen years of age, who places the
3 child under private instruction, ~~not in an accredited or~~
4 approved school, under chapter 299A shall furnish a report in
5 duplicate, to the district by ~~the earliest starting date~~
6 ~~specified in section 279.107 subsection 1~~ the third Friday in
7 September. The secretary shall retain and file one copy and
8 forward the other copy to the district's area education
9 agency. The report shall state the name and age birth date of
10 the child, the period of time during the calendar year in
11 which the child has been or will be under private instruction
12 ~~for the school year~~, the location of the instruction, an
13 outline of the course of study, texts used, and the name and
14 address of the child's parent, guardian, or custodian, and the
15 name of the instructor. ~~The term "outline of course of study"~~
16 ~~shall include, but is not limited to, subjects covered, weekly~~
17 ~~lesson plans, and time spent on the areas of study.~~

18 A fire marshal's report approving the instruction site is
19 required to be filed by an instructor, at the same time as the
20 report, if the instruction is provided under section 299A.5.
21 A new fire marshal's report is required any time the
22 instruction site changes.

23 A notice of intent to place or continue a child under
24 private instruction shall be filed by the parent, guardian, or
25 legal or actual custodian with the area education agency by
26 November 1 of the year preceding the school year in which the
27 child is to be privately instructed. If the parent, guardian,
28 or legal or actual custodian intends to enroll the child in
29 programs offered under sections 299A.8 or 299A.9, a notice
30 shall be filed with the secretary of the school district by
31 September 30 of the preceding school year. The notices of
32 intent shall contain the name and birth date of the child and
33 the name and address of the parent, guardian, or legal or
34 actual custodian of the child. Failure to file the required
35 reports and notices on the dates specified shall not be a bar

1 to placing a child under private instruction if the parent,
2 guardian, or legal or actual custodian has obtained a waiver
3 from the board of the local school district. A waiver
4 obtained from the board does not waive the obligation of the
5 parent, guardian, or legal or actual custodian to file the
6 reports and notices. A parent, guardian, or legal or actual
7 custodian may appeal a denial of a waiver under chapter 290.

8 Sec. 10. Section 299.5, Code 1989, is amended to read as
9 follows:

10 299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

11 The parent, guardian, or legal or actual custodian of a
12 child who ~~is-over-seven~~ has reached the age of six and is
13 under sixteen eighteen years of age by September 15, who is
14 physically or mentally unable to attend school, shall furnish
15 ~~proofs-by-affidavit~~ proof by certificate under sections 281.6
16 and 281.7 as to the physical or mental condition of the child.

17 Sec. 11. Section 299.6, Code 1989, is amended to read as
18 follows:

19 299.6 VIOLATIONS -- COMMUNITY SERVICE IN LIEU OF FINE OR
20 IMPRISONMENT.

21 Any person who ~~shall-violate~~ violates any of the provisions
22 of sections 299.1 ~~to~~ through 299.5~~-inclusive~~, shall upon
23 conviction of a first offense be guilty of a simple
24 misdemeanor, and punishable by imprisonment of up to ten days,
25 which may be suspended, or a fine of up to one hundred
26 dollars, or the court shall may order the person to perform
27 not more than forty hours of unpaid community service instead
28 of any fine or imprisonment.

29 A second offense conviction is a serious misdemeanor,
30 punishable by imprisonment for up to twenty days, which may be
31 suspended, or a fine of up to five hundred dollars, or both
32 fine and imprisonment, or the court may order the person to
33 perform unpaid community service instead of a fine or
34 imprisonment.

35 A third or subsequent offense conviction is a serious

1 misdemeanor, punishable by imprisonment for up to thirty days,
2 which may be suspended, or a fine of up to one thousand
3 dollars, or both fine and imprisonment, or the court may order
4 the person to perform unpaid community service instead of fine
5 or imprisonment. Upon a third or subsequent offense
6 conviction, the county attorney shall investigate the child's
7 nonattendance and file a petition under section 232.87
8 alleging the child to be a child in need of assistance. A
9 parent, guardian, or legal or actual custodian who has made a
10 good faith effort to ensure a child's attendance shall not be
11 criminally liable under this chapter.

12 Sec. 12. NEW SECTION. 299A.1 DECLARATION OF POLICY.

13 It is the policy of the state to promote the state's in-
14 terest in and the parent's or guardian's responsibility for
15 providing the degree of education necessary for the children
16 who reside in this state to participate effectively and
17 intelligently in our open political system and to become self-
18 reliant and self-sufficient members of society. Therefore, it
19 is the intent of the general assembly to provide parents or
20 guardians and their children with a broad range of educational
21 alternatives so that these objectives can be accomplished.

22 Sec. 13. NEW SECTION. 299A.2 PURPOSE.

23 Notwithstanding any conflicting provisions of chapters 280,
24 282, and 299, a parent or guardian of a child may place the
25 child under private instruction as provided in this chapter.

26 Sec. 14. NEW SECTION. 299A.3 DEFINITIONS.

27 As used in this chapter, unless the context otherwise
28 requires:

29 1. "Private instruction" means an educational program
30 provided for one or more students who have reached the age of
31 six but are under eighteen years of age in a setting other
32 than a school setting.

33 2. "Instructor" means a person other than a parent or
34 guardian who has been given control of a child for the purpose
35 of educating the child and who possesses at least a bachelor's

1 degree from an accredited college or university.

2 3. "Public school" means a school directly supported in
3 whole or in part by taxation and accredited by the state board
4 of education pursuant to section 256.11.

5 4. "Board" means the board of directors of the local
6 school district.

7 5. "Local school district" means the school district of
8 the child's residency.

9 6. "Academic progress" means academic growth or develop-
10 ment equal to a composite score reflecting growth of five
11 grade equivalent points, as evidenced by the child's scores on
12 nationally standardized tests which have been administered
13 either by the area education agency or under conditions
14 mutually acceptable to the board and the parent or legal
15 guardian.

16 7. "Dual enrollment" means the enrollment of a child, who
17 is otherwise receiving private instruction, in one public
18 school, in subjects, courses, or programs not available to the
19 child otherwise. Dual enrollment does not mean private
20 instruction assistance under section 299A.8.

21 Sec. 15. NEW SECTION. 299A.4 PRIVATE INSTRUCTION
22 PROVIDED BY PARENT OR GUARDIAN.

23 1. Before the first year that a child is placed under
24 private instruction by a parent or guardian, the parent or
25 guardian shall by the third Friday in September, provide the
26 local school district with the following information:

27 a. Evidence that the parent or guardian engaging in the
28 private instruction possesses a high school diploma or the
29 equivalent under chapter 259A.

30 b. Evidence of required immunizations of the child.

31 c. Evidence that an initial screening, and subsequent
32 evaluation if required, and performed in the manner prescribed
33 by area education agency personnel, is in progress or has been
34 completed by June 1 of the year before placement, for vision,
35 hearing, speech, and motor skills and to determine eligibility

1 for special education services. If the parent or guardian has
2 received a waiver from the board for the filing requirement,
3 the area education agency shall perform the initial screening,
4 and subsequent evaluation, if required, in a timely manner.
5 The screening or evaluation may be performed by a person who
6 is not employed by the area education agency if the person has
7 been approved by the department of education and the parent or
8 guardian pays for the screening or evaluation.

9 (1) If the screening showed the presence of a vision,
10 hearing, speech, or motor skills impairment, the parent or
11 guardian must show evidence that appropriate services have
12 been requested of area education agency personnel or that
13 equivalent services, approved by the department of education,
14 will be provided at the parent's or guardian's expense.

15 (2) If the screening or evaluation shows a need for
16 special education services requiring removal of the child from
17 the regular educational environment, a parent or guardian
18 shall not place the child under private instruction under this
19 section without the approval of the special education director
20 of the area education agency in accordance with the rules
21 adopted by the state board of education and the procedures
22 specified in section 281.6.

23 2. A parent or guardian of a child who engages in the
24 private instruction of the child shall annually provide the
25 local school district with the following:

26 a. Within sixty days of the earliest school starting date
27 specified in section 279.10, subsection 1, evidence including,
28 but not limited to, a list of the materials to be used in an
29 educational program which is appropriate for the student's age
30 or discerned grade level and a syllabus of the course of
31 instruction in, but not limited to, the following areas:

32 (1) English language arts, including, but not limited to,
33 oral and written composition; communication processes and
34 skills, including handwriting and spelling; literature;
35 creative dramatics; and reading.

1 (2) Social studies, including, but not limited to,
2 geography, history, government and American citizenship, and
3 the cultures of other peoples and nations. Instruction shall
4 reflect a global perspective.

5 (3) Mathematics, including, but not limited to, problem
6 solving; geometry; measurement; appropriate computational
7 skills, including mental arithmetic, reasonableness of
8 results, reading, interpreting and constructing tables, charts
9 and graphs, and estimation; and the use of calculators as
10 standard tools in problem solving.

11 (4) Science, including, but not limited to, a balance of
12 life, earth, and physical science; scientific knowledge; the
13 application of scientific skills and knowledge to society; the
14 conservation of natural resources; and environmental
15 awareness.

16 (5) Health, including, but not limited to, personal
17 health, food and nutrition, environmental health, safety and
18 survival skills, consumer health, and human growth and
19 development.

20 b. If the child has a discerned grade or placement between
21 the first grade and eighth grade in comparison with a public
22 school, the results of a current version of a nationally
23 standardized test, administered by June 1 of the preceding
24 school year by an individual qualified to administer the test
25 under conditions mutually acceptable to the board and the
26 parent or legal guardian. If mutual agreement on the
27 conditions of testing cannot be arrived at, the area education
28 agency shall administer the test. Instruction shall be for no
29 less than one hundred eighty days per calendar year. A day of
30 instruction means no less than five and one-half hours of
31 instruction per twenty-four hour period.

32 Instruction under this section is subject to remediation
33 under sections 299A.6 and 299A.7 except that the parent or
34 guardian may be a member of the panel instead of the designee.

35 Failure to file the required reports, results, and evidence

1 on the dates specified by this section shall not be a bar to
2 placing a child under private instruction under this section
3 if a parent or guardian has obtained a waiver from the board.
4 A waiver obtained from the board does not waive the obligation
5 of the parent or guardian to file the reports, results, and
6 evidence. A parent or guardian may appeal a denial of a
7 waiver under chapter 290.

8 Sec. 16. NEW SECTION. 299A.5 PRIVATE INSTRUCTION BY
9 OTHER THAN A PARENT OR GUARDIAN.

10 Instruction may be provided by a person other than the
11 parent or guardian if, before the first year that each child
12 is placed under the instructor's control, the parent,
13 guardian, or instructor has provided the local school district
14 with evidence of each of the following:

- 15 1. The parent or guardian has given control of the child
16 to the instructor for the purpose of educating the child.
- 17 2. Administration of required immunizations to the child.
- 18 3. The instructor possesses at least a bachelor's degree
19 from an accredited college or university.
- 20 4. The instructor has completed course work in each of the
21 following areas:
 - 22 a. Methods of teaching.
 - 23 b. Instructional planning and strategies for teaching.
 - 24 c. Classroom management.
 - 25 d. Audiovisual, media, and computer technology.
 - 26 e. Philosophies of education.
- 27 5. The instructor is receiving forty-five contact hours of
28 ongoing annual training or has completed course work in each
29 of the following areas:
 - 30 a. Curriculum organization and development.
 - 31 b. Evaluation techniques.
- 32 6. Notwithstanding subsection 4, instructors who have not
33 completed the specified course work but who otherwise qualify
34 as instructors under this section on the effective date of
35 this Act may provide private instruction under this section if

1 the instructors successfully complete forty-five contact hours
2 of instruction in any of the areas of study, identified in
3 subsection 4, in a twelve-month period of time.

4 7. Results of an initial screening and subsequent
5 evaluation, if required, of the child performed by area
6 education agency personnel and in the manner prescribed by
7 area education agency personnel, which is in progress or
8 completed by June 1 of the year before initial placement, for
9 vision, hearing, speech, and motor skills and to determine
10 eligibility for special education services. If the parent or
11 guardian has received a waiver from the local school board for
12 the filing requirements, the area education agency shall do
13 the initial screening, and subsequent evaluation if required,
14 in a timely manner. The screening or evaluation may be
15 performed by a person who is not employed by the area
16 education agency if the person has been approved by the
17 department of education and the parent or guardian pays for
18 the screening or evaluation. If the screening showed presence
19 of a vision, hearing, speech, or motor impairment, the
20 instructor must also show evidence of appropriate services
21 provided by area education agency personnel or that equivalent
22 services approved by the department of education will be
23 provided at the parent's or guardian's expense. If the
24 screening or evaluation showed the need for special education
25 services requiring removal of the child from the regular
26 educational environment, a child shall not be privately
27 instructed under this section without the approval of the
28 special education director of the area education agency in
29 accordance with the rules adopted by the state board of
30 education and the procedures specified in section 281.6.

31 An instructor under this section shall annually submit
32 evidence to the local school district, within sixty days of
33 the starting date specified in section 279.10, subsection 1,
34 of an educational program, for each grade level to be
35 instructed, which provides instruction in, but not limited to,

1 the areas specified for parents or guardians under section
2 299A.4.

3 An instructor under this section shall annually submit the
4 results of a current version of a nationally standardized
5 test, administered by June 1 of the preceding school year to
6 each child instructed by an individual qualified to administer
7 the test under conditions mutually acceptable to the board and
8 the person giving the instruction, grade or placement between
9 the first grade and eighth grade in comparison with a public
10 school.

11 Instruction provided under this section is subject to
12 remediation under sections 299A.6 and 299A.7.

13 Failure to file the required reports, results, and evidence
14 on the dates specified shall not be a bar to placing a child
15 under private instruction under this section if the instructor
16 has obtained a waiver from the board. A waiver obtained from
17 the board does not waive the obligation of the parent,
18 guardian, or instructor to file the reports, results, and
19 evidence. A parent or guardian may appeal a denial of a
20 waiver under chapter 290.

21 This chapter does not prevent a person other than a parent,
22 guardian, or instructor from assisting an instructor with the
23 instructor's duties or acting as an instructional resource
24 person, as long as the person does not act as a child's
25 instructor.

26 An instructor under this section is a mandatory reporter of
27 child abuse under section 232.69.

28 Sec. 17. NEW SECTION. 299A.6 REMEDIATION PANEL.

29 If the board determines that a child receiving private
30 instruction is not achieving academic progress, the board
31 shall require that a remediation panel be created to assist
32 the parent, guardian, or instructor in the remediation of the
33 child. A parent or guardian may also request that a
34 remediation panel be created by notifying the area education
35 agency. A request by a parent or guardian for remediation

1 shall not by itself constitute grounds for removing the child
2 from private instruction.

3 The remediation panel shall be formed within thirty days of
4 the board's determination that the panel should be formed and
5 shall be composed of a designee of the parent or guardian, an
6 area education agency employee, and a third member mutually
7 agreed upon by the parent or guardian and the area education
8 agency employee. Notice of the board's decision to form the
9 panel shall be sent to the parent or guardian and the area
10 education agency within five days of the decision.

11 If no mutual agreement as to the members of the panel can
12 be reached, the administrator of the area education agency
13 shall appoint the third member. The panel shall develop a
14 remediation plan for the child within thirty days of
15 establishment of the panel. In developing the remediation
16 plan, the panel shall consult with the parent or guardian on
17 an ongoing basis. The plan shall be implemented in accordance
18 with the instructional calendar submitted under section 299.4.
19 The panel shall continue in existence until the next annual
20 testing under section 299A.4 or 299A.5.

21 Sec. 18. NEW SECTION. 299A.7 FAILURE OF REMEDIATION.

22 If, based on the results of the next annual testing, the
23 board determines that remediation attempts have not resulted
24 in academic progress, private instruction shall no longer be
25 permitted for the child under this chapter. The board shall
26 inform the parent or guardian that the child must be enrolled
27 in a public or accredited nonpublic school. The parent or
28 guardian may appeal the decision of the board to the state
29 board of education. The appeal shall be governed by the
30 provisions of chapter 290. A decision by the state board of
31 education constitutes final agency action for purposes of
32 judicial review.

33 Except where the district court has granted a parent's or
34 guardian's application for relief, private instruction shall
35 not be allowed during the pendency of the appeal. Private

1 instruction shall again be allowed, however, if a parent or
2 guardian establishes to the satisfaction of the board through
3 standardized testing administered by area education agency
4 personnel at the parent's or guardian's cost that the child is
5 achieving academic progress.

6 Sec. 19. NEW SECTION. 299A.8 PRIVATE INSTRUCTION
7 ASSISTANCE.

8 A public school may implement and administer a private
9 instruction assistance program. The program, if implemented,
10 shall be available to assist parents or guardians engaging in
11 private instruction under section 299A.4. The program shall
12 not be available to an instructor under section 299A.5. The
13 program may include, but need not be limited to, providing a
14 certificated teacher to meet regularly with the child and the
15 parent or guardian to assist in instructional planning to
16 achieve academic progress in one or more of the subject areas
17 specified in section 299A.4. If a local school district
18 offers a program under this section, the child shall be
19 included as a full-time student in the public school's basic
20 enrollment under section 442.4.

21 Sec. 20. NEW SECTION. 299A.9 DUAL ENROLLMENT.

22 A child who is receiving private instruction under section
23 299A.4 or 299A.5 may also enroll in a public school for dual
24 enrollment purposes. If a child enrolls in a public school
25 under this section, the board shall determine the appropriate
26 placement of the child by administering tests or other means
27 of evaluation. Reasonable restrictions upon the terms of
28 enrollment may be placed on the child by the board. The
29 reasonableness of the restrictions upon the terms of
30 enrollment may be appealed by the parent or guardian to the
31 state board of education. The appeal shall be governed by the
32 provisions of chapter 290. A decision by the state board of
33 education constitutes final agency action for purposes of
34 judicial review.

35 If a child enrolls in a public school under this section,

1 the child shall be included in the public school's basic
2 enrollment under section 442.4.

3 Sec. 21. NEW SECTION. 299A.10 INSTRUCTOR OTHERWISE NOT
4 QUALIFIED.

5 A parent, guardian, or instructor providing private
6 instruction, who does not hold a teacher's certificate issued
7 by the state board of educational examiners, is not a
8 certificated teacher.

9 Sec. 22. NEW SECTION. 299A.11 NOT TAX EXEMPT.

10 A building or facility is not eligible for tax exemption
11 under section 427.1 simply because it is the site of private
12 instruction under this chapter.

13 Sec. 23. NEW SECTION. 299A.12 CUSTODY OF RECORDS --
14 REPORTS TO AUTHORITIES.

15 All certificates, reports, and other evidence filed with
16 the local school district shall be preserved in the office of
17 the secretary of the school corporation as part of the
18 secretary's records. The secretary shall furnish certified
19 copies of those records annually to the department of
20 education and to any other person who would ordinarily have
21 access to reports under chapter 299 upon request.

22 All school officers and employees shall report to the
23 secretary of the school corporation any violations of this
24 chapter of which they have knowledge. If the reports contain
25 allegations of failure to meet the requirements of sections
26 299A.4 and 299A.5, the secretary shall inform the president of
27 the board who shall, if necessary, call a meeting of the board
28 to take official action. The board or president may file a
29 complaint with the county attorney or local law enforcement
30 authorities to enforce the provisions of this chapter.

31 Sec. 24. NEW SECTION. 299A.13 VIOLATIONS.

32 Any person who provides private instruction for a child and
33 who does not meet the requirements of sections 299A.4 and
34 299A.5 commits child endangerment under section 726.6,
35 subsection 1, paragraph "a".

1 Sec. 25. Section 726.6, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. A person who commits child
4 endangerment under the provision of chapter 299A is guilty of
5 a simple misdemeanor if it is the person's first offense. The
6 court may sentence the person to a term of imprisonment, which
7 may be suspended, of up to ten days, or impose a fine of up to
8 one hundred dollars, or both fine and imprisonment, or may
9 order the person to perform unpaid community service work
10 instead of a fine or imprisonment.

11 A second offense conviction is a serious misdemeanor and is
12 punishable by a term of imprisonment, which may be suspended,
13 of up to twenty days, or a fine of up to five hundred dollars,
14 or both fine and imprisonment, or the court may order the
15 person to perform unpaid community service work instead of a
16 fine or imprisonment.

17 A third or subsequent offense conviction is a serious
18 misdemeanor and is punishable by a term of imprisonment, which
19 may be suspended, of up to thirty days, or a fine of up to one
20 thousand dollars, or both fine and imprisonment, or the court
21 may order the person to perform unpaid community service work
22 instead of a fine or imprisonment.

23 EXPLANATION

24 This bill creates a new chapter tentatively numbered 299A,
25 which permits parents, guardians, and other qualifying persons
26 to provide private instruction under specified conditions.
27 The parent or guardian must submit reports to the local school
28 district notifying the district of the private instruction and
29 of the child's academic progress. The bill also provides for
30 remediation by a panel if the child is not achieving academic
31 progress and contains a testing mechanism. Public schools are
32 permitted to develop private instruction assistance programs
33 to assist parents or guardians providing private instruction.
34 Dual enrollment in public school and private instruction is
35 authorized. Teacher certification and tax exemption are

1 denied unless the person giving the instruction otherwise
2 qualifies for certification or tax exemption. A person, other
3 than a parent or guardian, who is a private instructor, is a
4 mandatory child abuse reporter. A person violating a
5 provision of chapter 299A commits child endangerment under
6 section 726.6 and is guilty of a simple misdemeanor for a
7 first offense conviction and of a serious misdemeanor for a
8 second or subsequent offense conviction.

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HOUSE FILE _____
BY (PROPOSED COMPULSORY
SCHOOL ATTENDANCE STUDY
COMMITTEE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the compulsory attendance and truancy laws and
2 providing penalties.

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

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1 Section 1. Section 279.10, subsection 1, Code 1989, is
2 amended to read as follows:

3 1. The school year shall begin on the first day of July
4 and each regularly established elementary and secondary school
5 shall begin no sooner than a day during the calendar week in
6 which the first day of September falls but no later than the
7 ~~first-Monday-in-December~~ September 15. School shall continue
8 for at least one hundred eighty days, except as provided in
9 subsection 3, and may be maintained during the entire calendar
10 year. A school corporation may begin employment of personnel
11 for in-service training and development purposes before the
12 date to begin elementary and secondary school.

13 Sec. 2. Section 280.3, unnumbered paragraph 1, Code 1989,
14 is amended to read as follows:

15 The board of directors of each public school district and
16 the authorities in charge of each nonpublic school shall
17 prescribe the minimum educational program and an attendance
18 policy for the schools under their jurisdictions. The minimum
19 educational program shall be the curriculum set forth in
20 section 256.11, except as otherwise provided by law. The
21 board of directors of a public school district shall not allow
22 discrimination in any educational program on the basis of
23 race, color, creed, sex, marital status or place of national
24 origin.

25 Sec. 3. Section 299.1, Code 1989, is amended to read as
26 follows:

27 299.1 ATTENDANCE REQUIREMENTS.

28 ~~The~~ Except as provided in section 299.2, the parent,
29 guardian, or legal or actual custodian of a child who ~~is ever~~
30 ~~seven~~ has reached the age of six and is under sixteen eighteen
31 years of age by September 15, in proper physical and mental
32 condition to attend school, shall ~~enact~~ be responsible for
33 the ~~child's~~ child's attendance in some public school, commencing
34 as provided under section 279.10.

35 The board of directors of a public school district or the

1 governing body of an accredited nonpublic school shall set the
2 number of days of required attendance for the schools under
3 its control.

4 ~~The board may, by resolution, require attendance in the~~
5 ~~public schools for the entire time when the schools are in~~
6 ~~session in any school year.~~

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

12 ~~In lieu of such attendance such child may attend upon~~
13 ~~equivalent instruction by a certified teacher elsewhere.~~

14 Sec. 4. Section 299.2, Code 1989, is amended to read as
15 follows:

16 299.2 EXCEPTIONS.

17 Section 299.1 shall not apply to any child:

18 ~~1. Who is over the age of fourteen and is regularly~~
19 ~~employed.~~

20 2 1. Whose educational qualifications are equal to those
21 of pupils who have completed the ~~eighth~~ twelfth grade.

22 3 2. Who is excused for sufficient reason by any court of
23 record or judge.

24 4 3. While attending religious services or receiving
25 religious instructions.

26 5 4. Who is attending a private college preparatory school
27 accredited or probationally accredited under section 256.11,
28 subsection 13.

29 5. Who is attending private instruction provided by a
30 certificated teacher for at least one hundred eighty days per
31 calendar year. A day of private instruction must consist of
32 at least five and one-half hours of instruction in one twenty-
33 four hour period.

34 If members or representatives of a local congregation of a
35 recognized church or religious denomination established for

1 ten years or more within the state of Iowa prior to July 1,
2 1967, which professes principles or tenets that differ
3 substantially from the objectives, goals, and philosophy of
4 education embodied in standards set forth in section 256.11,
5 and rules adopted to implement the standards, file with the
6 director of the department of education proof of the existence
7 of such conflicting principles or tenets, together with a list
8 of the names, ages, and post-office addresses of all pupils of
9 compulsory school age desiring to be exempted from the
10 compulsory education law and the educational standards law,
11 whose parents or guardians are members of the congregation or
12 religious denomination, the director, subject to the approval
13 of the state board of education, may exempt the members of the
14 congregation or religious denomination from compliance with
15 any or all requirements of the compulsory education law and
16 the educational standards law for two school years. If the
17 exemption has once been granted, renewal of such exemptions
18 for each succeeding school year may be conditioned by the
19 director, with the approval of the state board, upon proof of
20 achievement in the basic skills of arithmetic, the
21 communicative arts of reading, writing, grammar, and spelling,
22 and an understanding of United States history, history of
23 Iowa, and the principles of American government, by pupils of
24 compulsory school age exempted in the preceding year, which
25 shall be determined on the basis of tests or other means of
26 evaluation selected by the director with the approval of the
27 state board. The testing or evaluation, if required, shall be
28 accomplished prior to submission of the request for renewal of
29 the exemption. Renewal requests shall be filed with the
30 director on or before April 15 of the school year preceding
31 the school year for which the applicants desire exemption.

32 Sec. 5. Section 299.3, Code 1989, is amended to read as
33 follows:

34 299.3 REPORTS FROM PRIVATE SCHOOLS.

35 ~~Within-ten-days-from-receipt-of-notice-from-the-secretary~~

1 of-the-school-district-within-which-any-private-school-is
2 conducted On or before the third Friday in September of each
3 school year, and at any time when requested in individual
4 cases, the principal of such a nonpublic school shall, once
5 during each school year, and at any time when requested in
6 individual cases, furnish to such the secretary of the public
7 school district, within which the nonpublic school is located,
8 a certificate and report in duplicate of the names, ages, and
9 number of days attendance of each pupil of such the nonpublic
10 school over-seven who has reached the age of six and is under
11 sixteen eighteen years of age, the course of study pursued by
12 each such-child the pupil, the texts used, and the names of
13 the teachers, during the preceding year and from the time of
14 the last preceding report to the time at which a report is
15 required. The secretary shall retain one of the reports and
16 file the other with the secretary of the area education
17 agency.

18 Sec. 6. Section 299.4, Code 1989, is amended to read as
19 follows:

20 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

21 The parent, guardian, or legal or actual custodian of a
22 child who by September 15 is-over-seven has reached the age of
23 six and is under sixteen eighteen years of age, who places the
24 child under private instruction, not in an accredited or
25 approved school, shall furnish a report in duplicate, to the
26 district by the earliest starting date specified in section
27 279.10, subsection 1. The secretary shall retain and file one
28 copy and forward the other copy to the district's area
29 education agency. The report shall state the name and age of
30 the child, the period of time during which the child has been
31 or will be under private instruction for the school year, an
32 outline of the course of study, texts used, and the name and
33 address of the instructor. The term "outline of course of
34 study" shall include, but is not limited to, subjects covered,
35 weekly lesson plans, and time spent on the areas of study.

1 Sec. 7. Section 299.5, Code 1989, is amended to read as
2 follows:

3 299.5 PROOF OF MENTAL OR PHYSICAL CONDITION.

4 The parent, guardian, or custodian of a child who ~~is over~~
5 seven ~~has reached the age of six~~ and is ~~under sixteen~~ eighteen
6 years of age by September 15, who is physically or mentally
7 unable to attend school, shall furnish proofs by affidavit as
8 to the physical or mental condition of the child.

9 Sec. 8. Section 299.6, Code 1989, is amended to read as
10 follows:

11 299.6 VIOLATIONS -- COMMUNITY SERVICE ~~IN-STEAD-OF~~ OR FINE
12 OR IMPRISONMENT.

13 Any person who ~~shall-violate~~ violates any of the provisions
14 of sections 299.1 ~~to~~ through 299.5, ~~inclusive,~~ shall-be for a
15 first offense, is guilty of a simple misdemeanor and-the-course
16 shall.

17 A first offense conviction is punishable by imprisonment of
18 up to ten days, which may be suspended, or a fine of up to one
19 hundred dollars. The court may order the person to perform
20 not more than forty hours of unpaid community service instead
21 of any fine or imprisonment. A person convicted of a second
22 or subsequent violation is guilty of a serious misdemeanor.

23 A second offense conviction is punishable by imprisonment
24 of up to twenty days, which may be suspended, or a fine of up
25 to five hundred dollars, or both a fine and imprisonment. The
26 court may order the person to perform unpaid community service
27 instead of any fine or imprisonment.

28 A third or subsequent offense conviction is punishable by
29 imprisonment of up to thirty days, which may be suspended, or
30 a fine of up to one thousand dollars, or both a fine and
31 imprisonment. The court may order the person to perform
32 unpaid community service instead of any fine or imprisonment.

33 If a parent, guardian, or legal or actual custodian of a
34 child who is truant, has made a good faith effort to comply
35 with the provisions of sections 299.1 through 299.5, the

1 parent, guardian, or custodian shall not be criminally liable
2 for the child's nonattendance.

3 Sec. 9. NEW SECTION. 299.6A INVESTIGATION OF TRUANT
4 CHILDREN.

5 After a child has accumulated fifteen unexcused absences,
6 as defined by the board of director's or other governing
7 body's attendance policy, from school during a school year,
8 the truancy officer shall report the absences to the county
9 attorney. The county attorney shall investigate the report
10 and may file a petition under section 232.87 for a judicial
11 determination of whether the child is a child in need of
12 assistance, as defined in section 232.2, subsection 6.

13 Upon a third or subsequent conviction of a parent,
14 guardian, or legal or actual custodian for violations of
15 sections 299.1 through 299.5, the county attorney shall
16 investigate whether the child is a child in need of assistance
17 and shall file a petition alleging the facts which bring the
18 child within the jurisdiction of the court.

19 Sec. 10. Section 299.8, Code 1989, is amended to read as
20 follows:

21 299.8 "TRUANT" DEFINED.

22 Any "Truant" means a child over-seven who has reached the
23 age of six and is under sixteen eighteen years of age, who is
24 in proper physical and mental condition to attend school, and
25 who fails to attend school regularly as provided-in-this
26 chapter-without-reasonable-excuse-for-the-absence-shall-be
27 deemed-to-be-a-truant required by the school board's or school
28 governing body's attendance policy.

29 Sec. 11. Section 299.10, Code 1989, is amended to read as
30 follows:

31 299.10 TRUANCY OFFICERS --APPOINTMENT ---COMPENSATION.

32 The board of each school district ~~may~~and-in-school
33 ~~districts-having-a-population-of-twenty-thousand~~ shall
34 appoint a truancy officer.

35 ~~in-districts-having-therein-a-city-the~~ The board may

1 appoint a member of the police force, or marshal, as such
2 ~~officers, and other districts may appoint a constable a~~
3 teacher, school official, or other suitable person to serve as
4 the district truancy officer.

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

7 Sec. 12. Section 299.11, Code 1989, is amended to read as
8 follows:

9 299.11 DUTIES OF TRUANCY OFFICER.

10 The truancy officer shall take into custody without warrant
11 any apparently truant child and place the child in the charge
12 of the ~~teacher-in-charge-of-the-public~~ school principal, or
13 the principal's designee, designated by the board of directors
14 of the school district in which ~~said~~ the child resides, or of
15 any ~~private~~ nonpublic school designated by the ~~person-having~~
16 ~~legal-control-of-the-child~~ parent, guardian, or legal or
17 actual custodian; but if it is other than a public school, the
18 instruction and maintenance of the child therein shall be
19 without expense to the school district.

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

23 Sec. 13. Section 299.15, Code 1989, is amended to read as
24 follows:

25 299.15 REPORTS BY SCHOOL OFFICERS AND EMPLOYEES.

26 All school officers and employees ~~shall~~ may promptly report
27 to the secretary of the school corporation any violations of
28 the ~~truancy-law~~ attendance policy of which they have
29 knowledge, and the ~~secretary~~ principal or the principal's
30 designee shall inform the president of the board of directors
31 who shall, if necessary, call a meeting of the board to take
32 such action ~~thereon~~ as the facts justify.

33 Sec. 14. Section 299.16, Code 1989, is amended to read as
34 follows:

35 299.16 FAILURE TO ATTEND.

1 School officers shall ascertain the number of children over
2 seven who have reached the age of six and are under sixteen
3 eighteen years of age, in their respective districts, the
4 number of such children who do not attend school, and so far
5 as possible the cause of the failure to attend and send copies
6 on a biannual basis of a report summarizing their findings to
7 the chairpersons and ranking members of the house and senate
8 standing committees on education.

9 Sec. 15. Section 299.18, Code 1989, is amended to read as
10 follows:

11 299.18 EDUCATION -- STATE SCHOOL.

12 Children ~~over-seven~~ who have reached the age of six and are
13 under ~~nineteen~~ eighteen years of age and who are so deaf or
14 blind or severely handicapped as to be unable to obtain an
15 education in the ~~common~~ schools shall be sent to the proper
16 state ~~school-therefor~~ institution, or shall receive
17 appropriate special education under chapter 281, unless
18 exempted, and any person having such a child under the
19 person's control or custody shall see that such child attends
20 such ~~school~~ institution or special education during the
21 scholastic year.

22 Sec. 16. Section 299.20, Code 1989, is amended to read as
23 follows:

24 299.20 ORDER.

25 Upon the filing of the application mentioned in section
26 299.19, the time of hearing shall be determined by the
27 juvenile court or the district court. If, upon hearing, the
28 court determines that the person required to appear has the
29 custody and control of a child who should be required to
30 attend a state ~~school~~ institution under section 299.18, the
31 court shall make an order requiring such person to keep such
32 child in attendance at such ~~school~~ institution.

33 Sec. 17. Section 299.22, Code 1989, is amended to read as
34 follows:

35 299.22 WHEN DEAF AND BLIND CHILDREN EXCUSED.

1 Attendance at the state institution may be excused when the
2 superintendent thereof of the institution is satisfied: that
3 ~~1--That the child is in such bodily or mental condition as~~
4 ~~to prevent or render futile attendance at the school;~~
5 ~~2--That the child is so diseased or possesses such habits~~
6 ~~as to render the child's presence a menace to the health or~~
7 ~~morals of other pupils;~~
8 3--That the child is efficiently taught for the scholastic
9 year in a private nonpublic or other school devoted to such
10 instruction or by a private tutor, or in the branches taught
11 in public schools.

12 Sec. 18. Sections 299.9, 299.13, 299.14, and 299.24, Code
13 1989, are repealed.

14 EXPLANATION

15 This bill changes the compulsory attendance ages to require
16 children to attend school starting at age six and until they
17 reach eighteen. Compulsory attendance policy is to be set by
18 the board of directors of a school district or other governing
19 or nonpublic body of a private school. The exception to the
20 compulsory attendance law for fourteen-year-old employed
21 children is repealed. The section relating to exemptions for
22 certain religious denominations has been transferred to
23 section 299.2, and a one-hundred-eighty day, five and one-half
24 hours of instruction, requirement has been imposed upon
25 private instruction. Reports from private schools must be
26 made by the third Friday in September. The penalty for
27 violation of the compulsory attendance law has been changed to
28 increasing terms of imprisonment, fines, or community service
29 instead of fine or imprisonment. Truancy will trigger
30 investigation by a county attorney and potential child in need
31 of assistance proceedings. If the parent, guardian, or
32 custodian is convicted three or more times for violating the
33 compulsory attendance law, investigation and court proceedings
34 will follow. A census summary relating to attendance and
35 school population must be provided to the education standing

1 committees of the general assembly.

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SENATE FILE _____
BY (PROPOSED COMPULSORY
SCHOOL ATTENDANCE STUDY
COMMITTEE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to private and home education and providing a
2 penalty.

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

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1 Section 1. NEW SECTION. 299A.1 STATEMENT OF POLICY.

2 It is the policy of this state to provide parents and their
3 children with a broad range of educational alternatives,
4 recognizing the parents' responsibilities and the state's
5 interests without infringing upon the parents' fundamental
6 right to rear and direct the educational upbringing of their
7 children.

8 Sec. 2. NEW SECTION. DEFINITIONS.

9 As used in this chapter, unless the context otherwise
10 requires:

11 1. "Academic progress" means academic growth or
12 development equal to a composite score reflecting growth of
13 five grade equivalent points.

14 2. "Accredited nonpublic school" means a nonpublic school
15 which is accredited by the state board of education pursuant
16 to section 256.11.

17 3. "Approved private school" means a nonpublic school
18 which is not accredited by the state board of education under
19 section 256.11, but which meets the requirements of this
20 chapter.

21 4. "Certificated teacher" means a person who holds a
22 teacher's certificate issued by the state board of educational
23 examiners.

24 5. "Dual enrollment" means the registration of a child in
25 a public school or accredited nonpublic school while enrolled
26 in an approved private school or a home education program.

27 6. "Home education program" means an educational program
28 provided in a home by a parent or guardian to one or more
29 students, who have reached the age of seven and are under
30 sixteen years of age, who are siblings.

31 7. "Home instructor" means a parent or guardian providing
32 instruction in a home education program, who holds a minimum
33 of a high school diploma or its equivalent under chapter 259A.

34 8. "Local school district" means the public school
35 district of the child's residency.

1 9. "Private education program" means an educational
2 program provided in an approved private school or home
3 education program.

4 10. "Private instructor" means a person providing
5 instruction in an approved private school who holds a minimum
6 of a high school diploma or its equivalent under chapter 259A.

7 11. "Public school" means a school directly supported in
8 whole or in part by taxation and accredited by the state board
9 of education under section 256.11.

10 12. "Teaching or classroom assistant" means a person who
11 is not a private or home instructor, but who assists a private
12 or home instructor in the provision of instruction in an
13 approved private school or home education program and who
14 holds a minimum of a high school diploma or its equivalent
15 under chapter 259A.

16 Sec. 3. NEW SECTION. 299.3 COMPULSORY ATTENDANCE.

17 Notwithstanding any conflicting provisions in chapters 280,
18 282, and 299, a parent or guardian of a child may place the
19 child under instruction for one hundred sixty days per
20 calendar year in one of the following:

- 21 1. An approved private school.
- 22 2. A home education program.

23 Sec. 4. NEW SECTION. 299A.4 NOTICE OF INTENT.

24 A parent or guardian who places a child in an approved
25 private school or a home education program shall annually
26 provide written notice of intent to the superintendent of
27 schools of the local school district by September 1 of each
28 school year. The notice shall include the name and age of the
29 child, the period of time during which the child has been or
30 will be receiving instruction in a private education program,
31 an outline of the course of study, and the name, address,
32 proof of the educational qualifications of the private or home
33 instructor and any teaching or classroom assistants, evidence
34 of required immunizations of the child, and the results of a
35 routine physical examination of the child completed no more

1 than two months before the delivery of the notice. The term
2 "course of study" shall include the subjects covered and the
3 time spent on the areas of study.

4 Sec. 5. NEW SECTION. 299A.5 DUAL ENROLLMENT.

5 A child who is receiving instruction in a private education
6 program under this chapter shall also enroll in a public
7 school for dual enrollment purposes and shall be included in
8 the public school's basic enrollment under section 442.4.

9 Sec. 6. NEW SECTION. 299A.6 QUALIFICATIONS OF PRIVATE
10 INSTRUCTORS.

11 For every thirty children enrolled in an approved private
12 school, the board of directors or governing body of the school
13 shall employ one private instructor who holds a bachelor's
14 degree from a postsecondary institution. Any approved private
15 school which does not meet the requirements of this section by
16 July 1, 1989, may continue to conduct private instruction, but
17 must provide proof of compliance with the requirements by July
18 1, 1994.

19 Sec. 7. NEW SECTION. 299A.7 INSTRUCTION.

20 A private instruction program shall include, but is not
21 limited to, language arts, social studies, mathematics,
22 science, health and physical education, art, and music.

23 Sec. 8. NEW SECTION. 299A.8 PREENROLLMENT ASSESSMENT.

24 Before a parent or guardian enrolls a child in a private or
25 home education program, the child must submit to a
26 preenrollment assessment administered through the local school
27 district. The assessment shall be developmentally appropriate
28 for the child's perceived level of intellectual functioning or
29 discerned grade level, and is not required for other than the
30 first year of enrollment.

31 Sec. 9. NEW SECTION. 299A.9 ANNUAL TEST.

32 Each child enrolled in a private education program shall
33 annually complete a nationally normed, standardized test,
34 administered through the local school district. The test
35 shall be chosen by the parent or guardian of the child from a

1 list of no less than five tests selected and approved by the
2 department of education for use under this chapter. The test
3 shall be administered in the building or facility where the
4 private education program is conducted. The results of the
5 test shall be submitted to the superintendent of the local
6 school district.

7 Sec. 10. NEW SECTION. 299A.10 ACADEMIC REMEDIATION.

8 If a child enrolled in a private education program fails to
9 demonstrate academic progress as evidenced by the child's
10 scores on the test administered pursuant to section 299A.9,
11 the private or home instructor shall modify the private
12 education program with the assistance of a certificated
13 teacher employed by the local school district, to remediate
14 the academic problem. The modified private education program
15 shall continue for one semester, after which the child shall
16 be tested, using a test approved under section 299A.9. If the
17 results of the test indicate that remediation has resulted in
18 academic progress, the private or home instructor may return
19 to an unsupervised private education program. The test used
20 to determine whether remediation has resulted in academic
21 progress shall be in addition to the annual test required
22 under section 299A.9.

23 Sec. 11. NEW SECTION. 299A.11 EDUCATION ASSISTANCE
24 PROGRAM.

25 If a child fails to achieve academic progress after one
26 semester of remediation as described in section 299A.10, the
27 board of directors of the local school district shall
28 implement an education assistance program for the child. The
29 board of directors shall assign one of its certificated
30 teachers to assist the private or home instructor for not more
31 than ten hours per week. The education assistance program
32 shall continue for one semester, after which the child shall
33 be tested, using a test approved under section 299A.9. If the
34 results of the test indicate that the education assistance
35 program has resulted in academic progress, the private or home

1 instructor may return to an unsupervised private education
2 program and further assistance by a certificated teacher shall
3 not be required. The test administered under this section is
4 in addition to the test administered under section 299A.9 or
5 299A.10.

6 Sec. 12. NEW SECTION. 299A.12 ACADEMIC FAILURE.

7 If a child has not achieved academic progress following an
8 education assistance program conducted under section 299A.11,
9 the board of directors of the local school district shall
10 require the parent or guardian of the child to enroll the
11 child in either a public school, an accredited nonpublic
12 school, an approved private school if the child has been
13 enrolled in a home education program, or a home education
14 program if the child has been enrolled in an approved private
15 school, or may require the continuation of the education
16 assistance program for an additional semester. In determining
17 which placement will best serve the child's educational
18 development, the board shall consider the interests of the
19 parent or guardian, the recommendations of the certificated
20 teacher assigned to assist in the education assistance
21 program, and the results of the tests administered under
22 sections 299A.9, 299A.10, and 299A.11.

23 Sec. 13. NEW SECTION. 299A.13 APPEAL.

24 The decision of the board of directors of the local school
25 district may be appealed to the state board of education under
26 chapter 290. A decision by the state board of education
27 constitutes final agency action for purposes of judicial
28 review. Except where the district court has granted a
29 parent's or guardian's special application for relief, the
30 private education program from which the child is being
31 removed shall not be continued during the pendency of the
32 appeal. Enrollment of a child in a public school or
33 accredited nonpublic school under section 299A.11 shall not
34 preclude reenrollment of a child in a private education
35 program if a parent or guardian establishes to the board of

1 directors of the local school district that the private
2 education program to be offered will result in academic
3 progress.

4 Sec. 14. NEW SECTION. 299A.14 HOME INSTRUCTION
5 ASSISTANCE.

6 A public school shall develop a home instruction assistance
7 program which shall be implemented upon request by a home
8 instructor. The program shall not be available to a private
9 instructor or a teaching or classroom assistant. The program
10 shall include, but need not be limited to, providing a
11 certificated teacher to meet regularly with the child and the
12 home instructor to assist in instructional planning to achieve
13 academic progress in one or more of the subject areas
14 specified in section 299A.7.

15 Sec. 15. NEW SECTION. 299A.15 INSTRUCTOR OTHERWISE NOT
16 QUALIFIED.

17 A private or home instructor or a teaching or classroom
18 assistant who does not hold a teacher's certificate issued by
19 the state board of educational examiners is not a certificated
20 teacher.

21 Sec. 16. NEW SECTION. 299A.16 NOT TAX EXEMPT.

22 A home used for a private education program under this
23 chapter is not eligible for tax exemption under section 427.1.

24 Sec. 17. NEW SECTION. 299A.17 VIOLATIONS.

25 A person who violates the provisions of this chapter is
26 guilty of a serious misdemeanor, punishable by a fine not
27 exceeding one thousand dollars, confinement not exceeding one
28 year, or the performance of up to one hundred twenty hours of
29 unpaid community services, or any combination of a fine,
30 confinement, or community services.

31 EXPLANATION

32 This bill permits private education in the home and in
33 certain nonaccredited private schools. Any child who attends
34 private education shall be registered with the public school
35 district for dual enrollment purposes and must attend school

1 or a private education program for one hundred sixty days per
2 calendar year. A child is tested once before entering home
3 instruction and retested each year to determine whether the
4 child is making academic progress. A notice of intent to
5 enroll in a private education program must be sent to the
6 public school district by September 15 of the year of private
7 education enrollment. Remediation, education assistance, and
8 instruction assistance are provided for a home instructor.
9 Persons violating this chapter are guilty of a serious mis-
10 demeanor.

11 The bill may provide a state mandate as defined in chapter
12 25B.

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HOUSE FILE _____

BY (PROPOSED COMPULSORY SCHOOL
ATTENDANCE STUDY COMMITTEE
BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to compulsory attendance and providing penalties.

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

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1 Section 1. Section 299.1, Code 1989, is amended to read as
2 follows:

3 299.1 ATTENDANCE REQUIREMENTS.

4 The parent, guardian, or legal or actual custodian of a
5 child who is over seven and under sixteen years of age by
6 September 15, in proper physical and mental condition to
7 attend school, shall enroll the child in some public school,
8 commencing as provided under section 279.10.

9 The board may, by resolution, require attendance in the
10 public schools for the entire time when the schools are in
11 session in any school year.

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

17 In lieu of such attendance such child may attend upon
18 equivalent private instruction by a certified teacher
19 elsewhere.

20 Sec. 2. Section 299.3, Code 1989, is amended to read as
21 follows:

22 299.3 REPORTS FROM PRIVATE SCHOOLS.

23 Within ten days from receipt of notice from the secretary
24 of the school district within which any private school is
25 conducted, the principal of such school shall, once during
26 each school year, and at any time when requested in individual
27 cases, furnish to such secretary a certificate and report in
28 duplicate of the names, ages, and number of days attendance of
29 each pupil of such school over seven and under sixteen years
30 of age, the course of study pursued by in each such-child
31 grade, the texts used, and the names of the teachers, during
32 the preceding year and from the time of the last preceding
33 report to the time at which a report is required. The
34 secretary shall retain one of the reports and file the other
35 with the secretary of the area education agency.

1 Sec. 3. Section 299.4, Code 1989, is amended to read as
2 follows:

3 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

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

20 Sec. 4. Section 299.6, Code 1989, is amended to read as
21 follows:

22 299.6 VIOLATIONS -- COMMUNITY SERVICE ~~IN-STEAD-OF~~ OR FINE
23 OR IMPRISONMENT.

24 Any person who ~~shall violate~~ violates any of the provisions
25 of sections 299.1 ~~to through~~ 299.5, ~~inclusive, shall be~~ is
26 guilty of a ~~simple~~ serious misdemeanor and the court ~~shall~~ may
27 order the person to perform not more than ~~forty~~ one hundred
28 twenty hours of unpaid community service instead of any fine
29 or imprisonment.

30 Sec. 5. Section 299.8, Code 1989, is amended to read as
31 follows:

32 299.8 "TRUANT" DEFINED.

33 Any child over seven and under sixteen years of age, in
34 proper physical and mental condition to attend school, who
35 fails to attend school regularly ~~as provided in this chapter~~

1 or attends fewer days than the minimum number of days
2 prescribed by the board of directors of the public school, or
3 governing body of the nonpublic school, without reasonable
4 excuse for the absence, shall be deemed to be a truant.

5 Sec. 6. Section 299.10, Code 1989, is amended to read as
6 follows:

7 299.10 TRUANCY OFFICERS --APPOINTMENT -- COMPENSATION.

8 The board of each school district may, and in school
9 districts having a population of twenty thousand shall,
10 appoint a truancy officer.

11 ~~in districts having therein a city, the~~ The board may
12 appoint a member of the police force, or a marshal, as such
13 ~~officer, and other districts may appoint a constable or~~
14 contract with some other suitable person to serve as the
15 truancy officer.

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

18 Sec. 7. Section 299.11, Code 1989, is amended to read as
19 follows:

20 299.11 DUTIES OF TRUANCY OFFICER.

21 The truancy officer shall take into custody without warrant
22 any apparently truant child and place the child in the charge
23 of the ~~teacher-in-charge-of-the~~ public school designated by
24 the board of directors of the school district in which ~~said~~
25 the child resides, or of any private nonpublic school
26 designated by the person having legal control of the child;
27 but if it is other than a public school, the instruction and
28 maintenance of the child ~~therein~~ shall be without expense to
29 the school district.

30 The truancy officer shall promptly institute criminal
31 proceedings against any person violating any of the provisions
32 of sections 299.1 to through 299.5. The truancy officer may
33 apply to the district court or the juvenile court of the
34 county in which the parent, guardian, or legal or actual
35 custodian of a child resides for an order requiring the

1 parent, guardian, or custodian to compel the attendance of the
2 child at school.

3 Sec. 8. Section 299.16, Code 1989, is amended to read as
4 follows:

5 299.16 FAILURE TO ATTEND.

6 School officers shall ascertain the number of children over
7 seven and under sixteen years of age, in their respective
8 districts, the number of such children who do not attend
9 school, and so far as possible the cause of the failure to
10 attend. A list of those children who fail to attend the
11 required forty days per school quarter, without reasonable
12 excuse, shall be sent to the department of education within
13 ten days after the completion of each school quarter.

14 Sec. 9. Sections 299.14 and 299.22, Code 1989, are
15 repealed.

16 EXPLANATION

17 This bill changes the number of days of required school
18 attendance from one hundred twenty to one hundred forty. The
19 time for reporting private instruction information has been
20 changed. The penalty for violations of the compulsory
21 attendance laws has been expanded. A truancy officer may now
22 go to juvenile or district court to obtain an order to compel
23 a parent, guardian, or custodian to ensure that a child
24 attends school. A list of truant children must be sent to the
25 department of education.

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