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MAR 25 1987

HOUSE FILE 650
BY COMMITTEE ON EDUCATION

Place On Calendar

(Formerly House Study Bill 157)

Passed House, Date 4-3-87 (p. 1142) Passed Senate, Date 5/6/87 (P. 1741)

Vote: Ayes 64 Nays 33 Vote: Ayes 37 Nays 12

Approved May 16, 1988

repealed to reversion (p. 1142)
" Law 4/8 (p. 1229)

A BILL FOR

1 An Act relating to providing private instruction and this Act is
2 repealed July 1, 1990.

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

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HF 650

1 Section 1. NEW SECTION. 299B.1 DECLARATION OF POLICY.

2 It is the policy of the state that every parent is
3 responsible to provide a basic education for the parent's
4 children in order to prepare the children to participate
5 effectively and intelligently as citizens and to be self-
6 reliant and self-sufficient members of society. The state
7 also has an interest in seeing that the youth who reside in
8 this state receive a basic education. Therefore, it is the
9 intent of the general assembly to provide parents and their
10 children with a broad range of educational alternatives in a
11 manner that will permit the accomplishment of these objectives
12 without infringing upon the rights of parents to raise and
13 teach their children.

14 Sec. 2. NEW SECTION. 299B.2 PURPOSE.

15 Notwithstanding sections 280.3, 280.9, 280.12, 280.14, and
16 299.1 through 299.23, this chapter regulates private
17 instruction not regulated in chapter 280.

18 Sec. 3. NEW SECTION. 299B.3 DEFINITIONS.

19 As used in this chapter, unless the context otherwise
20 requires:

- 21 1. "Nonpublic school" means a school with two or more
22 students over seven and under sixteen years of age and not re-
23 lated, in attendance.
- 24 2. "Private instruction" means an educational program pro-
25 vided in the home of one or more students over seven and under
26 sixteen years of age who are siblings.
- 27 3. "Public school" means a school directly supported in
28 whole or in part by taxation and accredited by the state board
29 of education pursuant to section 256.11.
- 30 4. "Accredited nonpublic school" means a nonpublic school
31 which is accredited by the state board of education pursuant
32 to section 256.11.
- 33 5. "Department" means the department of education.
- 34 6. "Instructor" means an instructor, who has or has not
35 been issued a teaching certificate or the appropriate

1 endorsement or approval by the state board of educational
2 examiners, but who provides private instruction. "Instructor"
3 includes the person in charge of private instruction.

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

6 Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION ASSISTANCE
7 PROGRAM.

8 A public school or an accredited nonpublic school may im-
9 plement and administer a home instruction assistance program
10 if requested by a parent or guardian of a child in the
11 district. If a public school administers a home instruction
12 assistance program, each child enrolled in the program shall
13 be included in the public school's basic enrollment pursuant
14 to section 442.4.

15 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

16 The person having control of a child over seven and under
17 sixteen years of age shall enroll the child in one of the
18 following:

19 1. A public school.

20 2. An accredited nonpublic school.

21 3. A home instruction assistance program pursuant to sec-
22 tion 299B.4.

23 4. Private instruction provided pursuant to section
24 299B.6.

25 Sec. 6. NEW SECTION. 299B.6 PRIVATE INSTRUCTION.

26 1. A person having control of a child over seven and under
27 sixteen years of age may provide private instruction to the
28 child. The person shall annually provide the following to the
29 board of directors of the local school district:

30 a. Evidence that the instructor has received an
31 undergraduate degree from an institution of higher education
32 or has received at least a fifty percent score on a nationally
33 recognized teacher competency examination.

34 b. A certificate indicating:

35 (1) The child's name and date of birth.

1 (2) The name and address of the child's parent or
2 guardian.

3 (3) The child's discerned grade or placement.

4 (4) An indication of the child's educational progress.

5 (5) The name and address of the individual providing the
6 private instruction to the child.

7 c. Evidence that the educational program for the child
8 provides, or in due course will provide, instruction in the

9 following subjects:

10 (1) Mathematics.

11 (2) Science.

12 (3) Language arts.

13 (4) United States history.

14 (5) History of Iowa.

15 (6) Principles of American government.

16 d. When the child has a discerned grade or placement
17 between the third grade and eighth grade in comparison with a
18 public school, the results of a nationally standardized test
19 which has been administered under conditions acceptable to the
20 board of directors of the local school district, and the
21 results of the test shall be made available to the board of
22 directors of the local school district and the parent or
23 guardian of the child.

24 e. An annual progress assessment report which shall
25 include the person's individualized assessment of the child's
26 academic progress in the subjects specified in paragraph "c".
27 The progress reports shall be retained by the parent or
28 guardian for at least three years and shall be submitted
29 annually to the board of directors of the local school
30 district.

31 f. A curriculum and weekly lesson plans for the
32 appropriate semester of the school year by September 1 and
33 December 30 of each year. If a child is presumed to be
34 talented and gifted or in need of special education, the plans
35 shall reflect the special needs of the child.

1 2. If it is determined by the board of directors of the
2 local school district that a child receiving private
3 instruction is not achieving adequate academic progress due to
4 inadequate instruction, the board of directors may require
5 that the child be instructed in an alternative manner.

6 3. The area education agency of the school district in
7 which the child is enrolled in a home instruction assistance
8 program shall conduct an annual screening to identify physical
9 disabilities that may impair the child's ability to learn.
10 The screening shall be administered at a facility of the local
11 school district or area education agency. The screening shall
12 include, but not be limited to, an assessment of a child's
13 vision, hearing, speech, and motor coordination. The area
14 education agency shall make the results of the assessment
15 available to the parent or guardian of the child, the
16 instructor providing the private instruction, and the
17 administrative staff of the local school district. The local
18 school district or the area education agency shall administer
19 further tests if deemed necessary, upon permission of the
20 parent or guardian of the child.

21 4. The person having control of a child over seven and
22 under sixteen years of age, who chooses the private
23 instruction alternative for the child, shall assume all
24 responsibility for the child's educational attainment.

25 Sec. 7. NEW SECTION. 299B.7 INSTRUCTOR OTHERWISE NOT
26 QUALIFIED.

27 An instructor, who provides private instruction pursuant to
28 section 299B.6 but does not hold a teacher's certificate
29 issued by the state board of educational examiners, is not a
30 certified teacher and may not receive compensation for
31 providing the private instruction.

32 Sec. 8. NEW SECTION. 299B.8 REPEAL.

33 This chapter is repealed July 1, 1990.

34 EXPLANATION

35 This bill creates a new chapter until July 1, 1990, to

1 regulate education of children outside of a public or
2 accredited nonpublic school setting. The bill requires the
3 person having control of a child between the ages of seven and
4 16 to enroll the child in a public school, accredited
5 nonpublic school, a home instruction assistance program
6 administered by a public or accredited nonpublic school or
7 private instruction.

8 Those individuals desiring to provide private instruction
9 are required to have at least an undergraduate degree or
10 receive a fifty percent competency score on a national test,
11 provide certain information relating to the children being
12 taught, provide certain curriculum information relating to the
13 child's education, and provide results of the child's
14 standardized test.

15 The bill provides that a person who does not have
16 certification but provides private instruction or provides
17 instruction in a nonpublic school is not a certified teacher
18 and may not receive compensation.

19 The bill is repealed July 1, 1990.

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HOUSE FILE 650

H-3573

1 Amend the amendment, H-3438, to House File 650 as
2 follows:

3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:

5 "____. Page 1, line 1, by striking the words and
6 figure: "NEW SECTION. 299B.1"."

H-3573 FILED APRIL 2, 1987 BY SPEAR of Lee
Adopted 4/3/87 (p. 1134)

HOUSE FILE 650

H-3598

1 Amend House File 650 as follows:

2 1. Page 2, by striking lines 2 and 3 and
3 inserting the following: "examiners, but who provides
4 private instruction and who is the parent or guardian
5 of the child receiving the private instruction."

6 2. Page 2, line 16, by striking the word "person"
7 and inserting the following: "parent or guardian".

8 3. Page 2, line 26, by striking the word "person"
9 and inserting the following: "parent or guardian".

10 4. Page 2, line 28, by striking the word "person"
11 and inserting the following: "parent or guardian".

12 5. Page 3, by striking lines 5 and 6.

13 6. Page 4, lines 15 and 16, by striking the words
14 "the instructor providing the private instruction,".

H-3598 FILED APRIL 2, 1987 BY SHOULTZ of Black Hawk
Adopted 4/3 (p. 1137)

HOUSE FILE 650

H-3599

1 Amend House File 650 as follows:

2 1. Page 4, by inserting before line 25 the
3 following:

4 "Sec. ____ . NEW SECTION. 299B.7 COMPULSORY
5 ATTENDANCE EXEMPTION.

6 A child who has received private instruction
7 pursuant to this chapter shall successfully complete
8 an examination administered by the department of
9 education which reflects material received at the
10 eighth grade level before the child can be granted a
11 special exempt status by the department of education
12 from the compulsory attendance requirements of chapter
13 299."

14 2. By renumbering as necessary.

H-3599 FILED APRIL 2, 1987 BY SHOULTZ of Black Hawk
Done 4/3 (p. 1141)

HOUSE FILE 650

H-3601

1 Amend House File 650 as follows:

2 1. Page 4, line 8, by striking the word
3 "physical" and inserting the following: "potential".

4 2. Page 4, line 14, by striking the word
5 "assessment" and inserting the following:
6 "screening".

7 3. Page 4, line 19, by striking the word "tests"
8 and inserting the following: "assessment".

H-3601 FILED APRIL 2, 1987 BY SHOULTZ of Black Hawk
Adopted 4/3 (p. 1141)

HOUSE FILE 650

H-3438

- 1 Amend House File 650 as follows:
- 2 1. Page 1, line 1, by striking the figure
- 3 "299B.1".
- 4 2. By renumbering as necessary.

H-3438 FILED MARCH 27, 1987 BY SPEAR of Lee

Adopted as amended by 3573 4/2 (1138)
Loss

HOUSE FILE 650

H-3439

- 1 Amend House File 650 as follows:
- 2 1. Page 1, by striking lines 21 through 23.

H-3439 FILED MARCH 27, 1987 BY SPEAR of Lee

Adopted 4/3 (p 1135)

HOUSE FILE 650

H-3496

- 1 Amend House File 650 as follows:
- 2 1. Page 3, line 31, by striking the words "and
- 3 weekly lesson plans" and inserting the following:
- 4 "plan".

H-3496 FILED MARCH 31, 1987 BY SPEAR of Lee

Adopted 4/3 (p 1142)

HOUSE FILE 650

H-3557

- 1 Amend House File 650 as follows:
- 2 1. Page 2, by striking lines 8 through 10 and in-
- 3 serting the following:
- 4 "A public school shall implement and administer a
- 5 home instruction assistance program if a parent or
- 6 guardian of a child is providing private instruction
- 7 in the district. An accredited nonpublic school may
- 8 implement and administer a home instruction assistance
- 9 program if a parent or guardian of a child is
- 10 providing private instruction and if requested by a
- 11 parent or guardian."
- 12 2. Page 2, line 11, by striking the word
- 13 "district."
- 14 3. Page 2, line 14, by inserting after the figure
- 15 "442.4." the following: "The home instruction
- 16 assistance program shall provide at least three hours
- 17 of contact per week between the certificated teacher
- 18 and the instructor."
- 19 4. Page 2, by striking lines 22 through 24 and
- 20 inserting the following: "tion 299B.4 while providing
- 21 private instruction pursuant to section 299B.6."
- 22 5. Page 2, line 28, by inserting after the word
- 23 "child" the following: "while enrolled in a home
- 24 instruction assistance program pursuant to section
- 25 299B.4".
- 26 6. Page 2, by striking lines 30 through 33.

BY MULLINS of Kossuth
BRANSTAD of Winnebago
H-3557 FILED APRIL 1, 1987

CONNORS of Polk
CARPENTER of Polk
BUHR of Polk

Loss 4/3 (p 1138)

HOUSE FILE 650

H-3604

1 Amend House File 650 as follows:
2 1. Page 4, by inserting after line 33, the
3 following:
4 "Sec. ____ . Section 299.24, Code 1987, is
5 repealed."

H-3604 FILED APRIL 2, 1987 BY JAY of Appanoose

4/15 4/3 (p. 1142)

HOUSE FILE 650

H-3610

1 Amend House File 650 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 299.6, Code 1987, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 299.6 CIVIL ENFORCEMENT.
8 A county attorney or legal counsel employed by a
9 board of directors of a school corporation who
10 receives information that a person has violated a
11 provision of sections 299.1 to 299.5 may seek judicial
12 enforcement by filing an action in a district court in
13 a county which is wholly or partially contained within
14 the school district in which the child resides or the
15 alleged violation occurred.
16 Upon a finding by a preponderance of the evidence
17 that a person has violated a provision of such
18 sections, the court:
19 1. Shall assess against the person a civil penalty
20 in an amount not more than five hundred dollars nor
21 less than one hundred dollars, to be deposited in the
22 general fund of the state.
23 2. Shall order the person to pay all costs and
24 reasonable attorney fees incurred by a party who
25 successfully establishes the violation.
26 3. May issue appropriate orders, including but not
27 limited to temporary or permanent injunctions
28 directing the person to refrain from future
29 violations."
30 2. Title page, by striking lines 1 and 2 and
31 inserting the following: "An Act relating to the
32 penalty for noncompliance with compulsory education
33 attendance requirements."

BY DODERER of Johnson
SIEGRIST of Pottawattamie
H-3610 FILED APRIL 2, 1987

LAGESCHULTE of Bremer
JAY of Appanoose
DVORSKY of Johnson

Ruled not germane 4/3 (p. 1133)

HOUSE FILE 650

H-3613

1 Amend House File 650 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:4 "Section 1. Section 299.1, unnumbered paragraph 3,
5 Code 1987, is amended to read as follows:6 In lieu of such attendance such child may attend
7 upon equivalent instruction by a certified teacher
8 elsewhere. A teacher providing such equivalent
9 instruction in a nonapproved nonpublic school or by
10 means of private instruction shall successfully
11 complete all requirements for certification as
12 determined by the state board of educational examiners
13 for certification of teachers employed by a board of
14 directors of a school district or the authorities in
15 charge of an approved nonpublic school except for a
16 human relations, or similar, course requirement."17 2. Title page, by striking lines 1 and 2 and
18 inserting the following: "An Act relating to the
19 requirements of a certificated teacher providing
20 equivalent instruction in a nonapproved nonpublic
21 school or by means of private instruction."

H-3613 FILED APRIL 2, 1987 BY JAY of Appanoose

Letter 4/3 (p. 1134)

HOUSE FILE 650

H-3614

1 Amend House File 650 as follows:

2 1. Page 3, by striking lines 24 through 30.

3 2. Page 3, by inserting after line 35 the
4 following:5 " _____. The parent or guardian of the child shall
6 submit on a semiannual basis a progress assessment
7 report which shall include the person's individualized
8 assessment of the child's academic progress in the
9 subjects specified in subsection 1, paragraph "c".
10 The progress reports shall be retained by the parent
11 or guardian for at least three years and shall be
12 submitted on a semiannual basis to the board of
13 directors of the local school district."

H-3614 FILED APRIL 2, 1987 BY JAY of Appanoose

Adopted 4/3 (p. 1140)

HOUSE FILE 650

H-3611

1 Amend House File 650 as follows:

2 1. Page 4, line 4, by striking the word "may" and
3 inserting the following: "shall".

H-3611 FILED APRIL 2, 1987 BY JAY of Appanoose

Letter 4/3 (p. 1145)

HOUSE FILE 650

H-3615

1 Amend House File 650 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 272A.6, unnumbered paragraph
5 1, Code 1987, is amended to read as follows:

6 The commission shall have the responsibility of
7 developing criteria of professional practices
8 including, but not limited to, such areas as: (1)
9 Contractual obligations; (2) competent performance of
10 all members of the teaching profession; and (3)

11 ethical practice toward other members of the
12 profession, parents, students, and the community.

13 However, membership or nonmembership in any teachers'
14 organization shall never be a criterion of an

15 individual's professional standing. The criteria
16 shall include the failure to report a violation of

17 compulsory attendance pursuant to section 299.25. A
18 violation, as determined by the commission following a

19 hearing, of any of the criteria so adopted shall be
20 deemed to be unprofessional practice and a legal basis

21 for the suspension or revocation of a certificate by
22 the state board of educational examiners.

23 Sec. 2. Section 299.1, Code 1987, is amended to
24 read as follows:

25 299.1 ATTENDANCE REQUIREMENTS.

26 A person having control of a child over seven and
27 under sixteen years of age, in proper physical and
28 mental condition to attend school, shall ~~cause the~~

29 ~~child to attend some public school for at least one~~
30 ~~hundred twenty days in each school year, commencing no~~

31 ~~sooner than the first day of September, unless the~~
32 ~~board of school directors establishes a later date,~~

33 ~~which date shall not be later than the first Monday in~~
34 ~~December provide for the education of the child by any~~

35 ~~of the following:~~

36 1. Enrolling the child in a public school and
37 causing attendance for at least one hundred twenty

38 days in each school year, commencing no sooner than
39 the first day of September, unless the board of

40 directors of a school corporation establishes a later
41 date, which date shall not be later than the first

42 Monday in December. The board may, by resolution,
43 require attendance for the entire time when the

44 schools are in session in any school year.

45 2. Enrolling the child in a nonpublic school
46 approved by the department of public instruction and

47 causing attendance for at least one hundred twenty
48 days in each school year, except that the authorities

49 in charge of the nonpublic school may require
50 attendance for the entire time when schools are in

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1 session in any school year.

2 3. Enrolling the child in a nonpublic school and
3 causing attendance for at least one hundred twenty
4 days in each school year which meets the requirements
5 of section 299.25.

6 4. Instruction in a nonschool setting, if the
7 board of directors of a school corporation, upon
8 recommendation of the superintendent where the child
9 resides determines that the program meets the
10 requirements of sections 299.25.

11 ~~The board may, by resolution, require attendance~~
12 ~~for the entire time when the schools are in session in~~
13 ~~any school year.~~

14 ~~in lieu of such attendance such child may attend~~
15 ~~upon equivalent instruction by a certified teacher~~
16 ~~elsewhere.~~

17 Sec. 3. Section 299.6, Code 1987, is amended by
18 striking the section and inserting in lieu thereof the
19 following:

20 299.6 CIVIL ENFORCEMENT.

21 A county attorney or legal counsel employed by a
22 board of directors of a school corporation who
23 receives information that a person has violated a
24 provision of this chapter may seek judicial
25 enforcement by filing an action in a district court in
26 a county which is wholly or partially contained within
27 the school district in which the child resides or the
28 alleged violation occurred.

29 Upon a finding by a preponderance of the evidence
30 that a person has violated a provision of this
31 chapter, the court:

32 1. Shall assess against the person a civil penalty
33 in an amount not more than five hundred dollars nor
34 less than one hundred dollars, to be deposited in the
35 general fund of the state.

36 2. Shall order the person to pay all costs and
37 reasonable attorney fees incurred by a party who
38 successfully establishes the violation.

39 3. May issue appropriate orders, including but not
40 limited to temporary or permanent injunctions
41 directing the person to refrain from future
42 violations.

43 Sec. 4. Section 299.8, Code 1987, is amended to
44 read as follows:

45 299.8 "TRUANT" DEFINED.

46 Any A child over seven and under sixteen years of
47 age, in proper physical and mental condition to attend
48 school, who fails to attend school participate in a
49 school or an instruction program pursuant to section
50 299.1 regularly as provided in this chapter, without

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1 reasonable excuse for the absence, shall-be-deemed-to
2 be is a truant.

3 Sec. 5. Section 299.11, unnumbered paragraph 2,
4 Code 1987, is amended to read as follows:

5 The truancy officer shall promptly institute
6 ~~criminal~~ civil enforcement proceedings against any
7 person violating any of the provisions of sections
8 299.1 to 299.5.

9 Sec. 6. NEW SECTION. 299.25 INSTRUCTION
10 ALTERNATIVES.

11 The following standards shall be applied to
12 determine compliance with section 299.1:

13 1. The following subjects shall be taught to
14 children whose ages correspond to those of pupils in
15 grades one through six:

16 a. Art.

17 b. English-language arts, including oral and
18 written English, handwriting, literature, reading, and
19 spelling.

20 c. Health and physical education, including the
21 effects of alcohol, tobacco, drugs, and poisons on the
22 human body, and the characteristics of communicable
23 diseases.

24 d. Mathematics.

25 e. Music.

26 f. Science, including environmental awareness and
27 conservation of natural resources.

28 g. Social studies, including geography, Iowa and
29 United States history, cultures of other nations, and
30 national, state, and local government in the United
31 States.

32 h. Traffic safety, including bicycle and
33 pedestrian safety procedures.

34 i. Career education, including awareness of self
35 in relation to others and the needs of society.

36 2. The following subjects shall be taught to
37 children whose ages correspond to those of pupils in
38 grades seven and eight:

39 a. Art.

40 b. English-language arts, including reading,
41 spelling, grammar, and oral and written composition.

42 c. Health and physical education, including the
43 effects of alcohol, tobacco, drugs, and poisons on the
44 human body and the characteristics of communicable
45 diseases, including venereal diseases and current
46 crucial health issues.

47 d. Mathematics.

48 e. Music.

49 f. Science, including environmental awareness and
50 conservation of natural resources.

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page Four

1 g. Social studies, including cultures of other
2 nations, and American citizenship.

3 h. Career education, including exploration of
4 employment opportunities and the concepts inherent in
5 a work-oriented society.

6 3. Provisions for special education programs shall
7 be made for children requiring special education
8 pursuant to chapter 281.

9 4. The medium of instruction in all subjects
10 taught shall be the English language, except when the
11 use of a foreign language is deemed appropriate in the
12 teaching of any subject or when the student is non-
13 English speaking.

14 5. Instruction shall be given for a minimum of one
15 hundred twenty days per year. The authorities in
16 charge of an instructional program pursuant to section
17 299.1, subsection 3, or the certified teacher who
18 provides instruction pursuant to section 299.1,
19 subsection 4, shall allocate instructional time as
20 appropriate to the needs of the pupil. The per diem
21 allocation of instructional time required to
22 demonstrate compliance with section 299.1 shall be
23 determined with reference to the school day of the
24 district in which the instruction takes place. In
25 making such a determination, consideration shall be
26 given to the pupil's needs and abilities as reflected
27 in available school records or diagnostic tests, and
28 with reference to the total number of hours in the
29 school day as defined by the board of directors of a
30 school corporation in a written policy.

31 6. To determine compliance with this chapter, the
32 following shall be applied to the certified teacher
33 providing instruction to a pupil:

34 a. Upon request of the board of directors of a
35 school corporation evaluating the proposed
36 instructional program of a pupil, the teacher
37 designated as providing instruction to that pupil
38 shall furnish proof of a valid Iowa teacher's
39 certificate with the appropriate endorsements and
40 approvals.

41 b. The teacher's duties include, but are not
42 limited to, the following:

43 (1) Diagnosing, prescribing, evaluating, and
44 directing the pupil's educational program.

45 (2) Setting goals and objectives for the
46 educational growth of the pupil.

47 (3) Providing instruction and utilizing
48 instructional materials that are at a level
49 appropriate to the pupil's age, abilities, and needs.

50 (4) Maintaining records of attendance, coursework,

HOUSE FILE 650

H-3666

1 Amend the amendment, H-3557, to House File 650 as
2 follows:

3 1. Page 1, line 16, by striking the word "three"
4 and inserting the following: "two".

H-3630 FILED APRIL 3, 1987 BY MULLINS of Kossuth
Adopted 4/3/87 (p. 1133)

HOUSE FILE 650

H-3666

1 Amend House File 650 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 299.6, Code 1987, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 299.6 CIVIL ENFORCEMENT.

8 A county attorney or legal counsel employed by a
9 board of directors of a school corporation who
10 receives information that a person has violated a
11 provision of sections 299.1 to 299.5 may seek judicial
12 enforcement by filing an action in a district court in
13 a county which is wholly or partially contained within
14 the school district in which the child resides or the
15 alleged violation occurred.

16 Upon a finding by a preponderance of the evidence
17 that a person has violated a provision of such
18 sections, the court:

19 1. Shall assess against the person a civil penalty
20 in an amount not more than five hundred dollars nor
21 less than one hundred dollars, to be deposited in the
22 general fund of the state.

23 2. Shall order the person to pay all costs and
24 reasonable attorney fees incurred by a party who
25 successfully establishes the violation.

26 3. May issue appropriate orders, including but not
27 limited to temporary or permanent injunctions
28 directing the person to refrain from future
29 violations.

30 A person found in contempt for a violation of a
31 provision of sections 299.1 to 299.5 is not subject to
32 punishment by imprisonment."

33 2. Title page, by striking lines 1 and 2 and
34 inserting the following: "An Act relating to the
35 penalty for noncompliance with compulsory education
36 attendance requirements."

BY DODDERER of Johnson
SIEGRIST of Pottawattamie
JAY of Appanoose
H-3666 FILED APRIL 7, 1987
Passed 4/7/87 (p. 1133)

SHOULTZ of Black Hawk
LAGESCHULTE of Bremer
DVORSKY of Johnson
RISE of Lee

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1 and evaluations.

2 (5) Seeking a professional evaluation of a pupil
3 who may be in need of special education, by a referral
4 to the director of special education of the
5 appropriate area education agency.

6 c. The certified teacher shall not delegate the
7 responsibility for the duties defined in paragraph
8 "b". Supervision or consultation is not a sufficient
9 substitute for the instructional duties defined in
10 paragraph "b".

11 7. The board of directors of a school corporation
12 shall annually determine whether each resident child
13 of compulsory school age who is not enrolled in the
14 public schools is receiving alternative instruction by
15 a certified teacher. The board may seek proof of
16 satisfactory progress by requiring documentation of
17 coursework or test results, or by any other reasonable
18 method.

19 In making a determination of the proposed
20 educational program, the board may approve an
21 instructional program which provides less time of
22 instruction than that in the public school day by
23 considering such factors as pupil-teacher ratio, pupil
24 ability, and needs. The board shall not require that
25 the hours designated for instruction exceed the number
26 of hours in the public school day.

27 8. If a board receives information indicating that
28 a child not enrolled in the public schools has been
29 evaluated as being in need of special education, the
30 board shall notify the child's parent or guardian of
31 the results of the evaluation, and request a meeting
32 with the parent or guardian to reassess the child's
33 instructional program. A board's prior approval,
34 based upon a finding of equivalency under these
35 standards, may be withdrawn in light of the child's
36 need for special education.

37 Sec. 7. NEW SECTION. 299.26 TRUANT REPORTING.

38 Each certificated employee of a school district, a
39 nonpublic school, or an area education agency shall
40 report each known violation of this chapter to the
41 board of directors of the school corporation or the
42 authorities in charge of the nonpublic school and to
43 the county attorney of the county in which the
44 violation is occurring."

45 2. Title page, by striking lines 1 and 2 and
46 inserting the following: "An Act relating to
47 requirements of certain providers of education for
48 students."

3615 FILED APRIL 2, 1987

BY JAY of Appanoose

14/8 4/3 (p. 1134)

HOUSE FILE 650

H-3621

1 Amend House File 650 as follows:

2 1. Page 3, line 9, by inserting after the word
3 "subjects" the following: "from a multicultural,
4 nonsexist approach".

H-3621 FILED APRIL 2, 1987 BY JAY of Appanoose
Lois 4/3 (p. 1139)

HOUSE FILE 650

H-3622

1 Amend House File 650 as follows:

2 1. Page 4, by inserting after line 31 the
3 following:

4 "Sec. ____ . NEW SECTION. 299B.8 CIVIL
5 ENFORCEMENT.

6 A county attorney or legal counsel employed by a
7 board of directors of a school corporation who
8 receives information that a person has violated a
9 provision of sections 299B.1 to 299B.7 may seek
10 judicial enforcement by filing an action in a district
11 court in a county which is wholly or partially
12 contained within the school district in which the
13 child resides or the alleged violation occurred.

14 Upon a finding by a preponderance of the evidence
15 that a person has violated a provision of such
16 sections, the court:

17 1. Shall assess against the person a civil penalty
18 in an amount not more than five hundred dollars nor
19 less than one hundred dollars, to be deposited in the
20 general fund of the state.

21 2. Shall order the person to pay all costs and
22 reasonable attorney fees incurred by a party who
23 successfully establishes the violation.

24 3. May issue appropriate orders, including but not
25 limited to temporary or permanent injunctions
26 directing the person to refrain from future
27 violations."

28 2. Title page, line 1 by inserting after the word
29 "instruction" the following: "and providing a
30 penalty".

H-3622 FILED APRIL 2, 1987 BY JAY of Appanoose
Revised not given 4/3 (p. 1142)

HOUSE FILE 650

H-3623

1 Amend House File 650 as follows:

2 1. Page 4, by inserting after line 31 the
3 following:

4 "Sec. ____ . NEW SECTION. 299B.8 NOT TAX EXEMPT.

5 A home used for home instruction under this chapter
6 is not eligible for tax exemption under section
7 427.1."

8 2. By renumbering as necessary.

H-3623 FILED APRIL 2, 1987 BY SHOLTZ of Black Hawk
Adopted 4/3 (p. 1142)

H-3620

1 Amend House File 650 as follows:

- 2 1. Page 1, line 26, by inserting after the word
3 "siblings" the following: "by the parent or guardian
4 of the student".
- 5 2. Page 1, by inserting after line 32 the
6 following:
7 "_____. "Designated panel" means a three member
8 panel, consisting of a representative of the
9 appropriate area education agency, a representative of
10 the parent or guardian of the child receiving private
11 instruction, and a member mutually agreed upon by the
12 area education agency member and the representative of
13 the parent or guardian of the child."
- 14 3. Page 2, by striking lines 2 and 3 and
15 inserting the following: "examiners, but who provides
16 private instruction and who is the parent or guardian
17 of the child receiving the private instruction."
- 18 4. Page 2, line 16, by striking the word "person"
19 and inserting the following: "parent or guardian".
- 20 5. Page 2, line 26, by striking the word "person"
21 and inserting the following: "parent or guardian".
- 22 6. Page 2, line 28, by striking the word "person"
23 and inserting the following: "parent or guardian".
- 24 7. Page 2, by striking lines 30 through 33.
- 25 8. Page 3, by striking lines 5 and 6.
- 26 9. Page 3, by striking lines 19 and 20 and
27 inserting the following: "which has been administered
28 by the designated panel under conditions acceptable to
29 the designated panel, and".
- 30 10. Page 3, line 22, by striking the words "and
31 the" and inserting the following: ", the".
- 32 11. Page 3, line 23, by inserting after the word
33 "child" the following: ", and to the department of
34 education".
- 35 12. Page 3, line 30, by inserting after the word
36 "district" the following: "and to the appropriate
37 area education agency".
- 38 13. Page 4, by striking lines 1 and 2 and
39 inserting the following:
40 "2. If it is determined by the designated panel
41 that a child receiving private".
- 42 14. Page 4, by striking line 4 and inserting the
43 following: "inadequate instruction, the designated
44 panel shall meet with the parent or guardian of the
45 child and shall develop a revised plan of instruction
46 for the parent or guardian to implement. If after one
47 school year utilizing the revised plan, the child has
48 not demonstrated adequate academic progress as
49 determined by the designated panel, the designated
50 panel may require".
- 1 15. Page 4, lines 15 and 16, by striking the
2 words "the instructor providing the private
3 instruction,".
- 4 16. Page 4, line 21, by striking the word
5 "person" and inserting the following: "parent or
6 guardian".
- 7 17. By renumbering as necessary.

Gen. Ed 4/9/87
Amend (3510) & D. Pass 4/10/87 (p 1217)

HOUSE FILE 650
BY COMMITTEE ON EDUCATION

(As Amended and Passed by the House April 3, 1987)

Passed House, Date 4/14/88 (p. 1966) Passed Senate, Date 5/6/87 (p. 1741)
Vote: Ayes 61 Nays 32 Vote: Ayes 37 Nays 12
Approved May 16, 1988

*Motion to reconsider (p 1750)
-12 5/7/87*

A BILL FOR Proposed Senate 4/10/88 (p. 1706)
29-20

1 An Act relating to providing private instruction and this Act is
2 repealed July 1, 1990.

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

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House Amendments _____
Deleted Language *

1 Section 1. NEW SECTION. 299B.1 DECLARATION OF POLICY.

2 It is the policy of the state that every parent is
3 responsible to provide a basic education for the parent's
4 children in order to prepare the children to participate
5 effectively and intelligently as citizens and to be self-
6 reliant and self-sufficient members of society. The state
7 also has an interest in seeing that the youth who reside in
8 this state receive a basic education. Therefore, it is the
9 intent of the general assembly to provide parents and their
10 children with a broad range of educational alternatives in a
11 manner that will permit the accomplishment of these objectives
12 without infringing upon the rights of parents to raise and
13 teach their children.

14 Sec. 2. NEW SECTION. 299B.2 PURPOSE.

15 Notwithstanding sections 280.3, 280.9, 280.12, 280.14, and
16 299.1 through 299.23, this chapter regulates private
17 instruction not regulated in chapter 280.

18 Sec. 3. NEW SECTION. 299B.3 DEFINITIONS.

19 As used in this chapter, unless the context otherwise
20 requires:

* 21 1. "Private instruction" means an educational program pro-
22 vided in the home of one or more students over seven and under
23 sixteen years of age who are siblings.

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

27 3. "Accredited nonpublic school" means a nonpublic school
28 which is accredited by the state board of education pursuant
29 to section 256.11.

30 4. "Department" means the department of education.

31 5. "Instructor" means an instructor, who has or has not
32 been issued a teaching certificate or the appropriate
33 endorsement or approval by the state board of educational
34 examiners, but who provides private instruction and who is the
35 parent or guardian of the child receiving the private

1 instruction.

2 6. "Local school district" means the school district of
3 the child's residency.

4 Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION ASSISTANCE
5 PROGRAM.

6 A public school or an accredited nonpublic school may im-
7 plement and administer a home instruction assistance program
8 if requested by a parent or guardian of a child in the
9 district. If a public school administers a home instruction
10 assistance program, each child enrolled in the program shall
11 be included in the public school's basic enrollment pursuant
12 to section 442.4.

13 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

14 The parent or guardian having control of a child over seven
15 and under sixteen years of age shall enroll the child in one
16 of the following:

17 1. A public school.

18 2. An accredited nonpublic school.

19 3. A home instruction assistance program pursuant to sec-
20 tion 299B.4.

21 4. Private instruction provided pursuant to section
22 299B.6.

23 Sec. 6. NEW SECTION. 299B.6 PRIVATE INSTRUCTION.

24 1. A parent or guardian having control of a child over
25 seven and under sixteen years of age may provide private
26 instruction to the child. The parent or guardian shall
27 annually provide the following to the board of directors of
28 the local school district:

29 a. Evidence that the instructor has received an
30 undergraduate degree from an institution of higher education
31 or has received at least a fifty percent score on a nationally
32 recognized teacher competency examination.

33 b. A certificate indicating:

34 (1) The child's name and date of birth.

35 (2) The name and address of the child's parent or

1 guardian.

2 (3) The child's discerned grade or placement.

*3 (4) An indication of the child's educational progress.

4 c. Evidence that the educational program for the child
5 provides, or in due course will provide, instruction in the
6 following subjects:

7 (1) Mathematics.

8 (2) Science.

9 (3) Language arts.

10 (4) United States history.

11 (5) History of Iowa.

12 (6) Principles of American government.

13 d. When the child has a discerned grade or placement
14 between the third grade and eighth grade in comparison with a
15 public school, the results of a nationally standardized test
16 which has been administered under conditions acceptable to the
17 board of directors of the local school district, and the
18 results of the test shall be made available to the board of
19 directors of the local school district and the parent or
20 guardian of the child.

*21 e. A curriculum plan for the appropriate semester of the
22 school year by September 1 and December 30 of each year. If a
23 child is presumed to be talented and gifted or in need of
24 special education, the plans shall reflect the special needs
25 of the child.

26 f. The parent or guardian of the child shall submit on a
27 semiannual basis a progress assessment report which shall
28 include the person's individualized assessment of the child's
29 academic progress in the subjects specified in subsection 1,
30 paragraph "c". The progress reports shall be retained by the
31 parent or guardian for at least three years and shall be
32 submitted on a semiannual basis to the board of directors of
33 the local school district.

34 2. If it is determined by the board of directors of the
35 local school district that a child receiving private

1 instruction is not achieving adequate academic progress due to
2 inadequate instruction, the board of directors may require
3 that the child be instructed in an alternative manner.

4 3. The area education agency of the school district in
5 which the child is enrolled in a home instruction assistance
6 program shall conduct an annual screening to identify
7 potential disabilities that may impair the child's ability to
8 learn. The screening shall be administered at a facility of
9 the local school district or area education agency. The
10 screening shall include, but not be limited to, an assessment
11 of a child's vision, hearing, speech, and motor coordination.
12 The area education agency shall make the results of the
13 screening available to the parent or guardian of the child,
14 and the administrative staff of the local school district.
15 The local school district or the area education agency shall
16 administer further assessment if deemed necessary, upon
17 permission of the parent or guardian of the child.

18 4. The person having control of a child over seven and
19 under sixteen years of age, who chooses the private
20 instruction alternative for the child, shall assume all
21 responsibility for the child's educational attainment.

22 Sec. 7. NEW SECTION. 299B.7 INSTRUCTOR OTHERWISE NOT
23 QUALIFIED.

24 An instructor, who provides private instruction pursuant to
25 section 299B.6 but does not hold a teacher's certificate
26 issued by the state board of educational examiners, is not a
27 certified teacher/and may not receive compensation for
28 providing the private instruction.

29 Sec. 8. NEW SECTION. 299B.8 NOT TAX EXEMPT.

30 A home used for home instruction under this chapter is not
31 eligible for tax exemption under section 427.1.

32 Sec. 9. NEW SECTION. 299B.8 REPEAL.

33 This chapter is repealed July 1, 1990.

34
35

HOUSE FILE 650

5-3510

1 Amend House File 650 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 8, by inserting after the word
4 "state" the following: "have an opportunity to".

5 2. Page 1, line 12, by inserting after the word
6 "the" the following: "primary".

7 3. Page 1, line 13, by inserting after the word
8 "children" the following: "or upon religious and
9 other beliefs of parents and their children".

10 4. Page 1, line 16, by inserting after the word
11 "regulates" the following: "instruction in nonpublic
12 schools and".

13 5. Page 1, by inserting after line 20, the
14 following:

15 "____. "Nonpublic school" means a school with two
16 or more students over seven and under sixteen years of
17 age and not related, in attendance."

18 6. Page 1, line 23, by striking the word
19 "siblings" and inserting the following: "related".

20 7. Page 1, by inserting after line 29, the
21 following:

22 "____. "Dual enrollment" means the matriculation of
23 a child in one public school or accredited nonpublic
24 school and one nonpublic school, in one public school
25 while receiving private instruction, or in one
26 accredited nonpublic school while receiving private
27 instruction, in subjects, courses, or programs not
28 available to the child otherwise."

29 8. By striking page 1, line 34 through page 2,
30 line 1, and inserting the following: "examiners, but
31 who provides private instruction or instruction in a
32 nonpublic school. "Instructor" includes the person in
33 charge of the nonpublic school or private
34 instruction."

35 9. Page 2, by inserting after line 3, the
36 following:

37 "Sec. ____ . NEW SECTION. 299B.3A DUAL ENROLLMENT.

38 A child who is receiving private instruction
39 pursuant to section 299B.6 or who is enrolled in a
40 nonpublic school pursuant to section 299B.6A may also
41 enroll in a public school or accredited nonpublic
42 school for dual enrollment purposes.

43 If such a child enrolls in a public school or
44 accredited nonpublic school on a full-time basis, the
45 board of directors of the local school district or the
46 authorities in charge of the accredited nonpublic
47 school may determine the appropriate grade level for
48 the child by the administration of tests or other
49 means of evaluation to determine achievement."

50 10. Page 2, by striking line 8.

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1 11. Page 2, line 9, by striking the word
2 "district".

3 12. Page 2, line 14, by striking the words
4 "parent or guardian" and inserting the following:
5 "person".

6 13. Page 2, by inserting after line 22, the
7 following:

8 "_____. Nonpublic school pursuant to section
9 299B.6A.

10 _____ A home instruction assistance program
11 administered by a nonpublic school and meeting the
12 requirements set forth in section 299B.6A."

13 14. Page 2, line 24, by striking the words
14 "parent or guardian" and inserting the following:
15 "person".

16 15. Page 2, line 26, by striking the words
17 "parent or guardian" and inserting the following:
18 "person".

19 16. Page 2, by striking lines 29 through 32 and
20 inserting the following:

21 "a. Evidence that the instructor has at least a
22 high school diploma or a high school equivalency
23 diploma."

24 17. Page 3, by inserting after line 3, the
25 following:

26 "(5) The name and address of the individual
27 providing the private instruction to the child.

28 (6) Whether the parent or guardian of the child is
29 a party to a dual enrollment agreement."

30 18. Page 3, by striking lines 16 through 20 and
31 inserting the following: "which has been administered
32 under conditions mutually acceptable to the board of
33 directors of the local school district and the parent
34 or guardian of the child."

35 19. Page 3, by striking lines 21 through 33 and
36 inserting the following:

37 "e. An annual progress assessment report which
38 shall include the person's individualized assessment
39 of the child's academic progress in the subjects
40 specified in paragraph "c". The progress reports
41 shall be retained by the parent or guardian for at
42 least three years and shall be submitted to the board
43 of directors of the local school district upon
44 request."

45 20. By striking page 3, line 34 through page 4,
46 line 17.

47 21. Page 4, line 21, by inserting after the word
48 "attainment" and inserting the following: ",
49 eliminating the local school district and the state
50 from liability and responsibility for the child's

April 13, 1987

S-3510 pg. 3

1 educational attainment.

2 _____. When a person providing private instruction
3 complies with this section, nothing herein contained
4 grants to the state or any officers, agencies, or
5 subdivisions of the state, any right or authority to
6 control, manage or supervise any private instruction."

7 22. Page 4, by inserting after line 21 the
8 following:

9 "Sec. _____. NEW SECTION. 299B.6A INSTRUCTION IN
10 NONPUBLIC SCHOOL.

11 1. A person having control of a child over seven
12 and under sixteen years of age may provide instruction
13 to the child in a nonpublic school. The person shall
14 annually provide the following to the board of
15 directors of the local school district:

16 a. Evidence that the instructor has received an
17 undergraduate degree from an institution of higher
18 education.

19 b. A certificate indicating:

20 (1) The child's name and date of birth.

21 (2) The name and address of the child's parent or
22 guardian.

23 (3) The child's discerned grade or placement.

24 (4) An indication of the child's educational
25 progress.

26 (5) The name and address of the nonpublic school
27 in which the child is enrolled.

28 (6) Whether the parent or guardian of the child is
29 a party to a dual enrollment agreement.

30 c. Evidence to the local school district that the
31 educational program for the child provides, or in due
32 course will provide, instruction in the following
33 subjects:

34 (1) Mathematics.

35 (2) Science.

36 (3) Language arts.

37 (4) United States history.

38 (5) History of Iowa.

39 (6) Principles of American government.

40 d. Annually to the board of directors of the local
41 school district, when the child has a discerned grade
42 or placement between the third grade and eighth grade
43 in comparison with a public school, the results of a
44 nationally standardized test which has been
45 administered under conditions mutually acceptable to
46 the board of directors of the local school district
47 and the parent or guardian of the child.

48 2. The person having control of a child over seven
49 and under sixteen years of age, who chooses the
50 nonpublic school alternative for the child, shall

S-3510 pg. 4

1 assume all responsibility for the child's educational
2 attainment, eliminating the local school district and
3 the state from any responsibility or liability for the
4 child's educational attainment.

5 3. When a person providing instruction in a
6 nonpublic school or the person having control of the
7 child complies with this section, nothing herein
8 contained grants to the state or any officers,
9 agencies, or subdivisions of the state, any right or
10 authority to control, manage, or supervise any
11 nonpublic school."

12 23. Page 4, line 25, by inserting after the
13 figure "299B.6" the following: "or provides
14 instruction in a nonpublic school pursuant to section
15 299B.6A".

16 24. Page 4, by striking lines 27 and 28 and
17 inserting the following: "certified teacher."

18 25. Page 4, by striking lines 29 through 31.

19 26. Page 4, by inserting before line 32, the
20 following:

21 "Sec. ____ . NEW SECTION. 299B.9 EXCEPTIONS.

22 Section 299B.5 shall not apply to any child:

23 1. Who is over the age of fourteen and is
24 regularly employed.

25 2. Whose educational qualifications are equal to
26 those of pupils who have completed the eighth grade.

27 3. Who is excused for sufficient reason by any
28 court of record or judge.

29 4. Who is attending a private college preparatory
30 school approved or probationally approved under the
31 provisions of section 256.11, subsection 13.

32 27. Page 4, by inserting before line 32, the
33 following:

34 "Sec. ____ . NEW SECTION. 299B.10 PENALTY.

35 A person who violates a provision of this chapter
36 is guilty of a simple misdemeanor."

37 28. Page 4, line 33, by striking the figure
38 "1990" and inserting the following: "1991".

39 29. Title page, line 1, by inserting after the
40 word "instruction" the following: "or instruction in
41 a nonpublic school and providing a penalty".

42 30. Title page, line 2, by striking the figure
43 "1990" and inserting the following: "1991".

44 31. By renumbering and relettering as necessary.

S-3510

Filed April 10, 1987

(Adopted as amended by 3995 5/6/81 (j 1139)) BY COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

HOUSE FILE 650

S-3766

1 Amend amendment S-3510 to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, by inserting after line 29 the
4 following:
5 "____. Page 3, by inserting after line 12 the
6 following:
7 "(7) Geography."
8 2. Page 3, by inserting after line 39 the
9 following:
10 "(7) Geography."

S-3766

Filed April 23, 1987

BY WALLY E. HORN

Placed o/s 5/6 (p. 1739)

HOUSE FILE 650

S-3777

1 Amend amendment, S-3510, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 2, line 34, by inserting after the word
4 "child" the following: ", which test results shall
5 show that minimum competency has been achieved as
6 reflected by the Iowa norm for other students taking
7 similar tests. If it is determined that appropriate
8 achievement is not taking place, the local school
9 district shall convene a staff team to diagnose the
10 problems related to the lack of achievement and shall
11 develop an individual education plan which shall be
12 followed".
13 2. Page 3, line 47, by inserting after the word
14 "child" the following: ", which test results shall
15 show that minimum competency has been achieved as
16 reflected by the Iowa norm for other students taking
17 similar tests. If it is determined that appropriate
18 achievement is not taking place, the local school
19 district shall convene a staff team to diagnose the
20 problems related to the lack of achievement and shall
21 develop an individual education plan which shall be
22 followed".
23 3. Page 4, by inserting after line 31 the
24 following:
25 "____. Page 4, by inserting before line 32 the
26 following:
27 "Sec. ____ . NEW SECTION. 299B.500 RULES.
28 The state board of education shall adopt rules
29 pursuant to chapter 17A to ascertain compliance with
30 and to enforce this chapter."

S-3777

Filed April 23, 1987

BY LARRY MURPHY

Placed o/s 5/6 (p. 1739)

HOUSE FILE 650

S-3728

1 Amend the amendment, S-3510, to House File 650 as
2 follows:
3 1. Page 2, by inserting after line 29 the follow-
4 ing:
5 "____. Page 3, line 5, by inserting after the word
6 "instruction" the following: "in a multicultural non-
7 sexist approach".
8 2. Page 3, line 32, by inserting after the word
9 "instruction" the following: "in a multicultural
10 nonsexist approach".

S-3728

Filed April 22, 1987

Placed o/s 5/6 (p. 1734)
ROBERT M. CARR
JOY C. CORNING
CHARLES BRUNER

BY BEVERLY A. HANNON
AL STURGEON
JULIA GENTLEMAN
MICHAEL E. GRONSTAL
JEAN LLOYD-JONES

HOUSE FILE 650

S-3729

1 Amend the amendment, S-3510, to House File 650 as
2 follows:
3 1. Page 2, by inserting after line 29, the
4 following:
5 "(7) A written explanation of the reason for not
6 enrolling the child in a public school or an
7 accredited nonpublic school, including but not limited
8 to, religious or political reasons and the religious
9 or political affiliation related to the explanation."
10 2. Page 3, by inserting after line 29, the
11 following:
12 "(7) A written explanation of the reason for not
13 enrolling the child in a public school or an
14 accredited nonpublic school, including but not limited
15 to, religious or political reasons and the religious
16 or political affiliation related to the explanation."

S-3729

Filed April 22, 1987

Placed o/s 5/6 (p. 1734)
ROBERT M. CARR
JOY C. CORNING
CHARLES BRUNER

BY BEVERLY HANNON
AL STURGEON
JULIA GENTLEMAN
MICHAEL GRONSTAL
JEAN LLOYD-JONES

HOUSE FILE 650

S-3778

1 Amend House File 650 as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 299B.1 PURPOSE.

6 Notwithstanding chapter 280 and sections 299.1
7 through 299.23, this chapter regulates instruction in
8 nonpublic schools and private instruction not
9 regulated in chapter 280. This chapter shall be
10 administered by the department of education.

11 Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.

12 As used in this chapter, unless the context
13 otherwise requires:

14 1. "Nonpublic school" means a school with two or
15 more students, over seven and under sixteen years of
16 age and not related within the third degree of
17 consanguinity, in attendance.

18 2. "Private instruction" means an educational
19 program conforming to the requirements of section
20 299B.4, provided in the home of one or more students
21 over seven and under sixteen years of age who are
22 related.

23 3. "Public school" means a school directly
24 supported in whole or in part by taxation and approved
25 by the state board of education pursuant to section
26 256.11.

27 4. "Dual enrollment" means the matriculation of a
28 child in one public school or approved nonpublic
29 school and one nonpublic school, in one public school
30 while receiving private instruction, or in one
31 approved nonpublic school while receiving private
32 instruction, in subjects, courses, or programs not
33 available to the child otherwise.

34 5. "Department" means the department of education.

35 6. "Approved nonpublic school" means a nonpublic
36 school which is approved by the state board of
37 education pursuant to section 256.11.

38 7. "Instructor" means an instructor employed by a
39 nonpublic school and who has or has not been issued a
40 teaching certificate or the appropriate endorsement or
41 approval by the state board of education, but who is
42 approved by the department to provide private
43 instruction or instruction in a nonpublic school.
44 "Instructor" includes the person in charge of the
45 nonpublic school.

46 8. "Local school district" means the school
47 district of the child's residency.

48 Sec. 3. NEW SECTION. 229B.3 DUAL ENROLLMENT.

49 A child who is receiving private instruction
50 pursuant to section 299B.5 may also enroll in a public

S-3778 pg. 2

1 or approved nonpublic school for dual enrollment
2 purposes. The public or approved nonpublic school may
3 establish a fee for the child who is attending through
4 a dual enrollment agreement provided that a child in a
5 public school is not included in the basic enrollment
6 pursuant to section 442.4. The fee shall not exceed
7 the per pupil cost of the subject, course, or program.

8 If such a child enrolls in a public or approved
9 nonpublic school on a full-time basis, the board of
10 directors of the local school district or the
11 authorities in charge of the approved nonpublic school
12 may determine the appropriate grade level for the
13 child by the administration of tests or other means of
14 evaluation to determine placement.

15 Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION
16 ASSISTANCE PROGRAM.

17 Each public school shall and an approved nonpublic
18 school may administer a home instruction assistance
19 program if the local school district or approved
20 nonpublic school is cognizant of a child receiving
21 private instruction in the district. The local school
22 district shall include each child enrolled in the
23 program in its basic enrollment pursuant to section
24 442.4. If teachers are shared between districts for
25 purposes of this section, the sharing qualifies for
26 weighting pursuant to section 442.39. The local
27 school district or approved nonpublic school
28 administering the program shall:

29 1. Approve the curriculum plans submitted pursuant
30 to section 299B.5.

31 2. Provide a curriculum to the instructor
32 providing private instruction when requested pursuant
33 to section 299B.5.

34 3. Approve the weekly lesson plans submitted pur-
35 suant to section 299B.5.

36 4. Provide a certified teacher who shall meet with
37 the parent or child enrolled in the program at least
38 three hours per week.

39 5. Retain copies of the annual assessment report
40 of the pupil's progress submitted by the instructor
41 pursuant to section 299B.5 for at least four years.

42 6. Administer student competency tests pursuant to
43 section 299B.5.

44 7. Receive an agreement from the instructor pro-
45 viding private instruction to submit the child to
46 nationally recognized standardized tests at least
47 twice during the school year. The department shall
48 select the tests and the tests shall be administered
49 by the superintendent or designee of the local school
50 district at a neutral site or at the local school

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1 district. The child may be submitted to additional
2 testing after five days' notice from the board of
3 directors of the local school district. The
4 additional testing shall be based on the appropriate
5 weekly lesson plans scheduled for the child pursuant
6 to section 299B.5, subsection 1.

7 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

8 The person having the control of a child over seven
9 and under sixteen years of age who is not enrolled in
10 a public or approved nonpublic school shall enroll the
11 child in a home instruction assistance program
12 pursuant to section 299B.4. By September 1 of each
13 year the person shall apply to the department to
14 provide private instruction, agree to the requirements
15 in section 299B.4, and shall provide the department
16 and the local school district with the following:

17 1. By September 1 and December 30, a curriculum
18 and weekly lesson plans for the appropriate semester
19 that reflect chapter 280 and related rules or notify
20 the district that the person will use the curriculum
21 and lesson plans provided by the district.

22 2. Evidence that the person has a high school
23 diploma or a high school equivalency diploma.

24 3. An assessment report of the child's progress in
25 each subject taught pursuant to subsection 1.

26 4. An affidavit indicating the reasons the person
27 is enrolling the child in the home instruction as-
28 sistance program and eliminating the local school
29 district and the state from liability and
30 responsibility for the child's educational attainment.

31 Sec. 6. NEW SECTION. 299B.6 DEPARTMENT DUTIES.

32 The department shall:

33 1. Approve or disapprove a request for private
34 instruction through a home instruction assistance
35 program pursuant to sections 299B.4 and 299B.5 and
36 rules adopted by the state board of public
37 instruction.

38 2. With approval by the state board of public
39 instruction, adopt rules pursuant to chapter 17A to
40 enforce this chapter and to identify compliance. The
41 rules shall emphasize student achievement test scores
42 and evidence of academic progress. The rules shall
43 also provide a process for revoking approval for
44 private instruction through a home instruction
45 assistance program which would require a child to be
46 enrolled in a public school or approved nonpublic
47 school.

48 Sec. 7. NEW SECTION. 299B.7 OTHERWISE NOT
49 QUALIFIED.

50 An instructor who is approved to provide private

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1 instruction pursuant to section 299B.6 but does not
2 hold a teacher's certificate issued by the state board
3 of public instruction is not a certified teacher.

4 Sec. 8. The department of education shall monitor
5 implementation and effectiveness of this chapter and
6 submit to the general assembly, in January 1991, a
7 report regarding the success of private instruction
8 through a home instruction assistance program and a
9 recommendation whether such programs should be
10 continued.

11 Sec. 9. NEW SECTION. 299B.8 REPEAL.

12 This chapter is repealed July 1, 1990."

13 2. By renumbering as necessary.

S-3778

Filed April 23, 1987

BY WALLY E. HORN

Lost 4/24 (p. 1509)

Motion to Rescind prevailed (p. 1511)

w/d 5/6 (p. 1739)

HOUSE FILE 650

S-3786

Amend the amendment, S-3510, to House File 650 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 2 the following:

"_____. Page 1, by inserting before line 1 the following:

"Section 1. Section 299.1, unnumbered paragraph 3, Code 1987, is amended to read as follows:

In lieu of such attendance such child ~~may attend upon equivalent instruction by a certified teacher~~ elsewhere shall enroll in an accredited nonpublic school or receive private instruction under chapter 299B."

2. Page 1, by striking lines 3 through 9 and inserting the following:

"_____. Page 1, line 1, by striking the word "POLICY" and inserting the following: "INTENT".

_____. Page 1, by striking lines 2 through 13 and inserting the following:

"All children have a basic right to receive an education that will prepare the children to participate effectively and intelligently as citizens and to be self-reliant and self-sufficient members of society. Every parent is responsible to provide for a basic education for the parent's children. The state has an interest to protect the right of children who reside in this state to receive a basic education. Denial of that right is considered a violation of section 232.58, subsection 2. It is the intent of the general assembly to provide parents and their children with a broad range of educational alternatives."

3. Page 1, by striking lines 10 through 12 and inserting the following:

"_____. Page 1, by striking lines 15 through 17 and inserting the following:

"Notwithstanding section 299.24, this chapter regulates private instruction. A private instruction setting is not a public school or nonpublic school as defined in section 280.2."

4. Page 1, by striking lines 13 through 19 and inserting the following:

"_____. Page 1, by striking lines 22 and 23 and inserting the following: "vided in a setting other than a public school or accredited nonpublic school."

5. Page 1, by striking lines 24 through 28 and inserting the following: "school while receiving private instruction, in subjects, courses, or programs not available to the child otherwise.

_____. "Area education agency" means the area

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1 education agency in which the local school district is
2 located.

3 _____. "Designated panel" means a three member
4 panel, consisting of the administrator of the area
5 education agency or a designee knowledgeable in the
6 area of assessment, the parent or guardian of the
7 child receiving private instruction or designee, and a
8 member mutually agreed upon by the area education
9 agency representative and the parent or guardian of
10 the child.

11 _____. "Nonpublic school advisory committee" means
12 the nonpublic school advisory committee established in
13 section 256.15."

14 _____. By striking page 1, line 32 through page 2,
15 line 1, and inserting the following: "been issued a
16 teaching certificate by the state board of educational
17 examiners but who provides private instruction. The
18 instructor shall be a mandatory reporter pursuant to
19 section 232.69 while in the capacity of instructor.""

20 6. Page 1, by striking lines 35 through 37 and
21 inserting the following:

22 "_____. Page 2, by striking lines 4 and 5 and
23 inserting the following:

24 "Sec. _____. NEW SECTION. 299B.4 ASSISTANCE TO
25 CHILD RECEIVING PRIVATE INSTRUCTION.""

26 7. Page 1, line 38, by inserting before the word
27 "A" the following: "1."

28 8. Page 1, by striking lines 39 through 42 and
29 inserting the following: "pursuant to section 299B.6
30 may also enroll in a public school or accredited
31 nonpublic school for dual enrollment purposes under
32 terms determined by the public school or accredited
33 nonpublic school. The parent of the child shall
34 notify the local school district or the accredited
35 nonpublic school of the intent for dual enrollment by
36 February 1 of the year prior to the school year
37 specified for dual enrollment. Each child enrolled in
38 the dual enrollment in the local school district shall
39 be included in the public school's basic enrollment
40 pursuant to section 442.4."

41 9. Page 1, line 49, by striking the word
42 "achievement" and inserting the following:
43 "placement".

44 10. By striking page 1, line 50 through page 2,
45 line 2 and inserting the following:

46 "_____. Page 2, line 6, by inserting before the
47 word "A" the following: "2."

48 _____. Page 2, line 9, by inserting after the word
49 "district." the following: "The parent of the child
50 shall notify the local school district or the

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1 accredited nonpublic school of the intent to request
2 home instruction assistance by February 1 of the year
3 prior to the school year specified for the
4 assistance."

5 11. Page 2, by inserting after line 2 the
6 following:

7 "_____. Page 2, line 14, by striking the word "The"
8 and inserting the following: "A".

9 12. Page 2, by striking lines 6 through 12, and
10 inserting the following:

11 "_____. Page 2, line 15, by inserting after the
12 word "child" the following: "for at least one hundred
13 twenty days in a twelve-month period, beginning
14 September 1 of each year".

15 _____. Page 2, by inserting after line 20 the
16 following:

17 "4000. Private instruction provided by a
18 certificated teacher, with the appropriate
19 endorsements and approvals, as provided for in chapter
20 260. Sections 299B.6, subsections 2 through 4 and
21 section 299B.100 shall not apply to private
22 instruction by a certificated teacher. All other
23 provisions of this chapter shall apply.""

24 13. Page 2, by inserting after line 18, the
25 following:

26 "_____. Page 2, line 27, by inserting after the
27 word "provide" the following: "by September 15"."

28 14. Page 2, by striking line 29 and inserting the
29 following: "a party to a dual enrollment agreement.

30 (7) The fire marshal inspection report.

31 (8) Evidence of immunization as required in
32 section 139.9.

33 The instructor shall be a mandatory reporter
34 pursuant to section 232.69 while in the capacity of
35 instructor."

36 15. Page 2, by striking lines 30 through 34 and
37 inserting the following:

38 "_____. Page 3, by striking lines 15 through 20 and
39 inserting the following: "public school, the results
40 of the most current version of a nationally
41 standardized test which has been administered under
42 conditions determined by the majority of the
43 designated panel, in accordance with standards
44 prescribed by the authority responsible for the
45 issuance of the test. The results of the test shall
46 be provided to the designated panel and the parent or
47 guardian of the child.""

48 16. Page 2, line 35, by striking the figure "21"
49 and inserting the following: "26".

50 17. Page 2, line 38, by striking the word

B

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1 "person's" and inserting the following:
2 "instructor's".

3 18. Page 2, line 39, by inserting after the word
4 "progress" the following: "when compared to
5 intellectual functioning".

6 19. Page 2, line 41, by striking the words
7 "parent or guardian" and inserting the following:
8 "designated panel".

9 20. Page 2, by striking lines 45 and 46 and
10 inserting the following:

11 "_____. Page 3, lines 34 and 35, by striking the
12 words "board of directors of the local school
13 district" and inserting the following: "majority of
14 the designated panel".

15 _____. Page 4, by striking lines 2 and 3 and
16 inserting the following: "inadequate academic
17 instruction, the panel shall provide the information
18 to the local school district. The affected child
19 shall be provided an education under section 299B.5,
20 subsection 1, 2, 3, or 4000 and shall not be provided
21 an education under this chapter until such time as the
22 child is making adequate academic progress as
23 determined by the board of directors of the public
24 school or authorities in charge of the accredited
25 nonpublic school, after consideration of progress when
26 compared to intellectual functioning."

27 _____. Page 4, line 6, by striking the word
28 "annual" and inserting the following: "initial".

29 _____. Page 4, line 8, by inserting after the word
30 "learn" the following: "prior to receiving private
31 instruction. A parent or guardian or instructor may
32 request additional screenings at a later date if
33 deemed necessary".

34 21. By striking page 2, line 47 through page 3,
35 line 6.

36 22. By striking page 3, line 9 through page 4,
37 line 18.

38 23. Page 4, by inserting before line 19 the
39 following:

40 "_____. Page 4, by inserting before line 22 the
41 following:

42 "Sec. _____. NEW SECTION. 299B.100 REVIEW.

43 1. The designated panel, as defined in section
44 299B.3, shall provide for an assessment of each child
45 being provided private instruction, prior to the
46 beginning of the school year and periodically through
47 the school year at times determined by a majority of
48 the panel. The panel shall determine the testing
49 conditions, the progress expectations, and information
50 necessary for assessment, in addition to other duties

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1 specified in this chapter. Actual expenses of an
2 assessment shall be incurred by the local school
3 district. The local school district may apply for
4 reimbursement of the actual cost to the department of
5 education, from funds appropriated to the department
6 for that purpose.

7 2. The nonpublic school advisory committee shall
8 make recommendations to the general assembly by
9 January 1, 1990 regarding minimum standards to be met
10 in private instruction, based on standards specified
11 in section 256.11."

12 24. Page 4, by striking line 36 and inserting the
13 following: "shall be fined not less than five dollars
14 nor more than twenty dollars for each offense.
15 However, the penalty for a violation of section
16 232.68, subsection 2, relative to the denial of the
17 right specified in section 2998.1 is the penalty for a
18 violation of section 232.68, subsection 2."

19 25. Page 4, by striking lines 37 through 43 and
20 inserting the following:

21 " _____. Page 4, by striking lines 32 and 33.

22 _____. Title page, by striking lines 1 and 2 and
23 inserting the following: "An Act relating to
24 providing private instruction."

25 26. By renumbering as necessary.

S-3786

Filed April 24, 1987

BY LARRY MURPHY

A - LOST

B - WITHDRAWN (p. 1510)

HOUSE FILE 650

S-3785

1 Amend House File 650 as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 299.1A POLICY.

6 It is the policy of the state of Iowa that parents
7 have the primary responsibility for their children.
8 The state has no right to intervene in the education
9 of those children."

S-3785

Filed April 24, 1987

BY LARRY MURPHY

LOST (p. 1508)

HOUSE FILE 650

S-3779

1 Amend the amendment, S-3510, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking line 28 and inserting the
5 following: "available to the child otherwise.

6 _____. "Designated panel" means a three-member
7 panel, consisting of the administrator of the area
8 education agency or a designee of the area education
9 agency, the parent or guardian of the child receiving
10 private instruction or instruction in a nonpublic
11 school or designee, and a member mutually agreed upon
12 by the area education agency representative and the
13 parent or guardian of the child.""

14 2. Page 4, by striking line 11 and inserting the
15 following: "nonpublic school.

16 Sec. _____. NEW SECTION. 299B.1000 CREATION OF
17 DESIGNATED PANEL.

18 If a child fails to demonstrate academic progress
19 for two consecutive years, as determined by the
20 cumulative score on a nationally standardized test and
21 compared with the child's perceived level of
22 intellectual functioning, a designated panel shall be
23 created to assist the parent in remediation of the
24 child. On recommendation of the local school board,
25 the school district shall notify the parent or
26 guardian of the child and the area education agency
27 that such lack of progress has occurred, at which time
28 the parent and the representative of the area
29 education agency shall meet to create the designated
30 panel. Upon agreement by the three members of the
31 panel, the panel shall implement remedial policies for
32 the education of the child. The panel shall continue
33 in existence until the child has demonstrated two
34 consecutive years of academic progress.

35 Sec. _____. NEW SECTION. 299B.1001 VOLUNTARY
36 PARENTAL REQUEST FOR DESIGNATED PANEL.

37 The parent or guardian of a child may request the
38 creation of a designated panel if the parent or
39 guardian perceives a need for academic assistance. In
40 such cases, the panel shall exist until the parent or
41 guardian perceives that the panel is unnecessary.

42 Sec. _____. NEW SECTION. 299B.1002 CHILD ABUSE
43 POLICY.

44 Each nonpublic school, by January 2, 1988, shall
45 have on file a written policy pertaining to the
46 reporting of child abuse, as defined in section
47 232.68, subsection 2.""

S-3779

Filed April 24, 1987

BY WILLIAM W. DIELEMAN

LOST (p. 1510) Motion to reconsider (p. 1530)
" Place of 5/6 (p. 1739)

HOUSE FILE 650

S-3787

1 Amend the amendment, S-3510, to House File 650, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 4, by inserting after line 31, the
5 following:

6 "Sec. ____ . NEW SECTION. 299B.2000 ACADEMIC
7 PROGRESS.

8 If a child in the public school of the child's
9 district of residence fails to demonstrate academic
10 progress, or show minimum competency on a nationally
11 standardized test commensurate with the child's
12 perceived academic progress, the child shall be
13 removed from that public school and placed in an
14 accredited nonpublic school, or other public school
15 chosen by the parent or guardian of the child. If the
16 child then fails to demonstrate academic progress or
17 show minimum competency on a nationally standardized
18 test, the child shall be placed in a school chosen by
19 the department of education. If the child continues
20 to fail to demonstrate academic progress or show
21 minimum competency on a nationally standardized test,
22 the child shall be placed in an accredited nonpublic
23 school or nonpublic school. The tuition costs
24 incurred for the child shall be paid by the school
25 district of residence the child."

S-3787

Filed April 24, 1987

BY RAY TAYLOR

HOUSE FILE 650

S-3791

1 Amend amendment S-3785 to House File 650 as amended,
2 passed, and reprinted by the House as follows:

3 1. Page 1, line 7, by inserting after the word
4 "for" the following: "the education of".

5 2. Page 1, by striking lines 8 and 9.

S-3791

Filed April 24, 1987

BY RAY TAYLOR

LOST (j.1508)

HOUSE FILE 650

S-3896 Amend House File 650 as amended, passed and
1 reprinted by the House as follows:
2
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 299B.1 PURPOSE.
6 Notwithstanding chapter 280 and sections 299.1
7 through 299.23, this chapter regulates instruction in
8 nonpublic schools and private instruction not
9 regulated in chapter 280. This chapter shall be
10 administered by the department of education.
11 Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.
12 As used in this chapter, unless the context
13 otherwise requires:
14 1. "Nonpublic school" means a school with two or
15 more students, over seven and under sixteen years of
16 age and not related within the third degree of
17 consanguinity, in attendance.
18 2. "Private instruction" means an educational
19 program conforming to the requirements of section
20 299B.4, provided in the home of one or more students
21 over seven and under sixteen years of age who are
22 related.
23 3. "Public school" means a school directly
24 supported in whole or in part by taxation and approved
25 by the state board of education pursuant to section
26 256.11.
27 4. "Dual enrollment" means the matriculation of a
28 child in one public school or accredited nonpublic
29 school and one nonpublic school, in one public school
30 while receiving private instruction, or in one
31 accredited nonpublic school while receiving private
32 instruction, in subjects, courses, or programs not
33 available to the child otherwise.
34 5. "Department" means the department of education.
35 6. "Accredited nonpublic school" means a nonpublic
36 school which is approved by the state board of
37 education pursuant to section 256.11.
38 7. "Instructor" means an instructor employed by a
39 nonpublic school, who has or has not been issued a
40 teaching certificate or the appropriate endorsement or
41 approval by the state board of education, but who is
42 approved by the department to provide private
43 instruction or instruction in a nonpublic school.
44 "Instructor" includes the person in charge of the
45 nonpublic school.
46 8. "Local school district" means the school
47 district of the child's residency.
48 Sec. 3. NEW SECTION. 229B.3 DUAL ENROLLMENT.
49 A child who is receiving private instruction or who
50 is enrolled in a nonpublic school pursuant to section

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1 299B.5 may also enroll in a public or accredited
2 nonpublic school for dual enrollment purposes. The
3 public or accredited nonpublic school may establish a
4 fee for the child who is attending through a dual
5 enrollment agreement, provided that a child in a
6 public school is not included in the basic enrollment
7 pursuant to section 442.4. The fee shall not exceed
8 the per pupil cost of the subject, course, or program.

9 If such a child enrolls in a public or accredited
10 nonpublic school on a full-time basis, the board of
11 directors of the local school district or the
12 authorities in charge of the accredited nonpublic
13 school may determine the appropriate grade level for
14 the child by the administration of tests or other
15 means of evaluation to determine placement.

16 Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION
17 ASSISTANCE PROGRAM.

18 Each public school shall and an accredited
19 nonpublic school may administer a home instruction
20 assistance program if the local school district or
21 accredited nonpublic school is cognizant of a child's
22 receiving private instruction or receiving instruction
23 at a nonpublic school in the district. The local
24 school district shall include each child enrolled in
25 the program in its basic enrollment pursuant to
26 section 442.4. If teachers are shared between
27 districts for purposes of this section, the sharing
28 qualifies for weighting pursuant to section 442.39.
29 The local school district or approved nonpublic school
30 administering the program shall:

31 1. Approve the curriculum plans submitted pursuant
32 to section 299B.5.

33 2. Provide a curriculum to the instructor
34 providing private instruction or an instructor in a
35 nonpublic school when requested pursuant to section
36 299B.5.

37 3. Approve the weekly lesson plans submitted pur-
38 suant to section 299B.5.

39 4. Provide a certified teacher who shall meet with
40 each parent or child enrolled in the program at least
41 three hours per week. There shall be at least one
42 certified teacher for every fifteen children enrolled
43 in the program.

44 5. Retain copies of the annual assessment report
45 of the pupil's progress submitted by the instructor
46 pursuant to section 299B.5 for at least five years.

47 6. Administer student competency tests pursuant to
48 section 299B.5.

49 7. Receive an agreement from the instructor pro-
50 viding private instruction or instruction in a

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1 nonpublic school to submit the child to an appropriate
2 battery of nationally recognized standardized tests at
3 least twice during the school year. In the case of a
4 nonpublic school, the parent or guardian of each child
5 enrolled must also provide the agreement. The
6 department shall select and make a list available to
7 the person providing private instruction or
8 instruction in a nonpublic school of appropriate tests
9 and such person shall select the test from such list
10 to be administered to the child. The tests shall be
11 administered by the superintendent or designee of the
12 local school district at a neutral site or at the
13 local school district. The child may be submitted to
14 additional testing after five days' notice from the
15 board of directors of the local school district if the
16 child is not making satisfactory progress. The
17 additional testing shall be based on the appropriate
18 weekly lesson plans scheduled for the child pursuant
19 to section 299B.5, subsection 1.

20 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

21 The person having the control of a child over seven
22 and under sixteen years of age who is not enrolled in
23 a public or accredited nonpublic school shall enroll
24 the child in a home instruction assistance program
25 pursuant to section 299B.4. By September 1 of each
26 year the person shall apply to the department to
27 provide private instruction or to provide instruction
28 in a nonpublic school, agree to the requirements in
29 section 299B.4, and shall provide the department and
30 the local school district with the following:

31 1. By September 1 and December 30 or at the
32 beginning of each semester or trimester, a curriculum
33 and weekly lesson plans for the appropriate semester
34 that reflect chapter 280 and related rules, or notify
35 the district that the person will use the curriculum
36 and lesson plans provided by the district.

37 2. Evidence that the person has a high school
38 diploma or a high school equivalency diploma. If the
39 person is to be an instructor in a nonpublic school,
40 the person must have a bachelors degree from a four-
41 year institution of higher education.

42 3. An assessment report of the child's or each
43 child's progress in each subject taught pursuant to
44 subsection 1.

45 4. An affidavit indicating the reasons the person
46 is providing private instruction for the child or
47 placing the child to obtain instruction in a nonpublic
48 school and eliminating the local school district and
49 the state from liability and responsibility for the
50 child's educational attainment.

S-3806 pg. 4

1 Sec. 6. NEW SECTION. 299B.6 DEPARTMENT DUTIES.

2 The department shall:

3 1. Make a determination on all requests for
4 private instruction or instruction in a nonpublic
5 school through a home instruction assistance program
6 based on compliance with sections 299B.4 and 299B.5
7 and rules adopted by the state board of education.

8 2. With approval by the state board of education,
9 adopt rules pursuant to chapter 17A to enforce this
10 chapter and to identify compliance. The rules shall
11 emphasize student achievement test scores and evidence
12 of academic progress. The rules shall also provide a
13 process for altering the determination to permit
14 participation in private instruction or instruction in
15 a nonpublic school through a home instruction
16 assistance program based on noncompliance with
17 sections 299B.4 and 299B.5 and rules adopted by the
18 state board of education which would require a child
19 to be enrolled in a public school or accredited
20 nonpublic school.

21 Sec. 7. NEW SECTION. 299B.7 OTHERWISE NOT
22 QUALIFIED.

23 An instructor who is approved to provide private
24 instruction or to provide instruction in a nonpublic
25 school pursuant to section 299B.6 but does not hold a
26 teacher's certificate issued by the state board of
27 education is not a certified teacher.

28 Sec. 8. The department of education shall monitor
29 implementation and effectiveness of this chapter and
30 submit to the general assembly, in January 1990, a
31 report regarding the success of private instruction
32 through a home instruction assistance program and a
33 recommendation whether such programs should be
34 continued.

35 Sec. 9. NEW SECTION. 299B.9 REPEAL.

36 This chapter is repealed July 1, 1990."

37 2. Title page, line 1, by inserting after the
38 word "instruction" the following: "and instruction in
39 nonpublic schools".

S-3806

Filed April 24, 1987

BY WALLY E. HORN

Loat 5/6 (p. 1739)

HOUSE FILE 650

S-3995

1 Amend amendment, S-3510, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 3 through page 4,
5 line 44 and inserting the following:

6 "_____. Page 1, by inserting before line 1 the
7 following:

8 "Section 1. Section 299.1, unnumbered paragraph 3,
9 Code 1987, is amended to read as follows:

10 In lieu of such attendance such child may-attend
11 ~~upon-equivalent-instruction-by-a-certified-teacher~~
12 elsewhere shall enroll in an accredited nonpublic
13 school or receive private instruction under chapter
14 299B."

15 _____. Page 1, line 2, by inserting after the word
16 "that" the following: "all children have the basic
17 right for an opportunity to receive an education and
18 that".

19 _____. Page 1, line 3, by inserting after the word
20 "provide" the following: "for".

21 _____. Page 1, by striking lines 4 through 6 and
22 inserting the following: "children. The state".

23 _____. Page 1, by striking lines 7 through 9 and
24 inserting the following: "has a compelling interest
25 in the education of children in this state and an
26 obligation to protect the child's right to receive an
27 education when the education is being denied.
28 Therefore, it is the intent of the state to provide
29 parents and their".

30 _____. Page 1, line 10, by striking the words "in
31 a".

32 _____. Page 1, by striking lines 11 through 13 and
33 inserting the following: "that recognize the parent's
34 responsibilities and the state's interest without
35 infringing upon the religious beliefs of parents."

36 _____. Page 1, by striking line 15 and inserting
37 the following:

38 "Notwithstanding chapter 280 and sections".

39 _____. Page 1, line 16, by inserting after the
40 figure "299.1" the following: "through 299.3 and
41 299.5".

42 _____. Page 1, by striking line 17 and inserting
43 the following: "instruction."

44 _____. Page 1, by striking lines 21 through 23 and
45 inserting the following:

46 "_____. "Private instruction" means a program
47 provided pursuant to section 299B.5, subsection 4".

48 _____. Page 1, by inserting after line 29, the
49 following:

50 "_____. "Dual enrollment" means the matriculation of

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1 a child in one public school or accredited nonpublic
2 school while receiving private instruction, in
3 subjects, courses, or programs not available to the
4 child otherwise.

5 _____. "Designated panel" means a three-member
6 panel, consisting of the administrator of the area
7 education agency or designee, the parent or guardian
8 of the child or designee receiving private
9 instruction, and a member mutually agreed upon by the
10 representative of the area education agency and by the
11 parent or guardian of the child.

12 _____. "Remediation plan" means an educational plan
13 for a child in private instruction which is designed
14 to improve the academic achievement of the child, and
15 which may be implemented within the private
16 instruction setting in which the child is enrolled.
17 If resources available to a public school are
18 utilized, the resources shall be available on the same
19 basis as the resources are to the residents of the
20 local school district. Other resources not under the
21 control of the public school may be utilized at the
22 cost of the parent or guardian of the child. A
23 remediation plan shall not infringe upon the religious
24 beliefs of the parents."

25 _____. By striking page 1, line 34 through page 2,
26 line 1, and inserting the following: "examiners, but
27 who provides private instruction."

28 _____. Page 2, by inserting after line 3 the
29 following:

30 "Sec. _____. NEW SECTION. 299B.3A DUAL ENROLLMENT.

31 A child who is receiving private instruction
32 pursuant to section 299B.6 may also enroll in a public
33 school or accredited nonpublic school for dual
34 enrollment purposes. The parent or guardian shall
35 notify the local school district by February 1 prior
36 to the school year the child is to be enrolled of the
37 intent for dual enrollment.

38 If such a child enrolls in a public school or
39 accredited nonpublic school on a full-time basis, the
40 board of directors of the local school district or the
41 authorities in charge of the accredited nonpublic
42 school may determine the appropriate grade level for
43 the child by the administration of tests or other
44 means of evaluation to determine achievement."

45 _____. Page 2, line 14, by striking the words
46 "parent or guardian" and inserting the following:
47 "person".

48 _____. Page 2, by striking lines 21 and 22 and
49 inserting the following:

50 "4. Private instruction, which encompasses one of

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the following:

2 a. Certified private instruction, instruction
3 provided by a certificated teacher, with the
4 appropriate endorsements and approvals, as provided
5 for in chapter 260. The provisions of section 299B.6,
6 subsection 2 shall not apply to private instruction by
7 a certificated teacher. All other provisions of this
8 chapter shall apply.

9 b. Home instruction provided by a parent or legal
10 guardian of the child.

11 c. Nonaccredited nonpublic instruction, provided
12 by someone other than a parent or legal guardian of
13 the child."

14 _____. Page 2, line 24, by striking the words
15 "parent or guardian" and inserting the following:
16 "person".

17 _____. Page 2, line 26, by striking the words
18 "parent or guardian" and inserting the following:
19 "person".

20 _____. Page 2, by striking lines 29 through 32 and
21 inserting the following:

22 "a. Evidence that the instructor has at least a
23 high school diploma or a high school equivalency
24 diploma."

25 _____. Page 3, by inserting after line 3 the
26 following:

27 "(5) The name and address of the individual
28 providing the private instruction to the child, if the
29 individual is not the parent or guardian of the child.

30 (6) Whether the parent or guardian of the child is
31 a party to a dual enrollment agreement.

32 (7) The fire marshal inspection report, if the
33 private instruction is occurring under section 299B.5,
34 subsection 4, paragraph "c", applicable to the setting
35 in which the instruction takes place. The fire
36 marshal inspection report shall be filed by the
37 instructor or designee.

38 (8) Evidence of immunization of the child as
39 required in section 139.9."

40 _____. Page 3, by inserting after line 12 the
41 following:

42 "(7) Geography."

43 _____. Page 3, by striking lines 15 through 20 and
44 inserting the following: "public school, the results
45 of a current version of a nationally standardized test
46 which has been administered under conditions mutually
47 acceptable to the board of directors of the local
48 school district and the parent or guardian of the
49 child, and the results of the tests shall be made
50 available to the board of directors of the local

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1 school district and to the parent or guardian of the
2 child at the same time. The local school district
3 shall be responsible for the cost incurred regarding
4 the annual testing."

5 _____. Page 3, by striking lines 21 through 33 and
6 inserting the following:

7 "e. An annual progress assessment report which
8 shall include the person's individualized assessment
9 of the child's academic progress in the subjects
10 specified in paragraph "c". The progress reports
11 shall be retained by the parent or guardian for at
12 least three years and shall be submitted to the board
13 of directors of the local school district annually."

14 _____. By striking page 3, line 34 through page 4,
15 line 3.

16 _____. Page 4, line 6, by striking the word
17 "annual" and inserting the following: "initial".

18 _____. Page 4, line 10, by striking the words "
19 but not be limited to,".

20 _____. Page 4, by striking lines 18 through 21.

21 _____. Page 4, by striking lines 27 and 28 and
22 inserting the following: "certified teacher."

23 _____. Page 4, by striking lines 32 and 33 and
24 inserting the following:

25 "Sec. _____. NEW SECTION. 299B.1000 CREATION OF
26 DESIGNATED PANEL.

27 If a child fails to demonstrate academic progress
28 pursuant to section 299B.6, subsection 1, paragraph
29 "d", on consecutive standardized tests within eighteen
30 calendar months, as determined by the composite scores
31 on the standardized tests and compared with the
32 child's perceived level of intellectual functioning,
33 the superintendent of the local school district shall
34 create a designated panel to assist the parent or
35 guardian in remediation of the child. The
36 superintendent shall notify the parent or guardian of
37 the child and the area education agency that such lack
38 of progress has occurred. The superintendent shall
39 convene the panel. Upon agreement by a majority of
40 the panel, the panel shall implement a remediation
41 plan for the child. The panel shall continue in
42 existence until the child has demonstrated academic
43 progress on consecutive standardized tests within
44 eighteen calendar months or until the designated panel
45 makes a recommendation pursuant to section 299B.1001.
46 The panel shall make at least a final report to the
47 superintendent.

48 Sec. _____. NEW SECTION. 299B.1001 FAILURE OF
49 REMEDIATION PLAN.

50 If it appears by clear and convincing evidence that

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1 a child has failed to demonstrate academic progress
2 under a remediation plan on consecutive standardized
3 tests within eighteen months, the designated panel, on
4 agreement of a majority of the members, may recommend
5 to the local school district that the child be removed
6 from the private instruction setting, to the extent
7 deemed necessary to protect the best interest of the
8 child. The board of directors of the local school
9 district shall render a decision based on information
10 from the panel regarding placement of that child in a
11 public or accredited nonpublic school.

12 Following such placement, the parent or guardian of
13 the child may request that the child be permitted to
14 receive private instruction, after evidence of
15 adequate academic progress.

16 If the local board of directors determines that
17 after two years a child is continuing to not make
18 adequate academic progress because of reasons not
19 educationally related, the parent or guardian may
20 reenroll the child in private instruction.

21 The decisions of the board may be appealed to the
22 state board of education pursuant to chapter 290, and
23 thereafter to the district court.

24 Sec. ____ . NEW SECTION. 299B.1002 VOLUNTARY
25 PARENTAL REQUEST FOR DESIGNATED PANEL.

26 The parent or guardian of a child may request the
27 creation of a designated panel if the parent or
28 guardian perceives a need for academic assistance. In
29 such cases, the panel shall exist until the parent or
30 guardian perceives that the panel is unnecessary.

31 Sec. ____ . NEW SECTION. 299B.1003 CHILD ABUSE
32 POLICY.

33 If the private instruction is occurring under
34 section 299B.5, subsection 4, paragraph "c", a written
35 policy pertaining to the reporting of child abuse, as
36 defined in section 232.68, subsection 2, and
37 procedures regarding the reporting of child abuse,
38 shall be filed with the local school district. The
39 policy shall be filed by the instructor or designee.

40 Sec. ____ . NEW SECTION. 299B.1004 PENALTY.

41 A person who violates a provision of this chapter
42 shall be guilty of a simple misdemeanor."

43 ____ . Title page, by striking lines 1 and 2 and
44 inserting the following: "An Act relating to
45 providing private instruction."

S-3995

Filed May 5, 1987

Adopted 5/6/87 (p 1739)

BY WILLIAM W. DIELEMAN
RAY TAYLOR
LARRY MURPHY
JAMES R. RIORDAN

HOUSE FILE 650

S-4025

1 Amend House File 650 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, by inserting before line 22 the
4 following:
5 "Sec. ____ . NEW SECTION. 299B.1010 ADDITIONAL
6 REQUIREMENTS.
7 In addition to the requirements specified in
8 section 299B.6, the person providing private
9 instruction shall also provide on an annual basis to
10 the board of directors of the local school district
11 the following:
12 1. A written explanation of the reason for not
13 enrolling the child in a public school or an
14 accredited nonpublic school, including but not limited
15 to, religious or political reasons and the religious
16 or political affiliation related to the explanation.
17 2. Evidence that the educational program for the
18 child provides instruction in a multicultural
19 nonsexist approach."

S-4025

Filed May 6, 1987

LOST (p. 1740)

AL STURGEON
JEAN LLOYD-JONES
WALLY E. HORN
TOM MANN, JR.

BY BEVERLY A. HANNON
ROBERT M. CARR
JOY C. CORNING
MICHAEL E. GRONSTAL
JULIA GENTLEMAN

HOUSE FILE 650

S-4026

1 Amend House File 650 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, by inserting after line 33 the
4 following:
5 "Sec. ____ . NEW SECTION. 299B.8 REPEAL.
6 This chapter is repealed July 1, 1992."

S-4026

Filed May 6, 1987

LOST (p. 1740)

BY DAVID M. READINGER
LARRY MURPHY

SENATE AMENDMENT TO HOUSE FILE 650

H-4274

- 1 Amend House File 650 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 299.1, unnumbered paragraph 3,
6 Code 1987, is amended to read as follows:
7 In lieu of such attendance such child may-attend
8 ~~upon-equivalent-instruction-by-a-certified-teacher~~
9 ~~elsewhere shall enroll in an accredited nonpublic~~
10 school or receive private instruction under chapter
11 299B."
12 2. Page 1, line 2, by inserting after the word
13 "that" the following: "all children have the basic
14 right for an opportunity to receive an education and
15 that".
16 3. Page 1, line 3, by inserting after the word
17 "provide" the following: "for".
18 4. Page 1, by striking lines 4 through 6 and
19 inserting the following: "children. The state".
20 5. Page 1, by striking lines 7 through 9 and
21 inserting the following: "has a compelling interest
22 in the education of children in this state and an
23 obligation to protect the child's right to receive an
24 education when the education is being denied.
25 Therefore, it is the intent of the state to provide
26 parents and their".
27 6. Page 1, line 10, by striking the words "in a".
28 7. Page 1, by striking lines 11 through 13 and
29 inserting the following: "that recognize the parent's
30 responsibilities and the state's interest without
31 infringing upon the religious beliefs of parents."
32 8. Page 1, by striking line 15 and inserting the
33 following:
34 "Notwithstanding chapter 280 and sections".
35 9. Page 1, line 16, by inserting after the figure
36 "299.1" the following: "through 299.3 and 299.5".
37 10. Page 1, by striking line 17 and inserting the
38 following: "instruction."
39 11. Page 1, by striking lines 21 through 23 and
40 inserting the following:
41 "_____. "Private instruction" means a program
42 provided pursuant to section 299B.5, subsection 4".
43 12. Page 1, by inserting after line 29, the
44 following:
45 "_____. "Dual enrollment" means the matriculation of
46 a child in one public school or accredited nonpublic
47 school while receiving private instruction, in
48 subjects, courses, or programs not available to the
49 child otherwise.
50 _____. "Designated panel" means a three-member

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Page Two

1 panel, consisting of the administrator of the area
2 education agency or designee, the parent or guardian
3 of the child or designee receiving private
4 instruction, and a member mutually agreed upon by the
5 representative of the area education agency and by the
6 parent or guardian of the child.

7 _____. "Remediation plan" means an educational plan
8 for a child in private instruction which is designed
9 to improve the academic achievement of the child, and
10 which may be implemented within the private
11 instruction setting in which the child is enrolled.

12 If resources available to a public school are
13 utilized, the resources shall be available on the same
14 basis as the resources are to the residents of the
15 local school district. Other resources not under the
16 control of the public school may be utilized at the
17 cost of the parent or guardian of the child. A
18 remediation plan shall not infringe upon the religious
19 beliefs of the parents."

20 13. By striking page 1, line 34 through page 2,
21 line 1, and inserting the following: "examiners, but
22 who provides private instruction."

23 14. Page 2, by inserting after line 3 the
24 following:

25 "Sec. _____. NEW SECTION. 299B.3A DUAL ENROLLMENT.

26 A child who is receiving private instruction
27 pursuant to section 299B.6 may also enroll in a public
28 school or accredited nonpublic school for dual
29 enrollment purposes. The parent or guardian shall
30 notify the local school district by February 1 prior
31 to the school year the child is to be enrolled of the
32 intent for dual enrollment.

33 If such a child enrolls in a public school or
34 accredited nonpublic school on a full-time basis, the
35 board of directors of the local school district or the
36 authorities in charge of the accredited nonpublic
37 school may determine the appropriate grade level for
38 the child by the administration of tests or other
39 means of evaluation to determine achievement."

40 15. Page 2, line 14, by striking the words
41 "parent or guardian" and inserting the following:
42 "person".

43 16. Page 2, by striking lines 21 and 22 and
44 inserting the following:

45 "4. Private instruction, which encompasses one of
46 the following:

47 a. Certified private instruction, instruction
48 provided by a certificated teacher, with the
49 appropriate endorsements and approvals, as provided
50 for in chapter 250. The provisions of section 299B.6,

H-4274

Page Three

1 subsection 2 shall not apply to private instruction by
2 a certificated teacher. All other provisions of this
3 chapter shall apply.

4 b. Home instruction provided by a parent or legal
5 guardian of the child.

6 c. Nonaccredited nonpublic instruction, provided
7 by someone other than a parent or legal guardian of
8 the child."

9 17. Page 2, line 24, by striking the words
10 "parent or guardian" and inserting the following:
11 "person".

12 18. Page 2, line 26, by striking the words
13 "parent or guardian" and inserting the following:
14 "person".

15 19. Page 2, by striking lines 29 through 32 and
16 inserting the following:

17 "a. Evidence that the instructor has at least a
18 high school diploma or a high school equivalency
19 diploma."

20 20. Page 3, by inserting after line 3 the
21 following:

22 "(5) The name and address of the individual
23 providing the private instruction to the child, if the
24 individual is not the parent or guardian of the child.

25 (6) Whether the parent or guardian of the child is
26 a party to a dual enrollment agreement.

27 (7) The fire marshal inspection report, if the
28 private instruction is occurring under section 299B.5,
29 subsection 4, paragraph "c", applicable to the setting
30 in which the instruction takes place. The fire
31 marshal inspection report shall be filed by the
32 instructor or designee.

33 (8) Evidence of immunization of the child as
34 required in section 139.9."

35 21. Page 3, by inserting after line 12 the
36 following:

37 "(7) Geography."

38 22. Page 3, by striking lines 15 through 20 and
39 inserting the following: "public school, the results
40 of a current version of a nationally standardized test
41 which has been administered under conditions mutually
42 acceptable to the board of directors of the local
43 school district and the parent or guardian of the
44 child, and the results of the tests shall be made
45 available to the board of directors of the local
46 school district and to the parent or guardian of the
47 child at the same time. The local school district
48 shall be responsible for the cost incurred regarding
49 the annual testing."

50 23. Page 3, by striking lines 21 through 33 and

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Page Four

1 inserting the following:

2 "e. An annual progress assessment report which
3 shall include the person's individualized assessment
4 of the child's academic progress in the subjects
5 specified in paragraph "c". The progress reports
6 shall be retained by the parent or guardian for at
7 least three years and shall be submitted to the board
8 of directors of the local school district annually."

9 24. By striking page 3, line 34 through page 4,
10 line 3.

11 25. Page 4, line 6, by striking the word "annual"
12 and inserting the following: "initial".

13 26. Page 4, line 10, by striking the words ", but
14 not be limited to,".

15 27. Page 4, by striking lines 18 through 21.

16 28. Page 4, by striking lines 27 and 28 and
17 inserting the following: "certified teacher."

18 29. Page 4, by striking lines 32 and 33 and
19 inserting the following:

20 "Sec. . NEW SECTION. 299B.1000 CREATION OF
21 DESIGNATED PANEL.

22 If a child fails to demonstrate academic progress
23 pursuant to section 299B.6, subsection 1, paragraph
24 "d", on consecutive standardized tests within eighteen
25 calendar months, as determined by the composite scores
26 on the standardized tests and compared with the
27 child's perceived level of intellectual functioning,
28 the superintendent of the local school district shall
29 create a designated panel to assist the parent or
30 guardian in remediation of the child. The
31 superintendent shall notify the parent or guardian of
32 the child and the area education agency that such lack
33 of progress has occurred. The superintendent shall
34 convene the panel. Upon agreement by a majority of
35 the panel, the panel shall implement a remediation
36 plan for the child. The panel shall continue in
37 existence until the child has demonstrated academic
38 progress on consecutive standardized tests within
39 eighteen calendar months or until the designated panel
40 makes a recommendation pursuant to section 299B.1001.
41 The panel shall make at least a final report to the
42 superintendent.

43 Sec. . NEW SECTION. 299B.1001 FAILURE OF
44 REMEDIATION PLAN.

45 If it appears by clear and convincing evidence that
46 a child has failed to demonstrate academic progress
47 under a remediation plan on consecutive standardized
48 tests within eighteen months, the designated panel, on
49 agreement of a majority of the members, may recommend
50 to the local school district that the child be removed

1 from the private instruction setting, to the extent
2 deemed necessary to protect the best interest of the
3 child. The board of directors of the local school
4 district shall render a decision based on information
5 from the panel regarding placement of that child in a
6 public or accredited nonpublic school.

7 Following such placement, the parent or guardian of
8 the child may request that the child be permitted to
9 receive private instruction, after evidence of
10 adequate academic progress.

11 If the local board of directors determines that
12 after two years a child is continuing to not make
13 adequate academic progress because of reasons not
14 educationally related, the parent or guardian may
15 reenroll the child in private instruction.

16 The decisions of the board may be appealed to the
17 state board of education pursuant to chapter 290, and
18 thereafter to the district court.

19 Sec. ____ . NEW SECTION. 299B.1002 VOLUNTARY
20 PARENTAL REQUEST FOR DESIGNATED PANEL.

21 The parent or guardian of a child may request the
22 creation of a designated panel if the parent or
23 guardian perceives a need for academic assistance. In
24 such cases, the panel shall exist until the parent or
25 guardian perceives that the panel is unnecessary.

26 Sec. ____ . NEW SECTION. 299B.1003 CHILD ABUSE
27 POLICY.

28 If the private instruction is occurring under
29 section 299B.5, subsection 4, paragraph "c", a written
30 policy pertaining to the reporting of child abuse, as
31 defined in section 232.68, subsection 2, and
32 procedures regarding the reporting of child abuse,
33 shall be filed with the local school district. The
34 policy shall be filed by the instructor or designee.

35 Sec. ____ . NEW SECTION. 299B.1004 PENALTY.

36 A person who violates a provision of this chapter
37 shall be guilty of a simple misdemeanor."

38 30. Title page, by striking lines 1 and 2 and
39 inserting the following: "An Act relating to
40 providing private instruction."

H-4274 FILED MAY 7, 1987

RECEIVED FROM THE SENATE

*House amended (6448) and
conferred 4/14 (p. 1966)*

HOUSE FILE 650

H-4357

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 4, by inserting after line 17 the
4 following:
5 "____. Page 4, by inserting after line 32 the
6 following:
7 "Sec. ____ Section 442.39, Code 1987, is amended
8 by adding the following new subsection:
9 NEW SUBSECTION. 6. Children receiving private
10 instruction under chapter 299B are assigned a
11 weighting of two-tenths, for the local school district
12 as defined in section 299B.3."

H-4357 FILED MAY 9, 1987 BY JAY of Appanoose
o/o

HOUSE FILE 650

H-4358

1 Amend amendment, H-4286, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 25 and 26 and
5 inserting the following: "in an amount not more than
6 one hundred dollars nor less than fifty dollars, to be
7 deposited in the".

H-4358 FILED MAY 9, 1987 BY SHOULTZ of Black Hawk
o/o

HOUSE FILE 650

H-4359

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 3, by inserting after line 11, the
5 following:
6 "____. Page 2, line 26, by inserting after the
7 word "child" the following: ", commencing no sooner
8 than the first day of September".

H-4359 FILED MAY 9, 1987 BY JAY of Appanoose
o/o

H-4277

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 5, line 34, by inserting after the word
4 "designee." the following: "The instructor shall be
5 considered a mandatory reporter of child abuse
6 pursuant to section 232.69, while in the capacity of
7 instructor."

BY TEAFORD of Black Hawk
HARPER of Black Hawk

H-4277 FILED MAY 7, 1987
o/s

HOUSE FILE 650

H-4280

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 3, by striking lines 29 and 30 and
4 inserting the following: "subsection 4, paragraph
5 "c", inspected as if the instruction is taking place
6 in a public school. The fire".

BY TEAFORD of Black Hawk
HARPER of Black Hawk

H-4280 FILED MAY 7, 1987
c/s

HOUSE FILE 650

H-4281

1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting after line 37 the
5 following:
6 "_____. Page 3, by inserting after line 12 the
7 following:
8 "(8) Human growth and development.""

H-4281 FILED MAY 7, 1987 BY HAMMOND of Story

c/s

HOUSE FILE 650

H-4284

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 4, line 49, by striking the word "may"
4 and inserting the following: "shall".

BY TEAFORD of Black Hawk
HARPER of Black Hawk

H-4284 FILED MAY 7, 1987
o/s

HOUSE FILE 650

H-4288

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 3, by inserting after line 37 the
4 following:
5 "_____. Page 3, by inserting after line 12 the
6 following:
7 "(8) Human growth and development.""

BY TEAFORD of Black Hawk
HARPER of Black Hawk

H-4288 FILED MAY 7, 1987
e/s

HOUSE FILE 650

H-4278

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 2, by striking lines 12 through 17 and
 4 inserting the following: "Costs incurred by the
 5 remediation plan shall be the responsibility of the
 6 parent or guardian of the child. A".
 7 2. Page 2, line 32, by inserting after the word
 8 "enrollment." the following: "Costs incurred as a
 9 result of dual enrollment shall be the responsibility
 10 of the parent or guardian of the child."

BY TEAFORD of Black Hawk

H-4278 FILED MAY 7, 1987

HARPER of Black Hawk

c/o

HOUSE FILE 650

H-4287

1 Amend the amendment, H-4274, to House File 650 as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 4, by striking line 2 and inserting the
 5 following:
 6 "e. A curriculum plan for the appropriate
 7 semester of the school year by September 1 and
 8 December 30 of each year. If a child is presumed to
 9 be talented and gifted or in need of special
 10 education, the plans shall reflect the special needs
 11 of the child.
 12 f. An annual progress assessment report which".

BY HARPER of Black Hawk

H-4287 FILED MAY 7, 1987

TEAFORD of Black Hawk

o/e

HOUSE FILE 650

H-4282

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 3, by inserting after line 37 the
 4 following:
 5 "_____. Page 3, by inserting after line 12 the
 6 following:
 7 "(8) Physical education.""

BY HARPER of Black Hawk

H-4282 FILED MAY 7, 1987

TEAFORD of Black Hawk

c/o

HOUSE FILE 650

H-4285

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 5, line 37, by inserting after the word
 4 "misdemeanor" the following: "but shall not be
 5 imprisoned".

BY TEAFORD of Black Hawk

H-4285 FILED MAY 7, 1987

HARPER of Black Hawk

c/o

HOUSE FILE 650

H-4310

- 1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 5, by inserting after line 37 the fol-
5 lowing:
6 "_____. Page 4, by inserting after line 31 the
7 following:
8 "Sec. _____. NEW SECTION. 299B.1117 REPEAL.
9 This chapter is repealed July 1, 1990."
10 2. Page 5, by striking lines 38 through 40.

H-4310 FILED MAY 7, 1987 BY SCHRADER of Marion

c/o

HOUSE FILE 650

H-4311

- 1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 28 through 31.

H-4311 FILED MAY 7, 1987 BY SCHRADER of Marion

c/o

HOUSE FILE 650

H-4313

- 1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, line 34, by inserting after the word
5 "panel." the following: "If the panel member to be
6 mutually agreed upon by the representative of the area
7 education agency and by the parent or guardian of the
8 child is not designated within ten days after the con-
9 vening of the panel, the speaker of the house of
10 representatives shall designate such panel member."

H-4313 FILED MAY 7, 1987 BY SHOULTZ of Black Hawk

c/o

HOUSE FILE 650

H-4317

- 1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted to the House, as
3 follows:
4 1. Page 3, by striking lines 47 through 49 and
5 inserting the following: "child at the same time.
6 Costs incurred by the local school district shall be
7 recovered by claims submitted to the department of
8 education. There is appropriated from the general
9 fund of the state to the department of education for
10 the fiscal year beginning July 1, 1987 and every
11 fiscal year thereafter, an amount necessary to
12 reimburse the local school districts for costs
13 incurred under this chapter."

H-4317 FILED MAY 7, 1987 BY SHOULTZ of Black Hawk

c/o

HOUSE FILE 650

H-4314

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 2, by striking lines 12 through 17 and
5 inserting the following: "Costs incurred by the local
6 school district shall be recovered by a tax on all
7 taxable property in the school district in order to
8 raise the amount necessary, outside the budget
9 limitations of chapter 442. The board of directors of
10 a school district shall certify for levy by March 15
11 of a school year for the tax. A".

H-4314 FILED MAY 7, 1987

BY SHOULTZ of Black Hawk

c/o

HOUSE FILE 650

H-4316

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 4, by inserting after line 14 the
4 following:

5 "_____. Page 4, by inserting after line 17 the
6 following:

7 "Each child receiving private instruction shall be
8 appointed an attorney to represent the child,
9 designated by the local school district. Costs
10 incurred by the local school district for the attorney
11 shall be recovered by claims submitted to the
12 department of education. There is appropriated from
13 the general fund of the state to the department of
14 education for the fiscal year beginning July 1, 1987
15 and every fiscal year thereafter, an amount necessary
16 to reimburse the local school districts for costs
17 incurred by the appointment of the attorney.""

H-4316 FILED MAY 7, 1987

BY SHOULTZ of Black Hawk

c/o

HOUSE FILE 650

H-4309

1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 38 through 49.

H-4309 FILED MAY 7, 1987

BY SCHRADER of Marion

c/o

HOUSE FILE 650

H-4321

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 4, by striking lines 16 and 17.

H-4321 FILED MAY 7, 1987

BY SHOULTZ of Black Hawk

c/o

HOUSE FILE 650

H-4304

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by striking lines 30 and 31 and
 4 inserting the following: "responsibilities and the
 5 state's interest."

BY JAY of Appanoose
 HANSEN of Woodbury

H-4304 FILED MAY 7, 1987

c/o

HOUSE FILE 650

H-4306

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by striking lines 12 through 31.

H-4306 FILED MAY 7, 1987 BY JAY of Appanoose

c/o

HOUSE FILE 650

H-4305

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 3, by striking line 34 and inserting the
 4 following: "required in section 139.9.
 5 (9) Evidence that the educational program for the
 6 child provides instruction in a multicultural
 7 nonsexist approach."

BY JAY of Appanoose
 HANSEN of Woodbury
 DODERER of Johnson

H-4305 FILED MAY 7, 1987

c/o

HOUSE FILE 650

H-4307

1 Amend amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 2, by striking lines 2 through 6 and
 4 inserting the following: "education agency or
 5 designee, a representative or designee of the local
 6 school district, and a designee appointed by the
 7 parent or guardian of the child receiving private
 8 instruction."

H-4307 FILED MAY 7, 1987 BY JAY of Appanoose

c/o

HOUSE FILE 650

H-4286

1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 1, line 3 through page 5,
5 line 37 and inserting the following:

6 "____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 299.25 CIVIL
9 ENFORCEMENT.

10 Notwithstanding section 299.6, a county attorney or
11 legal counsel employed by a board of directors of a
12 school corporation who receives information that a
13 person is providing home instruction to a child or the
14 child is receiving instruction in a nonaccredited
15 nonpublic setting not in compliance with section 299.1
16 may seek judicial enforcement by filing an action in a
17 district court in a county which is wholly or
18 partially contained within the school district in
19 which the child resides or the alleged violation
20 occurred.

21 Upon a finding by a preponderance of the evidence
22 that a person has provided instruction for the child
23 in such manner, the court:

24 1. Shall assess against the person a civil penalty
25 in an amount not more than five hundred dollars nor
26 less than one hundred dollars, to be deposited in the
27 general fund of the state.

28 2. Shall order the person to pay all costs and
29 reasonable attorney fees incurred by a party who
30 successfully establishes the violation.

31 3. May issue appropriate orders, including but not
32 limited to temporary or permanent injunctions
33 directing the person to refrain from future
34 violations.

35 A person found in contempt for such violation is
36 not subject to punishment by imprisonment."

BY DODERER of Johnson

OLLIE of Clinton

H-4286 FILED MAY 7, 1987

c/o

HOUSE FILE 650

H-4291

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 2, by striking lines 2 through 6 and
4 inserting the following: "education agency or
5 designee, an instructional staff person from the local
6 school district teaching at the appropriate grade
7 level, and a member of the counseling staff from the
8 local school district."

BY HARPER of Black Hawk

TEAFORD of Black Hawk

H-4291 FILED MAY 7, 1987

c/o

HOUSE FILE 650

H-4318

Amend amendment, H-4274, to House File 650 as amended, passed and reprinted by the House as follows:

1. Page 3, by striking line 19 and inserting the following: "diploma, and evidence of at least a three point zero grade point average while in high school or while completing the equivalency diploma requirements."

H-4318 FILED MAY 7, 1987 BY SHOULTZ of Black Hawk

o/o

HOUSE FILE 650

H-4320

Amend the amendment, H-4274, to House File 650 as amended, passed, and reprinted by the House as follows:

1. Page 1, by striking lines 45 through 49.
2. Page 2, by striking lines 23 through 39.
3. Page 3, by striking lines 25 and 26.

H-4320 FILED MAY 7, 1987 BY SHOULTZ of Black Hawk

o/o

HOUSE FILE 650

H-4322

Amend the amendment, H-4274, to House File 650 as amended, passed, and reprinted by the House as follows:

1. Page 1, line 24, by inserting after the word "denied." the following: "The child's basic right is in the best interest of the child and is a property right. This right shall not be denied."

H-4322 FILED MAY 7, 1987 BY SHOULTZ of Black Hawk

o/o

HOUSE FILE 650

H-4324

Amend the amendment, H-4274, to House File 650 as amended, passed, and reprinted by the House as follows:

1. Page 1, line 50, by striking the word "three-member" and inserting the following: "five-member".
2. Page 2, line 4, by striking the word "and".
3. Page 2, line 6, by inserting after the word "child" the following: ", a member of the civil rights commission, and a member of the authorities in charge of an accredited nonpublic school within the local school district or an accredited nonpublic school located near the local school district".

H-4324 FILED MAY 7, 1987 BY SHOULTZ of Black Hawk

o/o

HOUSE FILE 650

H-4315

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 4, by inserting after line 14 the
5 following:

6 " . Page 4, by inserting after line 17 the
7 following: "Each child receiving private instruction
8 shall be appointed an attorney to represent the child,
9 designated by the local school district. Costs
10 incurred by the local school district for the attorney
11 shall be recovered by a tax on all taxable property in
12 the school district in order to raise the amount
13 necessary, outside the budget limitations of chapter
14 442. The board of directors of a school district
15 shall certify for levy by March 15 of a school year
16 for the tax."

H-4315 FILED MAY 7, 1987

BY SHOULTZ of Black Hawk

HOUSE FILE 650

H-4319

1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, by striking lines 47 through 49 and
5 inserting the following: "child at the same time.
6 Costs incurred by the local school district shall be
7 recovered by a tax on all taxable property in the
8 school district in order to raise the amount
9 necessary, outside the budget limitations of chapter
10 442. The board of directors of a school district
11 shall certify for levy by March 15 of a school year
12 for the tax."

H-4319 FILED MAY 7, 1987

BY SHOULTZ of Black Hawk

HOUSE FILE 650

H-4289

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 4, line 30, by inserting after the word
5 "child." the following: "Academic progress" means
6 progress equal to the average progress of the children
7 enrolled in the local school district at the
8 appropriate grade level during the same eighteen
9 calendar months."

BY HARPER of Black Hawk
TEAFORD of Black Hawk

H-4289 FILED MAY 7, 1987

Revised o/c 4/14 (p. 1965)

HOUSE FILE 650

H-4292

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking lines 18 and 19.

H-4292 FILED MAY 7, 1987 BY HAMMOND of Story

o/c

HOUSE FILE 650

H-4295

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 4, by inserting after line 10, the
5 following:
6 "____. Page 4, by inserting before line 4, the
7 following:
8 "151. The local school district shall include each
9 child receiving private instruction and residing in
10 the district as a full-time pupil in the district's
11 basic enrollment pursuant to section 442.4."

BY HARPER of Black Hawk
TEAFORD of Black Hawk

H-4295 FILED MAY 7, 1987

o/c

HOUSE FILE 650

H-4294

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 3, by striking line 34 and inserting the
4 following: "required in section 139.9.
5 (9) Evidence that the instruction is being
6 provided in a multicultural nonsexist approach."

H-4294 FILED MAY 7, 1987 BY HAMMOND of Story

o/c

HOUSE FILE 650

H-4301

1 Amend the amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 3, by striking lines 15 through 19.

H-4301 FILED MAY 7, 1987 BY SIEGRIST of Pottawattamie

o/c

HOUSE FILE 650

H-4290

1 Amend the amendment, H-4274, to House File 650 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 3, by striking line 34 and inserting the
 4 following: "required in section 139.9.
 5 (9) A written explanation of the reason for not
 6 enrolling the child in a public school or an
 7 accredited nonpublic school, including but not limited
 8 to, religious or political reasons and the religious
 9 or political affiliation related to the explanation.
 10 (10) Evidence that the educational program for the
 11 child provides instruction in a multicultural
 12 nonsexist approach."

BY TEAFORD of Black Hawk
 HARPER of Black Hawk

H-4290 FILED MAY 7, 1987

Revised 5/10 11/14 (A. 1965)

HOUSE FILE 650

H-4283

1 Amend the amendment, H-4274, to House File 650 as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 4, by inserting after line 14, the
 5 following:
 6 "____. Page 4, by inserting after line 17, the
 7 following:
 8 "777. The private instruction shall provide for
 9 the instructional time required by administrative rule
 10 adopted by the department of education pursuant to
 11 section 256.17 and required of public schools and
 12 accredited nonpublic schools."

BY HARPER of Black Hawk
 TEAFORD of Black Hawk

H-4283 FILED MAY 7, 1987

o/o

HOUSE FILE 650

H-4293

1 Amend the amendment, H-4274 to House File 650 as
 2 amended, passed, and reprinted by the House as
 3 follows:
 4 1. Page 1, by striking lines 39 through 42.
 5 2. Page 2, by striking lines 20 through 22.
 6 3. Page 2, by striking lines 40 through 42.
 7 4. Page 3, by striking lines 6 through 14.
 8 5. Page 3, by striking lines 22 through 25 and
 9 inserting the following:
 10 ""(6) Whether the parent or guardian of the child
 11 is".

BY HAMMOND of Story

H-4293 FILED MAY 7, 1987

o/o

HOUSE FILE 650

H-4308

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 3 through page 5,
5 line 40 and inserting the following:

6 " ". By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 299B.1 PURPOSE.

9 Notwithstanding chapter 280 and sections 299.1
10 through 299.23, this chapter regulates instruction in
11 nonpublic schools and private instruction not
12 regulated in chapter 280. This chapter shall be
13 administered by the department of education.

14 Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.

15 As used in this chapter, unless the context
16 otherwise requires:

17 1. "Nonpublic school" means a school with two or
18 more students, over seven and under sixteen years of
19 age and not related within the third degree of
20 consanguinity, in attendance.

21 2. "Private instruction" means an educational
22 program conforming to the requirements of section
23 299B.4, provided in the home of one or more students
24 over seven and under sixteen years of age who are
25 related.

26 3. "Public school" means a school directly
27 supported in whole or in part by taxation and approved
28 by the state board of education pursuant to section
29 256.11.

30 4. "Dual enrollment" means the matriculation of a
31 child in one public school or approved nonpublic
32 school and one nonpublic school, in one public school
33 while receiving private instruction, or in one
34 approved nonpublic school while receiving private
35 instruction, in subjects, courses, or programs not
36 available to the child otherwise.

37 5. "Department" means the department of education.

38 6. "Approved nonpublic school" means a nonpublic
39 school which is approved by the state board of
40 education pursuant to section 256.11.

41 7. "Instructor" means an instructor employed by a
42 nonpublic school and who has or has not been issued a
43 teaching certificate or the appropriate endorsement or
44 approval by the state board of education, but who is
45 approved by the department to provide private
46 instruction or instruction in a nonpublic school.
47 "Instructor" includes the person in charge of the
48 nonpublic school.

49 8. "Local school district" means the school
50 district of the child's residency.

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1 Sec. 3. NEW SECTION. 229B.3 DUAL ENROLLMENT.

2 A child who is receiving private instruction
3 pursuant to section 299B.5 may also enroll in a public
4 or approved nonpublic school for dual enrollment
5 purposes. The public or approved nonpublic school may
6 establish a fee for the child who is attending through
7 a dual enrollment agreement provided that a child in a
8 public school is not included in the basic enrollment
9 pursuant to section 442.4. The fee shall not exceed
10 the per pupil cost of the subject, course, or program.

11 If such a child enrolls in a public or approved
12 nonpublic school on a full-time basis, the board of
13 directors of the local school district or the
14 authorities in charge of the approved nonpublic school
15 may determine the appropriate grade level for the
16 child by the administration of tests or other means of
17 evaluation to determine placement.

18 Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION
19 ASSISTANCE PROGRAM.

20 Each public school shall and an approved nonpublic
21 school may administer a home instruction assistance
22 program if the local school district or approved
23 nonpublic school is cognizant of a child receiving
24 private instruction in the district. The local school
25 district shall include each child enrolled in the
26 program in its basic enrollment pursuant to section
27 442.4. If teachers are shared between districts for
28 purposes of this section, the sharing qualifies for
29 weighting pursuant to section 442.39. The local
30 school district or approved nonpublic school
31 administering the program shall:

32 1. Approve the curriculum plans submitted pursuant
33 to section 299B.5.

34 2. Provide a curriculum to the instructor
35 providing private instruction when requested pursuant
36 to section 299B.5.

37 3. Approve the weekly lesson plans submitted pur-
38 suant to section 299B.5.

39 4. Provide a certified teacher who shall meet with
40 the parent or child enrolled in the program at least
41 three hours per week.

42 5. Retain copies of the annual assessment report
43 of the pupil's progress submitted by the instructor
44 pursuant to section 299B.5 for at least four years.

45 6. Administer student competency tests pursuant to
46 section 299B.5.

47 7. Receive an agreement from the instructor pro-
48 viding private instruction to submit the child to
49 nationally recognized standardized tests at least
50 twice during the school year. The department shall

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1 select the tests and the tests shall be administered
2 by the superintendent or designee of the local school
3 district at a neutral site or at the local school
4 district. The child may be submitted to additional
5 testing after five days' notice from the board of
6 directors of the local school district. The
7 additional testing shall be based on the appropriate
8 weekly lesson plans scheduled for the child pursuant
9 to section 299B.5, subsection 1.

10 Sec. 5. NEW SECTION. 299B.5 ENROLLMENT.

11 The person having the control of a child over seven
12 and under sixteen years of age who is not enrolled in
13 a public or approved nonpublic school shall enroll the
14 child in a home instruction assistance program
15 pursuant to section 299B.4. By September 1 of each
16 year the person shall apply to the department to
17 provide private instruction, agree to the requirements
18 in section 299B.4, and shall provide the department
19 and the local school district with the following:

20 1. By September 1 and December 30, a curriculum
21 and weekly lesson plans for the appropriate semester
22 that reflect chapter 280 and related rules or notify
23 the district that the person will use the curriculum
24 and lesson plans provided by the district.

25 2. Evidence that the person has a high school
26 diploma or a high school equivalency diploma.

27 3. An assessment report of the child's progress in
28 each subject taught pursuant to subsection 1.

29 4. An affidavit indicating the reasons the person
30 is enrolling the child in the home instruction as-
31 sistance program and eliminating the local school
32 district and the state from liability and
33 responsibility for the child's educational attainment.

34 Sec. 6. NEW SECTION. 299B.6 DEPARTMENT DUTIES.

35 The department shall:

36 1. Approve or disapprove a request for private
37 instruction through a home instruction assistance
38 program pursuant to sections 299B.4 and 299B.5 and
39 rules adopted by the state board of public
40 instruction.

41 2. Select and administer a nationally recognized
42 standardized competency exam for applicants. The exam
43 shall emphasize curriculum.

44 3. With approval by the state board of public
45 instruction, adopt rules pursuant to chapter 17A to
46 enforce this chapter and to identify compliance. The
47 rules shall emphasize student achievement test scores
48 and evidence of academic progress. The rules shall
49 also provide a process for revoking approval for
private instruction through a home instruction

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1 assistance program which would require a child to be
2 enrolled in a public school or approved nonpublic
3 school.

4 Sec. 7. NEW SECTION. 299B.7 OTHERWISE NOT
5 QUALIFIED.

6 An instructor who is approved to provide private
7 instruction pursuant to section 299B.6 but does not
8 hold a teacher's certificate issued by the state board
9 of public instruction is not a certified teacher.

10 Sec. 8. The department of education shall monitor
11 implementation and effectiveness of this chapter and
12 submit to the general assembly, in January 1991, a
13 report regarding the success of private instruction
14 through a home instruction assistance program and a
15 recommendation whether such programs should be
16 continued.

17 Sec. 9. NEW SECTION. 299B.8 REPEAL.

18 This chapter is repealed July 1, 1990."

19 2. By renumbering as necessary.

BY JAY of Appanoose
HANSEN of Woodbury

H-4308 FILED MAY 7, 1987

Repealed 4/1/94 (p. 1965)

HOUSE FILE 650

H-4329

Amend amendment, H-4274, to House File 650, as
 passed, and reprinted by the House, as
 follows:

1. By striking page 1, line 3 through page 5,
 line 40, and inserting the following:

" . By striking everything after the enacting
 clause and inserting the following:

"Section 1. NEW SECTION. 299B.1 PURPOSE.

Notwithstanding chapters 280 and 299 except section
 299.24, this chapter regulates instruction in
 nonpublic schools and private instruction not
 regulated in chapter 280.

Sec. 2. NEW SECTION. 299B.2 DEFINITIONS.

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

1. "Nonpublic school" means a school with two or
 more unrelated students over seven and under sixteen
 years of age and not supported by taxation.

2. "Private instruction" means an educational
 program provided in the home of one or more students
 over seven and under sixteen years of age who are
 related.

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

4. "Dual enrollment" means the matriculation of a
 child in one public school or accredited nonpublic
 school and one nonpublic school, in one public school
 while receiving private instruction, or in one
 accredited nonpublic school while receiving private
 instruction, in subjects, courses, or programs not
 available to the child otherwise.

5. "Department" means the department of education.

6. "Accredited nonpublic school" means a nonpublic
 school which is approved by the state board of
 education pursuant to section 256.11.

7. "Instructor" means an instructor, who has or
 has not been issued a teaching certificate or the
 appropriate endorsement or approval by the state board
 of education, who provides private instruction or
 instruction in a nonpublic school. "Instructor"
 includes the person in charge of the nonpublic school.

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

Sec. 3. NEW SECTION. 229B.3 DUAL ENROLLMENT.

A child who is receiving private instruction
 pursuant to section 299B.7 or who is enrolled in a
 nonpublic school pursuant to section 299B.8 may also
 enroll in a public or accredited nonpublic school for

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1 dual enrollment purposes.

2 If such a child enrolls in a public or accredited
3 nonpublic school on a full-time basis, the board of
4 directors of the local school district or the
5 authorities in charge of the accredited nonpublic
6 school may determine the appropriate grade level for
7 the child by the administration of tests or other
8 means of evaluation to determine achievement subject
9 to parental or guardian approval.

10 Sec. 4. NEW SECTION. 299B.4 HOME INSTRUCTION
11 ASSISTANCE PROGRAM.

12 A person enrolling a child in a home instruction
13 assistance program sponsored and implemented by a
14 local school district or in such a program sponsored
15 and implemented by an accredited nonpublic school,
16 shall be deemed to have met the requirements of this
17 chapter. If a public school sponsors such a home
18 instruction assistance program, the local district
19 shall provide a certificated teacher who shall meet
20 with each child in the home instruction assistance
21 program at least once a week and each child enrolled
22 in the program shall be considered as a resident pupil
23 in the basic enrollment pursuant to section 442.4.

24 The home instruction assistance program shall
25 include testing of a child who has a discerned grade
26 or placement equivalent to the third grade to and
27 including the eighth grade or its equivalency in
28 comparison with a public school with a nationally
29 standardized test. The test shall be administered
30 under conditions established by the board of directors
31 of the local school district or the authorities in
32 charge of an accredited nonpublic school.

33 Sec. 5. NEW SECTION. 299B.5 INDIVIDUAL
34 CONSULTATION PROGRAM.

35 A person may participate in an individual con-
36 sultation program and shall be deemed to have met the
37 requirements of this chapter. The person having
38 control of a child over seven and under sixteen years
39 of age shall consult with a certificated teacher at
40 least once a month for curriculum development and
41 coordination, compatibility with district standards,
42 special education needs, observation of the learning
43 environment, and other matters which enable the person
44 having control of the child to better fulfill the
45 requirements of private instruction.

46 The person shall provide annually to the board of
47 directors of the local school district, after the
48 child has a discerned grade or placement equivalent to
49 the third grade to and including the eighth grade or
50 its equivalency in comparison with a public school,

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1 the results of a nationally standardized test which
2 has been administered and evaluated by the board of
3 directors of the local school district, including
4 evidence that the test results are legitimate.

5 Each child pursuant to this section, when the in-
6 dividual consultation program is administered by a
7 local school district, shall be considered as one-half
8 of a resident pupil in the basic enrollment pursuant
9 to section 442.4 for the local school district.

10 Sec. 6. NEW SECTION. 299B.6 ENROLLMENT.

11 If a child, over seven and under sixteen years of
12 age, is not enrolled in a public or accredited
13 nonpublic school, the person having the control of the
14 child shall enroll the child in one of the following:

15 1. A home instruction assistance program pursuant
16 to section 299B.4.

17 2. An individual consultation program pursuant to
18 section 299B.5.

19 3. Private instruction pursuant to section 299B.7.

20 4. A nonpublic school pursuant to section 299B.8.

21 Sec. 7. NEW SECTION. 299B.7 PRIVATE INSTRUCTION.

22 A person having control of a child over seven and
23 under sixteen years of age may provide private
24 instruction. The person shall:

25 1. Have at least a high school diploma or a high
26 school equivalency diploma.

27 2. Provide the following information by September
28 1 of each school year to the board of directors of the
29 local school district in a certificate including the
30 following information:

31 a. The child's name, age, and date of birth.

32 b. The name and address of the child's parent or
33 guardian.

34 c. The child's discerned grade or placement.

35 d. A quarterly indication of the child's
36 educational progress.

37 e. The name and address of the individual pro-
38 viding the private instruction to the child.

39 f. Whether the parent or guardian of the child is
40 a party to a dual enrollment agreement.

41 3. Provide evidence to the local school district
42 by September 1 of each school year that the
43 educational program for the child provides, or in due
44 course will provide, instruction in the following
45 subjects:

46 a. Mathematics.

47 b. Science.

48 c. Language arts.

49 d. United States history.

e. History of Iowa.

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1 f. Principles of American government.
2 4. Provide to the local school district an
3 affidavit indicating the intent of the person to
4 provide private instruction for the child and
5 eliminating the local school district and the state
6 from liability for the child's educational attainment.
7 5. Provide annually to the board of directors of
8 the local school district, after the child has a
9 discerned grade or placement equivalent to the third
10 grade to and including the eighth grade or its
11 equivalency in comparison with a public school, the
12 results of a nationally standardized test, including
13 evidence that the test results are legitimate.
14 Sec. 8. NEW SECTION. 299B.8 INSTRUCTION IN
15 NONPUBLIC SCHOOL.
16 An instructor may provide instruction in a
17 nonpublic school if the instructor or parent or
18 guardian provides:
19 1. Evidence that the person has received a
20 bachelor degree from a four-year institution of higher
21 education or its equivalent.
22 2. The local school district the following
23 information by September 1 of each school year in a
24 certificate including:
25 a. The name, age, and date of birth of each child
26 enrolled in the nonpublic school.
27 b. The name and address of the parent or guardian
28 of each child.
29 c. The discerned grade or placement of each child.
30 d. A quarterly indication of the child's
31 educational progress.
32 e. The name and address of the nonpublic school in
33 which the child is enrolled.
34 f. Whether the parent or guardian of the child is
35 a party to a dual enrollment agreement.
36 3. Evidence to the local school district by
37 September 1 of each school year that the educational
38 program for the child provides, or in due course will
39 provide, instruction in the following subjects:
40 a. Mathematics.
41 b. Science.
42 c. Language arts.
43 d. United States history.
44 e. History of Iowa.
45 f. Principles of American government.
46 4. To the local school district an affidavit
47 indicating the intent of the person to obtain
48 instruction for the child in a nonpublic school and
49 eliminating the local school district and the state
50 from liability for the child's educational attainment.

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1 5. Annually to the board of directors of the local
 2 school district, after the child has a discerned grade
 3 or placement equivalent to the third grade to and
 4 including the eighth grade or its equivalency in
 5 comparison with a public school, the results of a
 6 nationally standardized test, including evidence that
 7 the test results are legitimate.

8 Sec. 9. NEW SECTION. 299B.9 OTHERWISE NOT
 9 QUALIFIED.

10 An instructor who provides private instruction
 11 pursuant to section 299B.7 or provides instruction in
 12 a nonpublic school pursuant to section 299B.7 but does
 13 not hold a teacher's certificate issued by the state
 14 board of educational examiners is not a certified
 15 teacher.

16 Sec. 10. NEW SECTION. 299B.10 STATE BOARD
 17 DUTIES.

18 The state board of education shall adopt rules
 19 pursuant to chapter 17A to enforce this chapter and to
 20 identify compliance. The rules shall specify the
 21 minimum academic progress. The rules shall also
 22 provide a process for altering or reversing
 23 participation in a home instruction assistance
 24 program, private instruction, or instruction in a
 25 nonpublic school based on noncompliance with sections
 26 299B.6 and 299B.7 or 299B.8. The rules shall include
 27 a list of eligible tests and standards for evidence of
 28 legitimacy of test results and standards for
 29 achievements pursuant to section 299B.4, 299B.5,
 30 299B.7, or 299B.8 in comparison to discerned grade
 31 levels and development of remediation programs,
 32 including rules which would require a child, if
 33 remediation programs fail, to be enrolled in a public
 34 school or approved nonpublic school.

35 Sec. 11. NEW SECTION. 299B.11 REPEAL.

36 This chapter is repealed July 1, 1992."

37 Title page, line 2, by striking the figure
 38 "1990" and inserting the following: "1992".

H-4329 FILED MAY 7, 1987

BY HAVERLAND of Polk

Placed on file 4/12/87 (p. 1965)

HOUSE FILE 650

H-4346

1 Amend the amendment, H-4274, to House File 650 as
 2 amended, passed, and reprinted by the House as
 3 follows:

4 1. Page 3, by striking line 34 and inserting the
 5 following: "as required in section 139.9.

6 (9) Evidence of an appropriately placed and
 7 appropriately sized sign erected on the site of the
 8 setting of private instruction near any pedestrian
 9 crossing indicating a "private instruction" crossing."

H-4346 FILED MAY 8, 1987

BY JAY of Appanoose

Placed on file

HOUSE FILE 650

H-4325

1 Amend amendment, H-4274, to House File 650, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by striking lines 12 through 17 and
5 inserting the following: "Costs incurred by the local
6 school district shall be recovered by claims submitted
7 to the department of education. There is appropriated
8 from the general fund of the state to the department
9 of education for the fiscal year beginning July 1,
10 1987 and every fiscal year thereafter, an amount
11 necessary to reimburse the local school districts for
12 costs incurred under this chapter. A".

H-4325 FILED MAY 7, 1987

BY SHOULTZ of Black Hawk

Blanchard v/o 4/14 (p. 1965)

HOUSE FILE 650

H-4323

1 Amend amendment, H-4274, to House File 650 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 5, by inserting after line 34, the
4 following:

5 "Sec. ____ . NEW SECTION. 299B.1111 FUNDING.

6 There is appropriated from the general fund of the
7 state for each fiscal year, beginning with the fiscal
8 year beginning July 1, 1987 and each fiscal year
9 thereafter, to the department of education an amount
10 sufficient to pay for the costs incurred by a local
11 school district relating to private instruction under
12 this chapter, including but not limited to, the costs
13 of the tests and remediation plans."

H-4323 FILED MAY 7, 1987

BY JAY of Appanoose

v/o

HOUSE FILE 650

H-4328

1 Amend amendment H-4274 to House File 650 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 3, by striking line 34 and inserting the
5 following: "required in section 139.9.

6 (9) A written explanation of the reason for not
7 enrolling the child in a public school or an
8 accredited nonpublic school, including but not limited
9 to, religious or political reasons and the religious
10 or political affiliation related to the explanation.""

H-4328 FILED MAY 7, 1987

BY BLANSHAN of Greene

v/o

HAMMOND of Story

HOUSE FILE 650

H-6448

1 Amend the Senate amendment, H-4274, to House File
2 650 as amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 3 through page 5,
5 line 40, and inserting the following:

6 "_____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. Section 279.10, subsections 1 and 4,
9 Code 1987, are amended to read as follows:

10 1. The school year shall begin on the first day of
11 July and each regularly established elementary and
12 secondary school shall begin no sooner than the first
13 day of September ~~and but no later than the first~~
14 Monday in December. School shall continue for at
15 least one hundred eighty days, except as provided in
16 subsection 3, and may be maintained during the entire
17 calendar year. A school corporation may begin
18 employment of personnel for in-service training and
19 development purposes before the date to begin
20 elementary and secondary school.

21 4. The director of the department of education may
22 grant a request made by a board of directors of a
23 school district stating its desire to commence classes
24 for regularly established elementary and secondary
25 schools before the ~~first-day-of-September earliest~~
26 starting date specified in subsection 1. A request
27 shall be based upon the determination that a starting
28 date on or after the first-day-of-September earliest
29 starting date specified in subsection 1 would have a
30 significant negative educational impact.

31 Sec. 2. Section 299.1, unnumbered paragraphs 1 and
32 2, Code 1987, are amended to read as follows:

33 ~~A person having control~~ The parent, guardian, or
34 custodian of a child who is over seven and under
35 sixteen years of age by September 15, in proper
36 physical and mental condition to attend school, shall
37 ~~cause the child to attend~~ enroll the child in some
38 public school for-at-least-one-hundred-twenty-days-in
39 each-school-year, commencing no-sooner-than-the-first
40 day-of-September,-unless-the-board-of-school-directors
41 establishes-a-later-date,-which-date-shall-not-be
42 later-than-the-first-Monday-in-December as provided
43 under section 279.10.

44 The board may, by resolution, require attendance in
45 the public schools for the entire time when the
46 schools are in session in any school year.

47 Sec. 3. Section 299.1, Code 1987, is amended by
48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. A child shall attend an
50 accredited or approved school for at least one hundred

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Page 2

1 twenty days each school year. The requirement shall
2 be met by attendance for at least thirty days each
3 school quarter, or a similar distribution of
4 attendance throughout the school year.

5 Sec. 4. Section 299.4, Code 1987, is amended to
6 read as follows:

7 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

8 ~~Any person having the control~~ The parent, guardian,
9 or custodian of any a child who by September 15 is
10 over seven and under sixteen years of age, who shall
11 place such places the child under private instruction,
12 not in a regularly-conducted an accredited or approved
13 school, upon receiving notice from the secretary of
14 the school district, shall furnish a certificate
15 stating report in duplicate, to the district by the
16 earliest starting date specified in section 279.10,
17 subsection 1. The secretary shall retain and file one
18 copy and forward the other copy to the district's area
19 education agency. The report shall state the name and
20 age of such the child, the period of time during which
21 such the child has been or will be under said private
22 instruction for the school year, the details of such
23 instruction, an outline of the course of study, texts
24 used, and the name and address of the instructor. The
25 term "outline of course of study" includes, but is not
26 limited to, subjects covered and time spent on the
27 areas of study.

28 Sec. 5. Section 299.5, Code 1987, is amended to
29 read as follows:

30 299.5 PROOF OF ABNORMALITY MENTAL OR PHYSICAL
31 CONDITION.

32 ~~Any person having the control~~ The parent, guardian,
33 or custodian of any a child who is over seven and
34 under sixteen years of age by September 15, who is
35 physically or mentally unable to attend school, shall
36 furnish proofs by affidavit as to the physical or
37 mental condition of such the child.

38 Sec. 6. Until July 1, 1989, parents, guardians, or
39 custodians of children, who by September 15 are older
40 than seven and under sixteen years of age, shall by
41 filing a report which contains the information
42 required under section 299.4 be deemed to have
43 performed the duties imposed under section 299.1,
44 whether or not the instructor named in the report is
45 certified, if the report is filed at any time between
46 the effective date of this Act and the date specified
47 in section 299.4.

48 Sec. 7. The legislative council is requested to
49 establish an interim study committee to conduct a
50 comprehensive study of the existing compulsory

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1 education law. The study shall include but not be
 2 limited to current needs in the areas of truancy,
 3 equivalent instruction, and alternative schooling.
 4 The committee shall consist of legislators of both
 5 houses and be bipartisan in composition. The
 6 committee shall develop recommendations to submit in a
 7 report to the legislative council and the members of
 8 the general assembly which convenes in 1989.

9 Sec. 8. This Act, being deemed of immediate
 10 importance, takes effect upon enactment."

11 "____. Title page, by striking lines 1 and 2 and
 12 inserting the following: "An Act relating to school
 13 year duration and attendance requirements and
 14 providing for an effective date, a moratorium, and an
 15 interim study committee.""

By OLLIE of Clinton

BRANSTAD of Winnebago

WISE of Lee

GARMAN of Story

SWARTZ of Marshall

JOCHUM of Dubuque

DAGGETT of Adams

H-6448 FILED APRIL 13, 1988

*Adopted as amended by 6457, 6476, 6481,
 6484, 6487, 6490 4/14 (p. 1965)*

HOUSE FILE 650

I-6487

1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 2, by inserting after line 47 the
5 following: "This section does not apply to any
6 parent, guardian, or custodian who has enrolled a
7 child in an equivalent instruction program which meets
8 the requirements of section 299.1 on or prior to the
9 effective date of this Act."

By BUHR of Polk
CARPENTER of Polk
BISIGNANO of Polk

H-6487 FILED APRIL 14, 1988
ADOPTED (y. 1964)

HOUSE FILE 650

E-6490

1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650 as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 2, by inserting after line 47 the
5 following:
6 "Sec. ____ . Until July 1, 1989, any person
7 providing equivalent instruction under section 299.1
8 shall provide evidence, as part of the report
9 submitted under section 299.4, that any child
10 instructed has complied with the immunization
11 requirements of section 139.9."
12 2. By renumbering as necessary.

By SHOULTZ OF Black Hawk
DODERER of Johnson

H-6490 FILED APRIL 14, 1988
ADOPTED (y. 1965)

HOUSE FILE 650

H-6454

- 1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House as follows:
4 1. Page 2, by inserting after line 37 the
5 following:
6 "Sec. ____ . Section 299.6, Code 1987, is amended to
7 read as follows:
8 299.6 VIOLATIONS.
9 Any person who shall violate any of the provisions
10 of sections 299.1 to 299.5, inclusive, shall be guilty
11 of a simple misdemeanor and the court shall order the
12 person to perform not more than four hundred hours of
13 unpaid community service instead of any fine or
14 imprisonment."
15 2. By renumbering as necessary.

By MULLINS of Kossuth
DODERER of Johnson
OSTERBERG of Linn

H-6454 FILED APRIL 13, 1988

w/d +/14 (p. 1945)

HOUSE FILE 650

H-6457

- 1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House as follows:
4 1. Page 2, by inserting after line 37 the
5 following:
6 "Sec. ____ . Section 299.6, Code 1987, is amended to
7 read as follows:
8 299.6 VIOLATIONS.
9 Any person who shall violate any of the provisions
10 of sections 299.1 to 299.5, inclusive, shall be guilty
11 of a simple misdemeanor and the court shall order the
12 person to perform not more than forty hours of unpaid
13 community service instead of any fine or
14 imprisonment."
15 2. By renumbering as necessary.

By MULLINS of Kossuth
DODERER of Johnson
OSTERBERG of Linn

H-6457 FILED APRIL 14, 1988

ADOPTED *(p. 1964)*

HOUSE FILE 650

H-6459

- 1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House as follows:
4 1. Page 2, by striking lines 38 through 47.
5 2. By renumbering as necessary.
CONNOLLY of Dubuque SIEGRIST of Pottawattamie
MILLER of Cherokee DODERER of Johnson
BEATTY of Warren

H-6459 FILED APRIL 14, 1988

LOST *(p. 1964)*

HOUSE FILE 650

H-6467

Amend the amendment H-6448, to the Senate amendment H-4274, to House File 650 as amended, passed, and reprinted by the House, as follows:

1. Page 2, by striking lines 38 through 47, and inserting the following:

"Sec. ____ . Notwithstanding section 302.4, prosecutions for violations of chapter 299, which occur between the effective date of this Act and July 1, 1989, shall be deferred until after July 1, 1989."

By OLLIE of Clinton
WISE of Lee
SWARTZ of Marshall

H-6467 FILED APRIL 14, 1988

WITHDRAWN (p. 1700)

HOUSE FILE 650

H-6476

Amend the amendment, H-6448, to the Senate amendment H-4274, to House File 650 as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 25, by striking the word "includes" and inserting the following: "shall include".

2. Page 2, line 26, by inserting after the word "covered" the following: ", weekly lesson plans,".

By HAMMOND of Story
GRUHN of Dickinson

H-6476 FILED APRIL 14, 1988

ADOPTED (p. 1945)

HOUSE FILE 650

H-6477

Amend the amendment, H-6448, to the Senate amendment, H-4274, to House File 650, as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 47, by inserting after figure "299.4." the following: "This section does not apply to any parent, guardian, or custodian who has enrolled a child in an equivalent instruction program which meets the requirements of section 299.1 on or prior to the effective date of this Act."

By BUHR of Polk
BISIGNANO of Polk
CARPENTER of Polk

H-6477 FILED APRIL 14, 1988

ADOPTED, THEN PLACED OUT OF ORDER (p. 1964)

(p. 1946)

HOUSE FILE 650

H-6457

1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House as follows:

4 1. Page 2, by inserting after line 37 the
5 following:

6 "Sec. _____. Section 299.6, Code 1987, is amended to
7 read as follows:

8 299.6 VIOLATIONS.

9 Any person who shall violate any of the provisions
10 of sections 299.1 to 299.5, inclusive, shall be guilty
11 of a simple misdemeanor and the court shall order the
12 person to perform not more than forty hours of unpaid
13 community service instead of any fine or
14 imprisonment."

15 2. By renumbering as necessary.

By MULLINS of Kossuth
DODERER of Johnson
OSTERBERG of Linn

H-6457 FILED APRIL 14, 1988

ADOPTED (p. 1945)

HOUSE FILE 650

H-6459

1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House as follows:

4 1. Page 2, by striking lines 38 through 47.

5 2. By renumbering as necessary.

By CONNOLLY of Dubuque
MILLER of Cherokee
BEATTY of Warren

SIEGRIST of Pottawattamie
DODERER of Johnson

H-6459 FILED APRIL 14, 1988

LOST

HOUSE FILE 650

H-6484

- 1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 2, by inserting after line 47 the fol-
5 lowing:
6 "Sec. _____. Until July 1, 1989, a person who is not
7 a certified instructor, but who is providing
8 equivalent instruction under section 299.1, is a
9 mandatory reporter of child abuse under section
10 232.69."
11 2. By renumbering as necessary.

By ADAMS of Hamilton

H-6484 FILED APRIL 14, 1988

ADOPTED (p. 1963)

HOUSE FILE 650

H-6485

- 1 Amend the amendment, H-6448, to the Senate
2 amendment, H-4274, to House File 650, as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 2, by inserting after line 27 the fol-
5 lowing:
6 "When the school district reports the number of
7 resident pupils enrolled in the district on the third
8 Friday of September, the district shall report the
9 number of children for which the district received
10 reports under this section. The department of
11 management shall assign a weight of five hundredths
12 for each child for which a report is received and that
13 weighting shall be included in the weighted enrollment
14 of the district under section 442.4, subsection 6.
15 Children assigned a weighting under this section are
16 not included in basic enrollment under section 442.4,
17 subsection 1."
18 2. Page 2, by inserting after line 37 the
19 following:
20 "Sec. _____. Section 442.4, subsection 6, Code
21 Supplement 1987, is amended to read as follows:
22 6. For the school year beginning July 1, 1988, and
23 each subsequent school year, weighted enrollment is
24 the budget enrollment as modified by application of
25 the special education weighting plan in section 281.9,
26 the non-English-speaking weighting plan in section
27 280.4, the home instruction weighting plan in section
28 299.4 and the supplementary weighting plan in this
29 chapter.

By CARPENTER of Polk
ADAMS of Hamilton

H-6485 FILED APRIL 14, 1988

LOST (p. 1964)

HOUSE FILE 650

H-6479

1 Amend the amendment, H-6448, to the Senate
 2 amendment, H-4274, to House File 650 as amended,
 3 passed, and reprinted by the House as follows:
 4 1. Page 2, by inserting after line 47, the
 5 following:
 6 "Until July 1, 1989, notwithstanding the provisions
 7 of section 260.6, any public, approved, or accredited
 8 school that seeks to offer a course for which the
 9 school has been unable to employ a certificated
 10 teacher shall be permitted to offer that course with
 11 instruction by a noncertificated instructor."

By BUHR of Polk

H-6479 FILED APRIL 14, 1988

NOT GERMANE (p. 1961)

HOUSE FILE 650

H-6481

1 Amend the amendment H-6448, to the Senate amendment
 2 H-4274, to House File 650 as amended, passed, and
 3 reprinted by the House, as follows:
 4 1. Page 2, by striking lines 38 through 47, and
 5 inserting the following:
 6 "Sec. _____. Notwithstanding section 802.4,
 7 prosecutions for violations of chapter 299, which
 8 occur between the effective date of this Act and July
 9 1, 1989, shall be deferred until after July 1, 1989
 10 unless the parent, guardian, or custodian fails to
 11 meet the requirements of section 299.4."

By OLLIE of Clinton

SWARTZ of Marshall

WISE of Lee

CARPENTER of Polk

H-6481 FILED APRIL 14, 1988

ADOPTED (p. 1964)

HOUSE FILE 650

H-6483

1 Amend the amendment, H-6448, to the Senate
 2 amendment, H-4274, to House File 650, as amended,
 3 passed, and reprinted by the House, as follows:
 4 1. Page 2, by inserting after line 47 the fol-
 5 lowing:
 6 "Sec. _____. Until July 1, 1989, a person who is not
 7 a certified instructor, but who is providing
 8 equivalent instruction under section 299.1, is a
 9 person responsible for the care of a child under
 10 section 232.68."
 11 2. By renumbering as necessary.

By HAMMOND of Story

H-6483 FILED APRIL 14, 1988

NOT GERMANE, MOTION TO SUSPEND RULES LOST (p. 1963)

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 650

033

1 Amend the Senate amendment, H-4274, to House File
2 650 as amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 3 through page 5,
5 line 40, and inserting the following:

6 "_____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. Section 279.10, subsections 1 and 4,
9 Code 1987, are amended to read as follows:

10 1. The school year shall begin on the first day of
11 July and each regularly established elementary and
12 secondary school shall begin no sooner than the first
13 day of September ~~and but no later than the first~~
14 Monday in December. School shall continue for at
15 least one hundred eighty days, except as provided in
16 subsection 3, and may be maintained during the entire
17 calendar year. A school corporation may begin
18 employment of personnel for in-service training and
19 development purposes before the date to begin
20 elementary and secondary school.

21 4. The director of the department of education may
22 grant a request made by a board of directors of a
23 school district stating its desire to commence classes
24 for regularly established elementary and secondary
25 schools before the first-day-of-September earliest
26 starting date specified in subsection 1. A request
27 shall be based upon the determination that a starting
28 date on or after the first-day-of-September earliest
29 starting date specified in subsection 1 would have a
30 significant negative educational impact.

31 Sec. 2. Section 299.1, unnumbered paragraphs 1 and
32 2, Code 1987, are amended to read as follows:

33 ~~A person having control~~ The parent, guardian, or
34 custodian of a child who is over seven and under
35 sixteen years of age by September 15, in proper
36 physical and mental condition to attend school, shall
37 cause-the-child-to-attend enroll the child in some
38 public school for-at-least-one-hundred-twenty-days-in
39 each-school-year, commencing no-sooner-than-the-first
40 day-of-September,--unless-the-board-of-school-directors
41 establishes-a-later-date,--which-date-shall-not-be
42 later-than-the-first-Monday-in-December as provided
43 under section 279.10.

44 The board may, by resolution, require attendance in
45 the public schools for the entire time when the
46 schools are in session in any school year.

47 Sec. 3. Section 299.1, Code 1987, is amended by
48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. A child shall attend an
50 accredited or approved school for at least one hundred

1 twenty days each school year. The requirement shall
2 be met by attendance for at least thirty days each
3 school quarter, or a similar distribution of
4 attendance throughout the school year.

5 Sec. 4. Section 299.4, Code 1987, is amended to
6 read as follows:

7 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

8 Any person having the control The parent, guardian,
9 or custodian of any a child who by September 15 is
10 over seven and under sixteen years of age, who shall
11 place such places the child under private instruction,
12 not in a regularly-conducted an accredited or approved
13 school, upon receiving notice from the secretary of
14 the school district, shall furnish a certificate
15 stating report in duplicate, to the district by the
16 earliest starting date specified in section 279.10,
17 subsection 1. The secretary shall retain and file one
18 copy and forward the other copy to the district's area
19 education agency. The report shall state the name and
20 age of such the child, the period of time during which
21 such the child has been or will be under said private
22 instruction for the school year, the details of such
23 instruction, an outline of the course of study, texts
24 used, and the name and address of the instructor. The
25 term "outline of course of study" shall include, but
26 is not limited to, subjects covered, weekly lesson
27 plans, and time spent on the areas of study.

28 Sec. 5. Section 299.5, Code 1987, is amended to
29 read as follows:

30 299.5 PROOF OF ABNORMALITY MENTAL OR PHYSICAL
31 CONDITION.

32 Any person having the control The parent, guardian,
33 or custodian of any a child who is over seven and
34 under sixteen years of age by September 15, who is
35 physically or mentally unable to attend school, shall
36 furnish proofs by affidavit as to the physical or
37 mental condition of such the child.

38 Sec. 6. Section 299.6, Code 1987, is amended to
39 read as follows:

40 299.6 VIOLATIONS.

41 Any person who shall violate any of the provisions
42 of sections 299.1 to 299.5, inclusive, shall be guilty
43 of a simple misdemeanor and the court shall order the
44 person to perform not more than forty hours of unpaid
45 community service instead of any fine or imprisonment.

46 Sec. 7. Notwithstanding section 802.4,
47 prosecutions for violations of chapter 299, which
48 occur between the effective date of this Act and July
49 1, 1989, shall be deferred until after July 1, 1989
50 unless the parent, guardian, or custodian fails to

meet the requirements of section 299.4.

This section does not apply to any parent, guardian, or custodian who has enrolled a child in an equivalent instruction program which meets the requirements of section 299.1 on or prior to the effective date of this Act.

Sec. 8. Until July 1, 1989, any person providing equivalent instruction under section 299.1 shall provide evidence, as part of the report submitted under section 299.4, that any child instructed has complied with the immunization requirements of section 139.9.

Sec. 9. Until July 1, 1989, a person who is not a certified instructor, but who is providing equivalent instruction under section 299.1, is a mandatory reporter of child abuse under section 232.69.

Sec. 10. The legislative council is requested to establish an interim study committee to conduct a comprehensive study of the existing compulsory education law. The study shall include but not be limited to current needs in the areas of truancy, equivalent instruction, and alternative schooling. The committee shall consist of legislators of both houses and be bipartisan in composition. The committee shall develop recommendations to submit in a report to the legislative council and the members of the general assembly which convenes in 1989.

Sec. 11. This Act, being deemed of immediate importance, takes effect upon enactment."

2. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to school year duration and attendance requirements and providing for an effective date, a moratorium, and an interim study committee."

S-6033

Filed April 15, 1988

Senate Journal 4/16 (p 1106)

RECEIVED FROM THE HOUSE

HSB 157

EDUCATION

SENATE FILE _____

BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to providing private instruction or instruction
2 in a nonpublic school.

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

4

5

6

7

8

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Shoults*

COMMITTEE: *Education*

2/25/87

1 Section 1. NEW SECTION. 299B.1 DECLARATION OF POLICY.

2 It is the policy of the state that every parent is
3 responsible to provide a basic education for the parent's
4 children in order to prepare the children to participate
5 effectively and intelligently as citizens and to be self-
6 reliant and self-sufficient members of society. The state
7 also has an interest in seeing that the youth who reside in
8 this state have an opportunity to receive a basic education.
9 Therefore, it is the intent of the general assembly to provide
10 parents and their children with a broad range of educational
11 alternatives in a manner that will permit the accomplishment
12 of these objectives without infringing upon the primary rights
13 of parents to raise and teach their children or upon religious
14 and other beliefs of parents and their children.

15 Sec. 2. NEW SECTION. 299B.2 PURPOSE.

16 Notwithstanding sections 280.3, 280.9, 280.12, 280.14, and
17 299.1 through 299.23, this chapter regulates instruction in
18 nonpublic schools and private instruction not regulated in
19 chapter 280.

20 Sec. 3. NEW SECTION. 299B.3 DEFINITIONS.

21 As used in this chapter, unless the context otherwise
22 requires:

- 23 1. "Nonpublic school" means a school with two or more
24 students over seven and under sixteen years of age and not re-
25 lated, in attendance.
- 26 2. "Private instruction" means an educational program pro-
27 vided in the home of one or more students over seven and under
28 sixteen years of age who are related.
- 29 3. "Public school" means a school directly supported in
30 whole or in part by taxation and accredited by the state board
31 of education pursuant to section 256.11.
- 32 4. "Accredited nonpublic school" means a nonpublic school
33 which is accredited by the state board of education pursuant
34 to section 256.11.
- 35 5. "Dual enrollment" means the matriculation of a child in

1 one public school or accredited nonpublic school and one
2 nonpublic school, in one public school while receiving private
3 instruction, or in one accredited nonpublic school while
4 receiving private instruction, in subjects, courses, or
5 programs not available to the child otherwise.

6 6. "Department" means the department of education.

7 7. "Instructor" means an instructor, who has or has not
8 been issued a teaching certificate or the appropriate
9 endorsement or approval by the state board of educational
10 examiners, but who provides private instruction or instruction
11 in a nonpublic school. "Instructor" includes the person in
12 charge of the nonpublic school or private instruction.

13 8. "Local school district" means the school district of
14 the child's residency.

15 Sec. 4. NEW SECTION. 299B.4 DUAL ENROLLMENT.

16 A child who is receiving private instruction pursuant to
17 section 299B.7 or who is enrolled in a nonpublic school
18 pursuant to section 299B.8 may also enroll in a public school
19 or accredited nonpublic school for dual enrollment purposes.

20 If such a child enrolls in a public school or accredited
21 nonpublic school on a full-time basis, the board of directors
22 of the local school district or the authorities in charge of
23 the accredited nonpublic school may determine the appropriate
24 grade level for the child by the administration of tests or
25 other means of evaluation to determine achievement.

26 Sec. 5. NEW SECTION. 299B.5 HOME INSTRUCTION ASSISTANCE
27 PROGRAM.

28 A public school or an accredited nonpublic school may im-
29 plement and administer a home instruction assistance program.
30 If a public school administers a home instruction assistance
31 program, each child enrolled in the program shall be included
32 in the public school's basic enrollment pursuant to section
33 442.4.

34 Sec. 6. NEW SECTION. 299B.6 ENROLLMENT.

35 The person having control of a child over seven and under

1 sixteen years of age shall enroll the child in one of the
2 following:

- 3 1. A public school.
- 4 2. An accredited nonpublic school.
- 5 3. A home instruction assistance program pursuant to sec-
6 tion 299B.5.
- 7 4. Private instruction provided pursuant to section
8 299B.7.
- 9 5. Nonpublic school pursuant to section 299B.8.
- 10 6. A home instruction assistance program administered by a
11 nonpublic school and meeting the requirements set forth in
12 section 299B.8.

13 Sec. 7. NEW SECTION. 299B.7 PRIVATE INSTRUCTION.

14 1. A person having control of a child over seven and under
15 sixteen years of age may provide private instruction to the
16 child. The person shall annually provide the following to the
17 board of directors of the local school district:

18 a. Evidence that the instructor has at least a high school
19 diploma or a high school equivalency diploma.

20 b. A certificate indicating:

- 21 (1) The child's name and date of birth.
- 22 (2) The name and address of the child's parent or
23 guardian.
- 24 (3) The child's discerned grade or placement.
- 25 (4) An indication of the child's educational progress.
- 26 (5) The name and address of the individual providing the
27 private instruction to the child.
- 28 (6) Whether the parent or guardian of the child is a party
29 to a dual enrollment agreement.

30 c. Evidence that the educational program for the child
31 provides, or in due course will provide; instruction in the
32 following subjects:

- 33 (1) Mathematics.
- 34 (2) Science.
- 35 (3) Language arts.

1 (4) United States history.

2 (5) History of Iowa.

3 (6) Principles of American government.

4 d. When the child has a discerned grade or placement
5 between the third grade and eighth grade in comparison with a
6 public school, the results of a nationally standardized test
7 which has been administered under conditions mutually
8 acceptable to the board of directors of the local school
9 district and the parent or guardian of the child.

10 e. An annual progress assessment report which shall
11 include the person's individualized assessment of the child's
12 academic progress in the subjects specified in paragraph "c".
13 The progress reports shall be retained by the parent or
14 guardian for at least three years and shall be submitted to
15 the board of directors of the local school district upon
16 request.

17 2. The person having control of a child over seven and
18 under sixteen years of age, who chooses the private
19 instruction alternative for the child, shall assume all
20 responsibility for the child's educational attainment,
21 eliminating the local school district and the state from
22 liability and responsibility for the child's educational
23 attainment.

24 3. When a person providing private instruction complies
25 with this section, nothing herein contained grants to the
26 state or any officers, agencies, or subdivisions of the state,
27 any right or authority to control, manage or supervise any
28 private instruction.

29 Sec. 8. NEW SECTION. 299B.8 INSTRUCTION IN NONPUBLIC
30 SCHOOL.

31 1. A person having control of a child over seven and under
32 sixteen years of age may provide instruction to the child in a
33 nonpublic school. The person shall annually provide the
34 following to the board of directors of the local school
35 district:

1 a. Evidence that the instructor has received an
2 undergraduate degree from an institution of higher education.

3 b. A certificate indicating:

4 (1) The child's name and date of birth.

5 (2) The name and address of the child's parent or
6 guardian.

7 (3) The child's discerned grade or placement.

8 (4) An indication of the child's educational progress.

9 (5) The name and address of the nonpublic school in which
10 the child is enrolled.

11 (6) Whether the parent or guardian of the child is a party
12 to a dual enrollment agreement.

13 c. Evidence to the local school district that the
14 educational program for the child provides, or in due course
15 will provide, instruction in the following subjects:

16 (1) Mathematics.

17 (2) Science.

18 (3) Language arts.

19 (4) United States history.

20 (5) History of Iowa.

21 (6) Principles of American government.

22 d. Annually to the board of directors of the local school
23 district, when the child has a discerned grade or placement
24 between the third grade and eighth grade in comparison with a
25 public school, the results of a nationally standardized test
26 which has been administered under conditions mutually
27 acceptable to the board of directors of the local school
28 district and the parent or guardian of the child.

29 2. The person having control of a child over seven and
30 under sixteen years of age, who chooses the nonpublic school
31 alternative for the child, shall assume all responsibility for
32 the child's educational attainment, eliminating the local
33 school district and the state from any responsibility or
34 liability for the child's educational attainment.

35 3. When a person providing instruction in a nonpublic

1 school or the person having control of the child complies with
2 this section, nothing herein contained grants to the state or
3 any officers, agencies, or subdivisions of the state, any
4 right or authority to control, manage, or supervise any
5 nonpublic school.

6 Sec. 9. NEW SECTION. 299B.9 INSTRUCTOR OTHERWISE NOT
7 QUALIFIED.

8 An instructor, who provides private instruction pursuant to
9 section 299B.7 or provides instruction in a nonpublic school
10 pursuant to section 299B.8 but does not hold a teacher's
11 certificate issued by the state board of educational
12 examiners, is not a certified teacher.

13 Sec. 10. NEW SECTION. 299B.10 REPEAL.

14 This chapter is repealed July 1, 1991.

15 EXPLANATION

16 This bill creates a new chapter until July 1, 1991, to
17 regulate education of children outside of a public or
18 accredited nonpublic school setting. The bill requires the
19 person having control of a child between the ages of seven and
20 16 to enroll the child in a public school, accredited
21 nonpublic school, a home instruction assistance program
22 administered by a public or accredited nonpublic school or
23 nonpublic school, private instruction, or in a nonpublic
24 school.

25 Those individuals desiring to provide private instruction
26 are required to have at least a high school diploma, provide
27 certain information relating to the children being taught,
28 provide certain curriculum information relating to the child's
29 education, and provide results of the child's standardized
30 test.

31 Those individuals who wish to provide instruction in a
32 nonpublic school are required to have an undergraduate degree
33 from an institution of higher education and provide certain
34 curriculum information. The person having control of the
35 child must provide certain information relating to the

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1 children being taught, the results of the child's standardized
2 tests.

3 The bill provides that a person who does not have
4 certification but provides private instruction or provides
5 instruction in a nonpublic school is not a certified teacher.

6 The bill is repealed July 1, 1991.

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HOUSE FILE 650

AN ACT

RELATING TO SCHOOL YEAR DURATION AND ATTENDANCE REQUIREMENTS AND PROVIDING FOR AN EFFECTIVE DATE, A MORATORIUM, AND AN INTERIM STUDY COMMITTEE.

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

Section 1. Section 279.10, subsections 1 and 4, Code 1987, are amended to read as follows:

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

4. The director of the department of education may grant a request made by a board of directors of a school district stating its desire to commence classes for regularly established elementary and secondary schools before the first day of September earliest starting date specified in subsection 1. A request shall be based upon the determination that a starting date on or after the first day of September earliest starting date specified in subsection 1 would have a significant negative educational impact.

Sec. 2. Section 299.1, unnumbered paragraphs 1 and 2, Code 1987, are amended to read as follows:

A person having control ~~The parent, guardian, or custodian~~ of a child who is over seven and under sixteen years of age by September 15, in proper physical and mental condition to attend school, shall ~~cause the child to attend school.~~ the

~~child in some public school for at least one hundred twenty days in each school year, commencing no sooner than the first day of September, unless the board of school directors establishes a later date, which date shall not be later than the first Monday in December as provided under section 279.10.~~

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

Sec. 3. Section 299.1, Code 1987, is amended by adding the following new unnumbered paragraph:

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

Sec. 4. Section 299.4, Code 1987, is amended to read as follows:

299.4 REPORTS AS TO PRIVATE INSTRUCTION.

~~Any person having the control~~ The parent, guardian, or custodian of any a child who by September 15 is over seven and under sixteen years of age, who ~~shall place such~~ places the child under private instruction, not in a regularly-conducted an accredited or approved school, upon receiving notice from ~~the secretary of the school district~~ shall furnish a certificate stating report in duplicate, to the district by the earliest starting date specified in section 279.10, subsection 1. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of such the child, the period of time during which the child has been or will be under said private instruction for the school year, ~~the details of such instruction; an outline of the course of study, texts used, and the name and address of the instructor.~~ The term "outline of course of study" shall include, but is not limited to, subjects covered, weekly lesson plans, and time spent on the areas of study.

Sec. 5. Section 299.5, Code 1987, is amended to read as follows:

299.5 PROOF OF ABNORMAL MENTAL OR PHYSICAL CONDITION.

~~Any person having the control~~ The parent, guardian, or custodian of any a child who is over seven and under sixteen years of age by September 15, who is physically or mentally unable to attend school, shall furnish proofs by affidavit as to the physical or mental condition of such the child.

Sec. 6. Section 299.6, Code 1987, is amended to read as follows:

299.6 VIOLATIONS.

Any person who shall violate any of the provisions of sections 299.1 to 299.5, inclusive, shall be guilty of a simple misdemeanor and the court shall order the person to perform not more than forty hours of unpaid community service instead of any fine or imprisonment.

Sec. 7. Notwithstanding section 802.4, prosecutions for violations of chapter 299, which occur between the effective date of this Act and July 1, 1989, shall be deferred until after July 1, 1989 unless the parent, guardian, or custodian fails to meet the requirements of section 299.4.

This section does not apply to any parent, guardian, or custodian who has enrolled a child in an equivalent instruction program which meets the requirements of section 299.1 on or prior to the effective date of this Act.

Sec. 8. Until July 1, 1989, any person providing equivalent instruction under section 299.1 shall provide evidence, as part of the report submitted under section 299.4, that any child instructed has complied with the immunization requirements of section 139.9.

Sec. 9. Until July 1, 1989, a person who is not a certified instructor, but who is providing equivalent instruction under section 299.1, is a mandatory reporter of child abuse under section 212.69.

Sec. 10. The legislative council is requested to establish an interim study committee to conduct a comprehensive study of the existing compulsory education law. The study shall

include but not be limited to current needs in the areas of truancy, equivalent instruction, and alternative schooling. The committee shall consist of legislators of both houses and be bipartisan in composition. The committee shall develop recommendations to submit in a report to the legislative council and the members of the general assembly which convenes in 1989.

Sec. 11. This Act, being deemed of immediate importance, takes effect upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 650, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 16, 1988

TERRY E. BRANSTAD
Governor