

*Reprinted*

MAR 6 1992

HOUSE FILE 2384  
BY COMMITTEE ON EDUCATION

Place On Calendar

(SUCCESSOR TO HSB 698)

Passed House, Date 3/17/92 (p.647) Passed Senate, Date 4-1-92 (P.1152)  
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 1  
Approved 4-23-92

*Motion to reconsider 3/17 (p.655)  
w/d 3/23 (p.750)*

A BILL FOR

1 An Act relating to methods by which students may attend  
2 instruction in other than the students' public school district  
3 of residence; by making changes in the transportation and  
4 athletic participation provisions under open enrollment;  
5 making changes in the method by which the amount of phase II  
6 and phase III moneys transferred between districts engaged in  
7 whole grade sharing are calculated; changing the date by which  
8 phase III plans must be submitted to the department of  
9 education; changing the reporting requirements and testing  
10 requirements of some students receiving competent private  
11 instruction who are also enrolled in a public school district  
12 under dual enrollment or in a home school assistance program;  
13 making other related changes; and providing an effective date.  
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 2384

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1 Section 1. Section 282.18, subsection 11, Code Supplement  
2 1991, is amended to read as follows:

3 11. Notwithstanding section 285.1 relating to  
4 transportation of nonresident pupils, the parent or guardian  
5 is responsible for transporting the pupil without  
6 reimbursement to and from a point on a regular school bus  
7 route of the receiving district. ~~A~~ However, a receiving  
8 district ~~shall not~~ may send school vehicles into the district  
9 of residence of the pupil using the open enrollment option  
10 under this section, for the purpose of transporting the pupil  
11 to and from school in the receiving district, if the boards of  
12 both the sending and receiving districts agree to this  
13 arrangement. If the pupil meets the economic eligibility  
14 requirements established by the department and state board of  
15 education, the sending district is responsible for providing  
16 transportation or paying the pro rata cost of the  
17 transportation to a parent or guardian for transporting the  
18 pupil to and from a point on a regular school bus route of a  
19 contiguous receiving district unless the cost of providing  
20 transportation or the pro rata cost of the transportation to a  
21 parent or guardian exceeds the average transportation cost per  
22 pupil transported for the previous school year in the  
23 district. If the cost exceeds the average transportation cost  
24 per pupil transported for the previous school year, the  
25 sending district shall only be responsible for that average  
26 per pupil amount. A sending district which provides  
27 transportation for a pupil to a contiguous receiving district  
28 under this subsection may withhold from the district cost per  
29 pupil amount, that is to be paid to the receiving district, an  
30 amount which represents the average or pro rata cost per pupil  
31 for transportation, whichever is less.

32 Sec. 2. Section 282.18, subsection 15, Code Supplement  
33 1991, is amended by striking the subsection and inserting in  
34 lieu thereof the following:

35 15. A pupil who participates in open enrollment for

1 purposes of attending a grade in grades ten through twelve in  
2 a school district other than the district of residence is  
3 ineligible to participate in interscholastic athletic contests  
4 and athletic competitions during the pupil's first ninety  
5 school days of enrollment in the district except that the  
6 pupil may participate immediately in an interscholastic sport  
7 if the district of residence and the other school district  
8 jointly participate in the sport, if the sport in which the  
9 pupil wishes to participate is not offered in the district of  
10 residence, if the pupil chooses to use open enrollment to  
11 attend school in another school district because the district  
12 in which the student previously attended school was dissolved  
13 and merged with one or more contiguous school districts under  
14 section 256.11, subsection 12, if the pupil participates in  
15 open enrollment because the pupil's district of residence has  
16 entered into a whole grade sharing agreement with another  
17 district for the pupil's grade, or if the parent or guardian  
18 of the pupil participating in open enrollment is an active  
19 member of the armed forces and resides in permanent housing on  
20 government property provided by a branch of the armed  
21 services. A pupil who has paid tuition and attended school,  
22 or has attended school pursuant to a mutual agreement between  
23 the two districts, in a district other than the pupil's  
24 district of residence for at least one school year prior to  
25 March 10, 1989, is also eligible to participate immediately in  
26 interscholastic athletic contests and athletic competitions  
27 under this section, but only as a member of a team from the  
28 district that pupil had attended. For purposes of this  
29 subsection, "school days of enrollment" do not include  
30 enrollment in summer school.

31 Sec. 3. Section 294A.9, unnumbered paragraph 3, Code 1991,  
32 is amended to read as follows:

33 If a school district has discontinued grades under section  
34 282.7, subsection 1, or students attend school in another  
35 school district, under an agreement with the board of the

1 other school district, the board of directors of the district  
2 of residence either shall transmit the phase II moneys  
3 allocated to the district for those students based upon the  
4 full-time equivalent attendance of those students to the board  
5 of the school district of attendance of the students or shall  
6 transmit to the board of the school district of attendance of  
7 the students a portion of the phase II moneys allocated to the  
8 district of residence based upon an agreement between the  
9 board of the resident district and the board of the district  
10 of attendance.

11 Sec. 4. Section 294A.14, unnumbered paragraph 3, Code  
12 1991, is amended to read as follows:

13 If a school district has discontinued grades under section  
14 282.7, subsection 1, or students attend school in another  
15 school district, under an agreement with the board of the  
16 other school district, the board of directors of the district  
17 of residence either shall transmit the phase III moneys  
18 allocated to the district for those students based upon the  
19 full-time equivalent attendance of those students to the board  
20 of the school district of attendance of the students or shall  
21 transmit to the board of the school district of attendance of  
22 the students a portion of the phase III moneys allocated to  
23 the district of residence based upon an agreement between the  
24 board of the resident district and the board of the district  
25 of attendance.

26 Sec. 5. Section 294A.16, unnumbered paragraph 1, Code  
27 1991, is amended to read as follows:

28 A plan adopted by the board of directors of a school  
29 district or area education agency shall be submitted to the  
30 department of education not later than ~~March~~ April 15 of a  
31 school year for that school year for a school district, and  
32 not later than June 15 of a school year for that school year  
33 for an area education agency. Amendments to multiple year  
34 plans may be submitted annually.

35 Sec. 6. Section 299.4, Code Supplement 1991, is amended to

1 read as follows:

2 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

3 The parent, guardian, or legal ~~or-actual~~ custodian of a  
4 child who is of compulsory attendance age, who places the  
5 child under competent private instruction under chapter-299A  
6 either section 299A.2 or 299A.3, not in an accredited school  
7 or a home school assistance program operated by a public or  
8 accredited nonpublic school, shall furnish a report in  
9 duplicate on forms provided by the public school district, to  
10 the district by the earliest starting date specified in  
11 section 279.10, subsection 1. The secretary shall retain and  
12 file one copy and forward the other copy to the district's  
13 area education agency. The report shall state the name and  
14 age of the child, the period of time during which the child  
15 has been or will be under competent private instruction for  
16 the year, an outline of the course of study, texts used, and  
17 the name and address of the instructor. The parent, guardian,  
18 or legal ~~or-actual~~ custodian of a child, who is placing the  
19 child under competent private instruction, for the first time,  
20 shall also provide the district with evidence that the child  
21 has had the immunizations required under section 139.9. The  
22 term "outline of course of study" shall include subjects  
23 covered, lesson plans, and time spent on the areas of study.

24 Sec. 7. Section 299A.2, Code Supplement 1991, is amended  
25 to read as follows:

26 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED  
27 PRACTITIONER.

28 If a licensed practitioner provides competent instruction  
29 to a child of compulsory attendance age, the practitioner  
30 shall possess a valid license or certificate which has been  
31 issued by the state board of educational examiners under  
32 chapter 260 and which is appropriate to the ages and grade  
33 levels of the children to be taught. Competent private  
34 instruction may include, but is not limited to, a home school  
35 assistance program which provides instruction or instructional

1 supervision offered through an accredited nonpublic school or  
2 public school district by a teacher, who is employed by the  
3 accredited nonpublic school or public school district, who  
4 assists and supervises a parent, guardian, or legal custodian  
5 in providing instruction to a child. If competent private  
6 instruction is provided through a public school district, the  
7 child shall be enrolled and included in the basic enrollment  
8 of the school district. Sections 299A.3 through 299A.7 do not  
9 apply to competent private instruction provided by a licensed  
10 practitioner under this section. However, the reporting  
11 requirement contained in section 299A.3, subsection 1, shall  
12 apply to competent private instruction provided by licensed  
13 practitioners that is not part of a home school assistance  
14 program offered through an accredited nonpublic school or  
15 public school district.

16 Sec. 8. Section 299A.6, unnumbered paragraph 1, Code  
17 Supplement 1991, is amended to read as follows:

18 If the results of evaluations, administered to a child of  
19 compulsory attendance age who is under competent private  
20 instruction, indicate that the student has failed to make  
21 adequate progress, the parent, guardian, or legal custodian  
22 shall cause the child to attend an accredited public or  
23 nonpublic school at the beginning of the next school year  
24 unless, before the beginning of the next school year, the  
25 child retakes a different form of the same evaluation, or  
26 another evaluation from the approved list of tests or  
27 assessment tools recognized by the department of education,  
28 and the results indicate that adequate progress has been made,  
29 the child has demonstrated adequate performance in the opinion  
30 of an evaluator and documented in a report under section  
31 299A.4, subsection 7, or the director of the department of  
32 education, or the director's designee, grants approval for  
33 competent private instruction to continue under a plan for  
34 remediation.

35 Sec. 9. HOME SCHOOL ASSISTANCE PROGRAM -- DEFINITION. The

1 department of education shall develop, and the state board of  
2 education shall adopt, rules by September 1, 1992, which  
3 establish criteria for the maintenance of home school  
4 assistance programs by public school districts. In developing  
5 the criteria the department shall consider program offerings  
6 in districts which have created and maintained programs for a  
7 number of years that provide instruction or instructional  
8 supervision by teachers employed by the districts to parents,  
9 guardians, or legal custodians who are providing instruction  
10 to their children or wards in the districts.

11 Sec. 10. Sections 5 and 9 of this Act, being deemed of  
12 immediate importance, take effect upon enactment.

13 EXPLANATION

14 Section 1 of this bill provides that, subject to the  
15 agreement of both districts, a receiving district, under open  
16 enrollment, may send buses into a sending district for  
17 transportation purposes.

18 Section 2 permits a student in grades 10 through 12 who  
19 transfers to another district under open enrollment to  
20 participate in athletics after the expiration of 90 school  
21 days of enrollment in the new district, excluding any days for  
22 which the student was enrolled in the new school district  
23 which occurred during the summer. Students who were permitted  
24 to participate in athletics under current law will still be  
25 permitted to participate immediately in athletics under the  
26 bill.

27 Sections 3 and 4 permit districts who are engaged in whole  
28 grade sharing agreements to reach an agreement on the amount  
29 of the phase II and III moneys, which are allocated for a  
30 district of residence, which should be transferred to the  
31 district which the student will attend. Currently the amount  
32 is calculated based solely on the full-time equivalent  
33 attendance of students in the district of attendance.

34 Section 5 changes the date on which phase III plans must be  
35 submitted by districts to the department of education from

1 March 15 to April 15 of a school year. Area education  
2 agencies must submit their plans by June 15 of a school year  
3 under the bill. This section takes effect upon enactment.

4 Section 6 provides that, under both forms of competent  
5 private instruction, the parent, guardian, or legal custodian  
6 is required to furnish the report to the public school  
7 district unless the child actually is enrolled in a public  
8 school or accredited nonpublic school home school assistance  
9 program.

10 Section 7 provides that parents using licensed  
11 practitioners to provide competent private instruction are  
12 subject to the reporting requirements contained in section  
13 299.4 unless the competent private instruction is part of a  
14 home school assistance program.

15 Section 8 requires a student, who is retaking an evaluation  
16 to determine whether adequate progress is being made, to take  
17 a different form of the same evaluation or a different  
18 evaluation.

19 Section 9 requires the department of education to establish  
20 criteria by September 1, 1992, for the maintenance of a home  
21 school assistance program by a public school district.

22 This bill may create a state mandate under chapter 25B.

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## HOUSE FILE 2384

H-5249A

1 Amend House File 2384 as follows:

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

4 "Section 1. Section 282.6, unnumbered paragraph 1,  
5 Code 1991, is amended to read as follows:

6 Every school shall be free of tuition to all actual  
7 residents between the ages of five and twenty-one  
8 years and to resident honorably discharged soldiers,  
9 sailors, and marines, as many months after becoming  
10 twenty-one years of age as they have spent in the  
11 military or naval service of the United States before  
12 they became twenty-one, provided, however, fees may be  
13 charged covering instructional costs for a summer  
14 school or drivers education program. The board of  
15 education may, in a hardship case, exempt a student  
16 from payment of the above fees. Every person,  
17 however, who shall attend any school after graduation  
18 from a four-year course in an approved high school or  
19 its equivalent shall be charged a sufficient tuition  
20 fee to cover the cost of the instruction received by  
21 such person."

22 2. Page 5, by inserting after line 34 the  
23 following:

24 "Sec. \_\_\_\_ . Section 321.178, subsection 1,  
25 unnumbered paragraph 2, Code Supplement 1991, is  
26 amended to read as follows:

27 Every public school district in Iowa shall offer or  
28 make available to all students residing in the school  
29 district or Iowa students attending a nonpublic school  
30 in the district an approved course in driver  
31 education. The courses may be offered at sites other  
32 than at the public school, including but not limited  
33 to nonpublic school facilities within the public  
34 school districts or at community college facilities  
35 located in the same merged area as the public school.

36 An approved course offered during the summer months,  
37 on Saturdays, after regular school hours during the  
38 regular terms or partly in one term or summer vacation  
39 period and partly in the succeeding term or summer  
40 vacation period, as the case may be, shall satisfy the  
41 requirements of this section to the same extent as an  
42 approved course offered during the regular school  
43 hours of the school term. A student who successfully  
44 completes and obtains certification in an approved  
45 course in driver education or an approved course in  
46 motorcycle education may, upon proof of such fact, be  
47 excused from any field test which the student would  
48 otherwise be required to take in demonstrating the  
49 student's ability to operate a motor vehicle."

50 3. Title page, line 1, by inserting after the

H-5249

H-52490

Page 2

1 word "to" the following: "drivers education courses,  
 2 permitting school districts to offer approved courses  
 3 at community college facilities and to charge fees to  
 4 cover the costs of drivers education instruction; and  
 5 relating to".

6 4. By renumbering, relettering, or redesignating  
 7 and correcting internal references as necessary.

By CORBETT of Linn

H-5249 FILED MARCH 11, 1992

*A - adopted 3/17 (p.647)*  
*B - w/d 3/17 (p.647)*

HOUSE FILE 2384

H-5247

1 Amend House File 2384 as follows:

2 1. Page 5, by striking lines 5 through 8 and  
 3 inserting the following: "in providing instruction to  
 4 a child. ~~if-competent-private-instruction-is-provided~~  
 5 ~~through-a-public-school-district,-the-child-shall-be~~  
 6 ~~enrolled-and-included-in-the-basic-enrollment-of-the~~  
 7 ~~school-district.~~ Sections 299A.3 through 299A.7 do  
 8 not".

By OLLIE of Clinton

H-5247 FILED MARCH 11, 1992

HOUSE FILE 2384

H-5321

1 Amend House File 2384, as follows:

2 1. Page 2, by inserting after line 30, the  
 3 following:

4 "Sec. \_\_\_\_ . Section 282.18, Code Supplement 1991,  
 5 is amended by adding the following new subsection:  
 6 NEW SUBSECTION. 20. Notwithstanding the general  
 7 limitations contained in this section, in appeals to  
 8 the state board from decisions of school boards  
 9 relating to student transfers under open enrollment,  
 10 the state board may exercise broad discretion to  
 11 achieve just and equitable results which are in the  
 12 best interest of the affected child or children."

13 2. By numbering, renumbering, and changing  
 14 internal references as necessary.

By ADAMS of Hamilton  
 WISSING of Scott  
 BLANSHAN of Greene

H-5321 FILED MARCH 16, 1992

HOUSE FILE 2384

H-5328

1 Amend the amendment, H-5321, to House File 2384 as  
2 follows:

3 1. Page 1, by striking lines 7 and 8 and insert-  
4 ing the following: "limitations contained in this  
5 section, school boards, in making decisions".

6 2. Page 1, line 10, by striking the words "the  
7 state board".

By DAGGETT of Adams  
IVERSON of Wright

H-5328 FILED MARCH 17, 1992  
LOST

HOUSE FILE 2384

H-5334

1 Amend House File 2384 as follows:

2 1. Title page, line 3, by inserting before the  
3 word "transportation" the following: "requirement  
4 relating to the offering and charging of tuition for  
5 drivers education by making changes in the".

By WISSING of Scott

H-5334 FILED MARCH 17, 1992  
ADOPTED BY UNANIMOUS CONSENT (p. 647)

HOUSE FILE 2384  
FISCAL NOTE

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A fiscal note for House File 2384 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House file 2384 makes the following changes to education:

Section 1 provides that a receiving district, under open enrollment, may send buses into a sending district for transportation purposes, subject to the agreement of both districts.

Section 2 permits a student in grades 10 through 12 who transfers into another district under open enrollment to participate in athletics after the expiration of 90 school days of enrollment in the new district. Students who were permitted to participate in athletics under current law will still be permitted to participate immediately in athletics under this Bill.

Sections 3 and 4 permit districts who are engaged in whole grade sharing agreements to reach an agreement on the amount of Phase II and Phase III monies that should be transferred to the district which the student will attend. Currently, the amount transferred is based solely on the full-time equivalent attendance of students in the district.

Section 5 changes the date Phase III plans of the Educational Excellence Program must be submitted by districts to the Department of Education from March 15 to April 15. Area Education Agencies (AEAs) must submit their plans by June 15. This section takes effect upon enactment.

Sections 6, 7, 8, and 9 make modifications to the definitions, assessments, and reporting requirements of competent private instruction.

Fiscal Effect:

House File 2384 would have no significant impact to the General Fund. The impact to local school district budgets cannot be determined due to the following:

1. The number of agreements for the transportation and transference of Phase II and Phase III funds cannot be determined.
2. The number of students opting to participate in open enrollment because of the modification to the athletic participation provisions cannot be determined.

Source: Department of Education

(LSB 5283hv, CRH)

FILED MARCH 12, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2384  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 698)

(As Amended and Passed by the House March 23, 1992)

Re-Passed House, Date 4/10/92 (p.1288) Passed Senate, Date 4-192 (p.1152)  
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 1  
Approved April 23, 1992 (p.1770)  
*Motion to reconsider (p.1165)  
w/d 4/7 (p.1258)*

A BILL FOR

54651 An Act relating to methods by which students may attend  
2 instruction in other than the students' public school district  
3 of residence; by making changes in the requirement relating to  
4 the offering and charging of tuition for drivers education by  
5 making changes in the transportation and athletic  
6 participation provisions under open enrollment; making changes  
7 in the method by which the amount of phase II and phase III  
8 moneys transferred between districts engaged in whole grade  
9 sharing are calculated; changing the date by which phase III  
10 plans must be submitted to the department of education;  
11 changing the reporting requirements and testing requirements  
12 of some students receiving competent private instruction who  
13 are also enrolled in a public school district under dual  
14 enrollment or in a home school assistance program; making  
15 other related changes; and providing an effective date.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 282.6, unnumbered paragraph 1, Code  
2 1991, is amended to read as follows:

3 Every school shall be free of tuition to all actual  
4 residents between the ages of five and twenty-one years and to  
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6 as many months after becoming twenty-one years of age as they  
7 have spent in the military or naval service of the United  
8 States before they became twenty-one, provided, however, fees  
9 may be charged covering instructional costs for a summer  
10 school or drivers education program. The board of education  
11 may, in a hardship case, exempt a student from payment of the  
12 above fees. Every person, however, who shall attend any  
13 school after graduation from a four-year course in an approved  
14 high school or its equivalent shall be charged a sufficient  
15 tuition fee to cover the cost of the instruction received by  
16 such person.

17 Sec. 2. Section 282.18, subsection 11, Code Supplement  
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20 transportation of nonresident pupils, the parent or guardian  
21 is responsible for transporting the pupil without  
22 reimbursement to and from a point on a regular school bus  
23 route of the receiving district. However, a receiving  
24 district shall not may send school vehicles into the district  
25 of residence of the pupil using the open enrollment option  
26 under this section, for the purpose of transporting the pupil  
27 to and from school in the receiving district, if the boards of  
28 both the sending and receiving districts agree to this  
29 arrangement. If the pupil meets the economic eligibility  
30 requirements established by the department and state board of  
31 education, the sending district is responsible for providing  
32 transportation or paying the pro rata cost of the  
33 transportation to a parent or guardian for transporting the  
34 pupil to and from a point on a regular school bus route of a  
35 contiguous receiving district unless the cost of providing

1 transportation or the pro rata cost of the transportation to a  
2 parent or guardian exceeds the average transportation cost per  
3 pupil transported for the previous school year in the  
4 district. If the cost exceeds the average transportation cost  
5 per pupil transported for the previous school year, the  
6 sending district shall only be responsible for that average  
7 per pupil amount. A sending district which provides  
8 transportation for a pupil to a contiguous receiving district  
9 under this subsection may withhold from the district cost per  
10 pupil amount, that is to be paid to the receiving district, an  
11 amount which represents the average or pro rata cost per pupil  
12 for transportation, whichever is less.

*E465* 13 Sec. 3. Section 282.18, subsection 15, Code Supplement  
14 1991, is amended by striking the subsection and inserting in  
15 lieu thereof the following:

16 15. A pupil who participates in open enrollment for  
17 purposes of attending a grade in grades ten through twelve in  
18 a school district other than the district of residence is  
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20 and athletic competitions during the pupil's first ninety  
21 school days of enrollment in the district except that the  
22 pupil may participate immediately in an interscholastic sport  
23 if the district of residence and the other school district  
24 jointly participate in the sport, if the sport in which the  
25 pupil wishes to participate is not offered in the district of  
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27 attend school in another school district because the district  
28 in which the student previously attended school was dissolved  
29 and merged with one or more contiguous school districts under  
30 section 256.11, subsection 12, if the pupil participates in  
31 open enrollment because the pupil's district of residence has  
32 entered into a whole grade sharing agreement with another  
33 district for the pupil's grade, or if the parent or guardian  
34 of the pupil participating in open enrollment is an active  
35 member of the armed forces and resides in permanent housing on

1 government property provided by a branch of the armed  
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3 or has attended school pursuant to a mutual agreement between  
4 the two districts, in a district other than the pupil's  
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6 March 10, 1989, is also eligible to participate immediately in  
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9 district that pupil had attended. For purposes of this  
10 subsection, "school days of enrollment" do not include  
11 enrollment in summer school.

12 Sec. 4. Section 282.18, Code Supplement 1991, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 20. Notwithstanding the general  
15 limitations contained in this section, in appeals to the state  
16 board from decisions of school boards relating to student  
17 transfers under open enrollment, the state board may exercise  
18 broad discretion to achieve just and equitable results which  
19 are in the best interest of the affected child or children.

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26 of residence either shall transmit the phase II moneys  
27 allocated to the district for those students based upon the  
28 full-time equivalent attendance of those students to the board  
29 of the school district of attendance of the students or shall  
30 transmit to the board of the school district of attendance of  
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18 district or area education agency shall be submitted to the  
19 department of education not later than ~~March~~ April 15 of a  
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21 not later than June 15 of a school year for that school year  
22 for an area education agency. Amendments to multiple year  
23 plans may be submitted annually.

24 Sec. 8. Section 299.4, Code Supplement 1991, is amended to  
25 read as follows:

26 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

27 The parent, guardian, or legal ~~or-actual~~ custodian of a  
28 child who is of compulsory attendance age, who places the  
29 child under competent private instruction under ~~chapter-299A~~  
30 either section 299A.2 or 299A.3, not in an accredited school  
31 or a home school assistance program operated by a public or  
32 accredited nonpublic school, shall furnish a report in  
33 duplicate on forms provided by the public school district, to  
34 the district by the earliest starting date specified in  
35 section 279.10, subsection 1. The secretary shall retain and

1 file one copy and forward the other copy to the district's  
2 area education agency. The report shall state the name and  
3 age of the child, the period of time during which the child  
4 has been or will be under competent private instruction for  
5 the year, an outline of the course of study, texts used, and  
6 the name and address of the instructor. The parent, guardian,  
7 or legal ~~or-actual~~ custodian of a child, who is placing the  
8 child under competent private instruction, for the first time,  
9 shall also provide the district with evidence that the child  
10 has had the immunizations required under section 139.9. The  
11 term "outline of course of study" shall include subjects  
12 covered, lesson plans, and time spent on the areas of study.

13 Sec. 9. Section 299A.2, Code Supplement 1991, is amended  
14 to read as follows:

15 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED  
16 PRACTITIONER.

17 If a licensed practitioner provides competent instruction  
18 to a child of compulsory attendance age, the practitioner  
19 shall possess a valid license or certificate which has been  
20 issued by the state board of educational examiners under  
21 chapter 260 and which is appropriate to the ages and grade  
22 levels of the children to be taught. Competent private  
23 instruction may include, but is not limited to, a home school  
24 assistance program which provides instruction or instructional  
25 supervision offered through an accredited nonpublic school or  
26 public school district by a teacher, who is employed by the  
27 accredited nonpublic school or public school district, who  
28 assists and supervises a parent, guardian, or legal custodian  
29 in providing instruction to a child. ~~If-competent-private~~  
30 ~~instruction-is-provided-through-a-public-school-district, the~~  
31 ~~child-shall-be-enrolled-and-included-in-the-basic-enrollment~~  
32 ~~of-the-school-district.~~ Sections 299A.3 through 299A.7 do not  
33 apply to competent private instruction provided by a licensed  
34 practitioner under this section. However, the reporting  
35 requirement contained in section 299A.3, subsection 1, shall

1 apply to competent private instruction provided by licensed  
2 practitioners that is not part of a home school assistance  
3 program offered through an accredited nonpublic school or  
4 public school district.

5 Sec. 10. Section 299A.6, unnumbered paragraph 1, Code  
6 Supplement 1991, is amended to read as follows:

7 If the results of evaluations, administered to a child of  
8 compulsory attendance age who is under competent private  
9 instruction, indicate that the student has failed to make  
10 adequate progress, the parent, guardian, or legal custodian  
11 shall cause the child to attend an accredited public or  
12 nonpublic school at the beginning of the next school year  
13 unless, before the beginning of the next school year, the  
14 child retakes a different form of the same evaluation, or  
15 another evaluation from the approved list of tests or  
16 assessment tools recognized by the department of education,  
17 and the results indicate that adequate progress has been made,  
18 the child has demonstrated adequate performance in the opinion  
19 of an evaluator and documented in a report under section  
20 299A.4, subsection 7, or the director of the department of  
21 education, or the director's designee, grants approval for  
22 competent private instruction to continue under a plan for  
23 remediation.

24 Sec. 11. HOME SCHOOL ASSISTANCE PROGRAM -- DEFINITION.  
25 The department of education shall develop, and the state board  
26 of education shall adopt, rules by September 1, 1992, which  
27 establish criteria for the maintenance of home school  
28 assistance programs by public school districts. In developing  
29 the criteria the department shall consider program offerings  
30 in districts which have created and maintained programs for a  
31 number of years that provide instruction or instructional  
32 supervision by teachers employed by the districts to parents,  
33 guardians, or legal custodians who are providing instruction  
34 to their children or wards in the districts.

35 Sec. 12. Sections 7 and 11 of this Act, being deemed of

1 immediate importance, take effect upon enactment.

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## HOUSE FILE 2384

S-5414

- 1 Amend House File 2384 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 280.13A, Code 1991, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. If the public school  
8 district initiates an agreement for whole grade  
9 sharing which provides for instruction in grades ten  
10 through twelve to be conducted at a school in another  
11 district, a pupil attending a grade in grades ten  
12 through twelve in the district initiating the  
13 agreement shall be permitted to participate  
14 immediately in interscholastic athletic contests and  
15 athletic competitions if the student transfers to an  
16 accredited nonpublic high school after the whole grade  
17 sharing agreement is initiated."  
18 2. Page 6, by inserting after line 23 the  
19 following:  
20 "Sec. \_\_\_\_\_. 1991 Iowa Acts, chapter 201, section 2,  
21 is amended to read as follows:  
22 SEC. 2. RULEMAKING. The department of education  
23 shall recommend, and the state board of education  
24 shall adopt under chapter 17A, rules which shall be  
25 effective by January 1, ~~1992~~ 1993, which require local  
26 school districts to immediately notify the parent,  
27 guardian, or legal custodian of a child in  
28 prekindergarten through sixth grade, who is the  
29 alleged victim of sexual abuse or who is a potential  
30 or actual witness in the investigation of an  
31 allegation of sexual abuse pursuant to a report  
32 initiated under section 280.17, that the child is  
33 being-questioned-as-provided-under-section-280-17-and  
34 permit to be interviewed. The notice shall include  
35 the right of the child's parent, guardian, or legal  
36 custodian to be-present-during-the-questioning observe  
37 and hear the interview."  
38 3. Title page, line 4, by striking the word  
39 "education" and inserting the following:  
40 "education;".  
41 4. Title page, line 6, by inserting after the  
42 word "enrollment;" the following: "making changes in  
43 other athletic participation requirements;".  
44 5. Title page, line 14, by inserting after the  
45 word "program;" the following: "modifying rules  
46 relating to parental notice and presence during  
47 questioning in sexual abuse investigations;".  
48 6. By renumbering as necessary.

By COMMITTEE ON EDUCATION  
MICHAEL CONNOLLY, Chairperson

S-5414 FILED MARCH 26, 1992

*Adopted 4/1 (p. 1152)*

HOUSE FILE 2384

S-5436

- 1 Amend House File 2384, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 16.
- 4 2. Title page, by striking lines 3 through 5 and
- 5 inserting the following: "of residence; by making
- 6 changes in the transportation and athletic".
- 7 3. By renumbering as necessary.

By WILLIAM W. DIELEMAN

S-5436 FILED MARCH 30, 1992

*lost 4/1 (p. 1150)*

HOUSE FILE 2384

S-5441

- 1 Amend House File 2384, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, by striking line 12, and inserting the
- 4 following: "covered, and lesson plans, and time spent
- 5 on the areas of study."

By WILLIAM W. DIELEMAN

S-5441 FILED MARCH 30, 1992

*lost 4/1 (p. 1152)*

HOUSE FILE 2384

S-5465

- 1 Amend House File 2384, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 17, by striking the word "may"
- 4 and inserting the following: "shall".

By LARRY MURPHY

S-5465 FILED MARCH 31, 1992

*Adopted 4/1 (p. 1152)*

HOUSE FILE 2384

S-5466

- 1 Amend House File 2384, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. By striking page 2, line 13, through page 3,
- 4 line 11.
- 5 2. Title page, lines 5 and 6, by striking the
- 6 words "and athletic participation".
- 7 3. By renumbering and changing internal
- 8 references as necessary.

By LARRY MURPHY  
DALE TIEDEN  
MAGGIE TINSMAN

BEVERLY A. HANNON  
MICHAEL W. CONNOLLY

S-5466 FILED MARCH 31, 1992

*lost 4/1 (p. 1151)*

S-5502

1 Amend House File 2384, 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. NEW SECTION. 275.25A ELECTION OF  
6 DIRECTORS ALTERNATIVE.

7 1. As an alternative to the methods specified in  
8 sections 275.25 and 275.41 for electing directors in a  
9 newly formed community school district, if only two  
10 districts merge, the procedure specified in this  
11 section may be used.

12 2. The members of the boards of directors of the  
13 two districts who reside within the boundaries of the  
14 newly formed district shall be the members of the  
15 interim board of the newly formed district. The  
16 members of the interim board shall serve terms which  
17 expire on the date of the organizational meeting of  
18 the new board of the reorganized district which shall  
19 occur as provided under subsection 3. The interim  
20 board of the newly formed district shall organize  
21 within fifteen days after the approval of the merger  
22 upon the call of the area education agency  
23 administrator. The interim board shall have control  
24 of the employment of all personnel for the newly  
25 formed district for the ensuing school year. The  
26 interim board shall also have the authority to  
27 establish policy, organize curriculum, enter into  
28 contracts, and complete any planning and take any  
29 action necessary for the efficient management of the  
30 newly formed school district. The interim board of  
31 the newly formed district shall appoint an acting  
32 superintendent and an acting board secretary. The  
33 appointment of the acting superintendent shall not be  
34 subject to the continuing contract provision of  
35 sections 279.20, 279.23, and 279.24.

36 3. The members of the new board of the reorganized  
37 district shall be elected, at either a special or the  
38 next regular school election that occurs one year  
39 after the effective date of the reorganization.  
40 Elections shall be held in the manner provided in  
41 section 275.25, except that, for purposes of  
42 determining when elections for successors to the  
43 members of the new board are to take place, the date  
44 which marks the one-year anniversary of the effective  
45 date of the reorganization of a district which uses  
46 the alternative method for election of the board of  
47 directors provided under this section shall be used  
48 instead of the actual effective date of the  
49 reorganization."

50 2. Title page, line 14, by inserting after the

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S-5502

Page 2

1 word "program;" the following: "permitting an  
2 alternative to the methods for electing directors of  
3 newly formed school districts if only two districts  
4 merge;"

5 3. By renumbering as necessary.

By LINN FUHRMAN  
JIM KERSTEN

HOUSE FILE 2384

S-5491

1 Amend the amendment, S-5414, to House File 2384, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 5 through 17, and  
5 inserting the following:

6 "Section 1. Section 256.46, Code 1991, is amended  
7 to read as follows:

8 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR  
9 ACTIVITIES BY CERTAIN CHILDREN.

10 The state board shall adopt rules that permit a  
11 child who does not meet the residence requirements for  
12 participation in extracurricular interscholastic  
13 contests or competitions sponsored or administered by  
14 an organization as defined in section 280.13 to  
15 participate in the contests or competitions  
16 immediately if the child is duly enrolled in a school,  
17 is otherwise eligible to participate, and meets one of  
18 the following circumstances or a similar circumstance:  
19 the child has been adopted; the child is placed under  
20 foster or shelter care; the child is living with one  
21 of the child's parents as a result of divorce,  
22 separation, death, or other change in the child's  
23 parents' marital relationship; the child is or has  
24 been a foreign exchange student; the child has been  
25 placed in a juvenile correctional facility; the child  
26 is a ward of the court or the state; or the child is a  
27 participant in a substance abuse or mental health  
28 program; or the child is enrolled in an accredited  
29 nonpublic high school because the child's district of  
30 residence has entered into a whole grade sharing  
31 agreement for the pupil's grade with another  
32 district."

By MIKE CONNOLLY

S-5491 FILED APRIL 1, 1992  
ADOPTED (p. 1152)



## SENATE AMENDMENT TO HOUSE FILE 2384

H-5765

1 Amend House File 2384 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 256.46, Code 1991, is amended  
6 to read as follows:

7 256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR  
8 ACTIVITIES BY CERTAIN CHILDREN.

9 The state board shall adopt rules that permit a  
10 child who does not meet the residence requirements for  
11 participation in extracurricular interscholastic  
12 contests or competitions sponsored or administered by  
13 an organization as defined in section 280.13 to  
14 participate in the contests or competitions  
15 immediately if the child is duly enrolled in a school,  
16 is otherwise eligible to participate, and meets one of  
17 the following circumstances or a similar circumstance:  
18 the child has been adopted; the child is placed under  
19 foster or shelter care; the child is living with one  
20 of the child's parents as a result of divorce,  
21 separation, death, or other change in the child's  
22 parents' marital relationship; the child is or has  
23 been a foreign exchange student; the child has been  
24 placed in a juvenile correctional facility; the child  
25 is a ward of the court or the state; or the child is a  
26 participant in a substance abuse or mental health  
27 program; or the child is enrolled in an accredited  
28 nonpublic high school because the child's district of  
29 residence has entered into a whole grade sharing  
30 agreement for the pupil's grade with another  
31 district."

32 2. Page 3, line 17, by striking the word "may"  
33 and inserting the following: "shall".

34 3. Page 6, by inserting after line 23 the  
35 following:

36 "Sec. \_\_\_\_\_. 1991 Iowa Acts, chapter 201, section 2,  
37 is amended to read as follows:

38 SEC. 2. RULEMAKING. The department of education  
39 shall recommend, and the state board of education  
40 shall adopt under chapter 17A, rules which shall be  
41 effective by January 1, ~~1992~~ 1993, which require local  
42 school districts to ~~immediately~~ notify the parent,  
43 guardian, or legal custodian of a child in  
44 prekindergarten through sixth grade, who is the  
45 alleged victim of sexual abuse or who is a potential  
46 or actual witness in the investigation of an  
47 allegation of sexual abuse pursuant to a report  
48 initiated under section 280.17, that the child is  
49 ~~being questioned as provided under section 280.17 and~~  
50 permitted to be interviewed. The notice shall include

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Page 2

1 the right of the child's parent, guardian, or legal  
2 custodian to be present during the questioning observe  
3 and hear the interview."

4 4. Title page, line 4, by striking the word  
5 "education" and inserting the following:  
6 "education;"

7 5. Title page, line 6, by inserting after the  
8 word "enrollment;" the following: "making changes in  
9 other athletic participation requirements;"

10 6. Title page, line 14, by inserting after the  
11 word "program;" the following: "modifying rules  
12 relating to parental notice and presence during  
13 questioning in sexual abuse investigations;"

14 7. By renumbering, relettering, or redesignating  
15 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5765 FILED APRIL 7, 1992

*Concurred 4/10 (p. 1288)*

*New*

SENATE/HOUSE FILE 2384  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to methods by which students may attend  
2 instruction in other than the students' public school district  
3 of residence; by making changes in the transportation and  
4 athletic participation provisions under open enrollment;  
5 making changes in the method by which the amount of phase II  
6 and phase III moneys transferred between districts engaged in  
7 whole grade sharing are calculated; changing the date by which  
8 phase III plans must be submitted to the department of  
9 education; changing the weightings, reporting requirements,  
10 and testing requirements of some students receiving competent  
11 private instruction who are also enrolled in a public school  
12 district under dual enrollment or in a home school assistance  
13 program; making other related changes; and providing an  
14 effective date.

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

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SUB COMMITTEE ASSIGNMENTS

Chair: *Daggett*  
Committee: *Education*  
*3-3-92*

1 Section 1. Section 282.18, subsection 11, Code Supplement  
2 1991, is amended to read as follows:

3 11. Notwithstanding section 285.1 relating to  
4 transportation of nonresident pupils, the parent or guardian  
5 is responsible for transporting the pupil without  
6 reimbursement to and from a point on a regular school bus  
7 route of the receiving district. A However, a receiving  
8 district shall-not may send school vehicles into the district  
9 of residence of the pupil using the open enrollment option  
10 under this section, for the purpose of transporting the pupil  
11 to and from school in the receiving district, if the boards of  
12 both the sending and receiving districts agree to this  
13 arrangement. If the pupil meets the economic eligibility  
14 requirements established by the department and state board of  
15 education, the sending district is responsible for providing  
16 transportation or paying the pro rata cost of the  
17 transportation to a parent or guardian for transporting the  
18 pupil to and from a point on a regular school bus route of a  
19 contiguous receiving district unless the cost of providing  
20 transportation or the pro rata cost of the transportation to a  
21 parent or guardian exceeds the average transportation cost per  
22 pupil transported for the previous school year in the  
23 district. If the cost exceeds the average transportation cost  
24 per pupil transported for the previous school year, the  
25 sending district shall only be responsible for that average  
26 per pupil amount. A sending district which provides  
27 transportation for a pupil to a contiguous receiving district  
28 under this subsection may withhold from the district cost per  
29 pupil amount, that is to be paid to the receiving district, an  
30 amount which represents the average or pro rata cost per pupil  
31 for transportation, whichever is less.

32 Sec. 2. Section 282.18, subsection 15, Code Supplement  
33 1991, is amended by striking the subsection and inserting in  
34 lieu thereof the following:

35 15. A pupil who participates in open enrollment for

1 purposes of attending a grade in grades ten through twelve in  
2 a school district other than the district of residence is  
3 ineligible to participate in interscholastic athletic contests  
4 and athletic competitions during the pupil's first ninety  
5 school days of enrollment in the district except that the  
6 pupil may participate immediately in an interscholastic sport  
7 if the district of residence and the other school district  
8 jointly participate in the sport, if the sport in which the  
9 pupil wishes to participate is not offered in the district of  
10 residence, if the pupil chooses to use open enrollment to  
11 attend school in another school district because the district  
12 in which the student previously attended school was dissolved  
13 and merged with one or more contiguous school districts under  
14 section 256.11, subsection 12, if the pupil participates in  
15 open enrollment because the pupil's district of residence has  
16 entered into a whole grade sharing agreement with another  
17 district for the pupil's grade, or if the parent or guardian  
18 of the pupil participating in open enrollment is an active  
19 member of the armed forces and resides in permanent housing on  
20 government property provided by a branch of the armed  
21 services. A pupil who has paid tuition and attended school,  
22 or has attended school pursuant to a mutual agreement between  
23 the two districts, in a district other than the pupil's  
24 district of residence for at least one school year prior to  
25 March 10, 1989, is also eligible to participate immediately in  
26 interscholastic athletic contests and athletic competitions  
27 under this section, but only as a member of a team from the  
28 district that pupil had attended. For purposes of this  
29 subsection, "school days of enrollment" do not include  
30 enrollment in summer school.

31 Sec. 3. Section 294A.9, unnumbered paragraph 3, Code 1991,  
32 is amended to read as follows:

33 If a school district has discontinued grades under section  
34 282.7, subsection 1, or students attend school in another  
35 school district, under an agreement with the board of the

1 other school district, the board of directors of the district  
2 of residence either shall transmit the phase II moneys  
3 allocated to the district for those students based upon the  
4 full-time equivalent attendance of those students to the board  
5 of the school district of attendance of the students or shall  
6 transmit to the board of the school district of attendance of  
7 the students a portion of the phase II moneys allocated to the  
8 district of residence based upon an agreement between the  
9 board of the resident district and the board of the district  
10 of attendance.

11 Sec. 4. Section 294A.14, unnumbered paragraph 3, Code  
12 1991, is amended to read as follows:

13 If a school district has discontinued grades under section  
14 282.7, subsection 1, or students attend school in another  
15 school district, under an agreement with the board of the  
16 other school district, the board of directors of the district  
17 of residence either shall transmit the phase III moneys  
18 allocated to the district for those students based upon the  
19 full-time equivalent attendance of those students to the board  
20 of the school district of attendance of the students or shall  
21 transmit to the board of the school district of attendance of  
22 the students a portion of the phase III moneys allocated to  
23 the district of residence based upon an agreement between the  
24 board of the resident district and the board of the district  
25 of attendance.

26 Sec. 5. Section 294A.16, unnumbered paragraph 1, Code  
27 1991, is amended to read as follows:

28 A plan adopted by the board of directors of a school  
29 district or area education agency shall be submitted to the  
30 department of education not later than ~~March~~ April 15 of a  
31 school year for that school year for a school district, and  
32 not later than June 15 of a school year for that school year  
33 for an area education agency. Amendments to multiple year  
34 plans may be submitted annually.

35 Sec. 6. Section 299.4, Code Supplement 1991, is amended to

1 read as follows:

2 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

3 The parent, guardian, or legal ~~or-actual~~ custodian of a  
4 child who is of compulsory attendance age, who places the  
5 child under competent private instruction under chapter-299A  
6 either section 299A.2 or 299A.3, not in an accredited school  
7 or a home school assistance program operated by a public or  
8 accredited nonpublic school, shall furnish a report in  
9 duplicate on forms provided by the public school district, to  
10 the district by the earliest starting date specified in  
11 section 279.10, subsection 1. The secretary shall retain and  
12 file one copy and forward the other copy to the district's  
13 area education agency. The report shall state the name and  
14 age of the child, the period of time during which the child  
15 has been or will be under competent private instruction for  
16 the year, an outline of the course of study, texts used, and  
17 the name and address of the instructor. The parent, guardian,  
18 or legal ~~or-actual~~ custodian of a child, who is placing the  
19 child under competent private instruction, for the first time,  
20 shall also provide the district with evidence that the child  
21 has had the immunizations required under section 139.9. The  
22 term "outline of course of study" shall include subjects  
23 covered, lesson plans, and time spent on the areas of study.

24 Sec. 7. Section 299A.2, Code Supplement 1991, is amended  
25 to read as follows:

26 299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED  
27 PRACTITIONER.

28 If a licensed practitioner provides competent instruction  
29 to a child of compulsory attendance age, the practitioner  
30 shall possess a valid license or certificate which has been  
31 issued by the state board of educational examiners under  
32 chapter 260 and which is appropriate to the ages and grade  
33 levels of the children to be taught. Competent private  
34 instruction may include, but is not limited to, a home school  
35 assistance program which provides instruction or instructional

1 supervision offered through an accredited nonpublic school or  
2 public school district by a teacher, who is employed by the  
3 accredited nonpublic school or public school district, who  
4 assists and supervises a parent, guardian, or legal custodian  
5 in providing instruction to a child. If competent private  
6 instruction is provided through a public school district, the  
7 child shall be enrolled and included in the basic enrollment  
8 of the school district. Sections 299A.3 through 299A.7 do not  
9 apply to competent private instruction provided by a licensed  
10 practitioner under this section. However, the reporting  
11 requirement contained in section 299A.3, subsection 1, shall  
12 apply to competent private instruction provided by licensed  
13 practitioners that is not part of a home school assistance  
14 program offered through an accredited nonpublic school or  
15 public school district.

16 Sec. 8. Section 299A.6, unnumbered paragraph 1, Code  
17 Supplement 1991, is amended to read as follows:

18 If the results of evaluations, administered to a child of  
19 compulsory attendance age who is under competent private  
20 instruction, indicate that the student has failed to make  
21 adequate progress, the parent, guardian, or legal custodian  
22 shall cause the child to attend an accredited public or  
23 nonpublic school at the beginning of the next school year  
24 unless, before the beginning of the next school year, the  
25 child retakes a different form of the same evaluation, or  
26 another evaluation from the approved list of tests or  
27 assessment tools recognized by the department of education,  
28 and the results indicate that adequate progress has been made,  
29 the child has demonstrated adequate performance in the opinion  
30 of an evaluator and documented in a report under section  
31 299A.4, subsection 7, or the director of the department of  
32 education, or the director's designee, grants approval for  
33 competent private instruction to continue under a plan for  
34 remediation.

35 Sec. 9. Section 299A.8, Code Supplement 1991, is amended



1 to read as follows:

2 299A.8 DUAL ENROLLMENT AND HOME SCHOOL ASSISTANCE  
3 PROGRAMS.

4 If a parent, guardian, or legal custodian of a child who is  
5 receiving competent private instruction under this chapter  
6 submits a request, the child shall also be registered in a  
7 public school for dual enrollment purposes. If the child is  
8 enrolled in a public school district for dual enrollment  
9 purposes, the child shall be permitted to participate in any  
10 academic activities in the district and shall also be  
11 permitted to participate on the same basis as public school  
12 children in any extracurricular activities available to  
13 children in the child's grade or group, and the parent,  
14 guardian, or legal custodian shall not be required to pay the  
15 costs of any annual testing under this chapter. If the child  
16 is enrolled for dual enrollment purposes, the child shall be  
17 included in the public school's basic enrollment under  
18 sections-442-4-and section 257.6 and shall be counted as one  
19 pupil; follows:

20 1. For a student who is only receiving instructional  
21 materials or assessment services, or both, as one quarter of  
22 one pupil.

23 2. For a student who is receiving instructional materials  
24 or assessment services, or both, and who is participating in  
25 any part of the school program as one-half of one pupil.

26 3. For a student who is enrolled in a home school  
27 assistance program operated by a district through which the  
28 student is receiving instruction or instructional supervision  
29 by a licensed practitioner employed by the public school  
30 district, who assists and supervises a parent, guardian, or  
31 legal custodian in providing instruction to a student, the  
32 student shall be included in the public school's basic  
33 enrollment under section 257.6 and shall be counted as one-  
34 half of one pupil. A student enrolled in a home school  
35 assistance program shall not also be counted as a dually

1 enrolled student.

2 Sec. 10. Section 5 of this Act, being deemed of immediate  
3 importance, takes effect upon enactment.

4 EXPLANATION

5 Section 1 of this bill provides that, subject to the  
6 agreement of both districts, a receiving district, under open  
7 enrollment, may send buses into a sending district for  
8 transportation purposes.

9 Section 2 permits a student in grades 10 through 12 who  
10 transfers to another district under open enrollment to  
11 participate in athletics after the expiration of 90 school  
12 days of enrollment in the new district, excluding any days for  
13 which the student was enrolled in the new school district  
14 which occurred during the summer. Students who were permitted  
15 to participate in athletics under current law will still be  
16 permitted to participate immediately in athletics under the  
17 bill.

18 Sections 3 and 4 permit districts who are engaged in whole  
19 grade sharing agreements to reach an agreement on the amount  
20 of the phase II and III moneys, which are allocated for a  
21 district of residence, which should be transferred to the  
22 district which the student will attend. Currently the amount  
23 is calculated based solely on the full-time equivalent  
24 attendance of students in the district of attendance.

25 Section 5 changes the date on which phase III plans must be  
26 submitted by districts to the department of education from  
27 March 15 to April 15 of a school year. Area education  
28 agencies must submit their plans by June 15 of a school year  
29 under the bill. This section takes effect upon enactment.

30 Section 6 provides that, under both forms of competent  
31 private instruction, the parent, guardian, or legal custodian  
32 is required to furnish the report to the public school  
33 district unless the child actually is enrolled in a public  
34 school or accredited nonpublic school home school assistance  
35 program.

1 Section 7 provides that parents using licensed  
2 practitioners to provide competent private instruction are  
3 subject to the reporting requirements contained in section  
4 299.4 unless the competent private instruction is part of a  
5 home school assistance program.

6 Section 8 requires a student, who is retaking an evaluation  
7 to determine whether adequate progress is being made, to take  
8 a different form of the same evaluation or a different  
9 evaluation.

10 Section 9 changes the weightings assigned to students  
11 receiving competent private instruction, who are also dually  
12 enrolled in a public school district or enrolled in a home  
13 school assistance program operated by a public school  
14 district. The new weightings are based on the amount and  
15 kinds of services received by the students from the district.

16 This bill may create a state mandate under chapter 25B.

17 BACKGROUND STATEMENT

18 SUBMITTED BY THE AGENCY

19 Currently, districts are entering into agreements to  
20 provide transportation services to nonresident students  
21 attending nonpublic schools, participation in special  
22 education programs, or involved in program sharing. The  
23 decision regarding transportation for open enrollment students  
24 can best be made at the local district level, as provided in  
25 section 1 of the bill.

26 The athletic eligibility requirements under open enrollment  
27 should be the same as those currently in place for determining  
28 athletic eligibility for students that change district or  
29 school of attendance without a like change of parent  
30 residence. The change contained in section 2 would treat open  
31 enrollment students more consistently with other students.

32 Current law requires the sending district involved in a  
33 whole grade sharing agreement to transmit phase II and phase  
34 III moneys based upon full-time equivalent attendance of the  
35 students attending classes in another district. In situations

1 of districts entering into whole grade sharing agreements and  
2 sending unequal numbers of students, the amounts of phase II  
3 and III funds available for the district with the lower  
4 enrollment and with fewer teachers represents a  
5 disproportionate share of the phase II and III funds. This  
6 has in some cases threatened the continuation of the whole  
7 grade sharing agreement. The proposed change contained in  
8 sections 3 and 4 would allow districts to determine the  
9 allocation of phase II and phase III funds as part of the  
10 whole grade sharing agreement.

11 The date for phase III plan submission is changed in  
12 section 5 from March 15 to April 15 for districts, and to June  
13 15 for area education agencies, so that the district  
14 submission date will coincide with the new April 15 deadline  
15 for negotiation of collective bargaining agreements between  
16 teachers and school corporations. The later date for area  
17 education agency (AEA) plans will make it possible for AEA's to  
18 complement local district plans and better address the needs  
19 of local districts.

20 Section 6 clarifies that all parents or guardians who place  
21 their child under private competent instruction shall furnish  
22 a report to the public school pursuant to section 299.4,  
23 unless the child is enrolled in a home school assistance  
24 program whereby the public or accredited nonpublic school  
25 provides a licensed practitioner to supervise and assist  
26 parents in providing competent private instruction. If the  
27 child is enrolled, there is no need for the parent to report  
28 the details of the program, as the program is under the  
29 guidance of the school.

30 Section 9 modifies the way home school students are counted  
31 for dual enrollment and home school assistance program  
32 purposes. The department proposes to reduce the count from  
33 full-time to part-time students so that the dollars generated  
34 more accurately reflect the cost of services provided by the  
35 public school.

HOUSE FILE 2384

AN ACT

RELATING TO METHODS BY WHICH STUDENTS MAY ATTEND INSTRUCTION IN OTHER THAN THE STUDENTS' PUBLIC SCHOOL DISTRICT OF RESIDENCE; BY MAKING CHANGES IN THE REQUIREMENT RELATING TO THE OFFERING AND CHARGING OF TUITION FOR DRIVERS EDUCATION; BY MAKING CHANGES IN THE TRANSPORTATION AND ATHLETIC PARTICIPATION PROVISIONS UNDER OPEN ENROLLMENT; MAKING CHANGES IN OTHER ATHLETIC PARTICIPATION REQUIREMENTS; MAKING CHANGES IN THE METHOD BY WHICH THE AMOUNT OF PHASE II AND PHASE III MONEYS TRANSFERRED BETWEEN DISTRICTS ENGAGED IN WHOLE GRADE SHARING ARE CALCULATED; CHANGING THE DATE BY WHICH PHASE III PLANS MUST BE SUBMITTED TO THE DEPARTMENT OF EDUCATION; CHANGING THE REPORTING REQUIREMENTS AND TESTING REQUIREMENTS OF SOME STUDENTS RECEIVING COMPETENT PRIVATE INSTRUCTION WHO ARE ALSO ENROLLED IN A PUBLIC SCHOOL DISTRICT UNDER DUAL ENROLLMENT OR IN A HOME SCHOOL ASSISTANCE PROGRAM; MODIFYING RULES RELATING TO PARENTAL NOTICE AND PRESENCE DURING QUESTIONING IN SEXUAL ABUSE INVESTIGATIONS; MAKING OTHER RELATED CHANGES; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 256.46, Code 1991, is amended to read as follows:

256.46 RULES FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY CERTAIN CHILDREN.

The state board shall adopt rules that permit a child who does not meet the residence requirements for participation in extracurricular interscholastic contests or competitions sponsored or administered by an organization as defined in section 280.13 to participate in the contests or competitions immediately if the child is duly enrolled in a school, is otherwise eligible to participate, and meets one of the following circumstances or a similar circumstance: the child has been adopted; the child is placed under foster or shelter care; the child is living with one of the child's parents as a result of divorce, separation, death, or other change in the child's parents' marital relationship; the child is or has been a foreign exchange student; the child has been placed in a juvenile correctional facility; the child is a ward of the court or the state; or the child is a participant in a substance abuse or mental health program; or the child is enrolled in an accredited nonpublic high school because the child's district of residence has entered into a whole grade sharing agreement for the pupil's grade with another district.

Sec. 2. Section 282.6, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to resident honorably discharged soldiers, sailors, and marines, as many months after becoming twenty-one years of age as they have spent in the military or naval service of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school or drivers education program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient

tuition fee to cover the cost of the instruction received by such person.

Sec. 3. Section 282.18, subsection 11, Code Supplement 1991, is amended to read as follows:

11. Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. A However, a receiving district shall not may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

Sec. 4. Section 282.18, subsection 15, Code Supplement 1991, is amended by striking the subsection and inserting in lieu thereof the following:

15. A pupil who participates in open enrollment for purposes of attending a grade in grades ten through twelve in a school district other than the district of residence is ineligible to participate in interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in an interscholastic sport if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year prior to March 10, 1989, is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended. For purposes of this subsection, "school days of enrollment" do not include enrollment in summer school.

Sec. 5. Section 282.18, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Notwithstanding the general limitations contained in this section, in appeals to the state

board from decisions of school boards relating to student transfers under open enrollment, the state board shall exercise broad discretion to achieve just and equitable results which are in the best interest of the affected child or children.

Sec. 6. Section 294A.9, unnumbered paragraph 3, Code 1991, is amended to read as follows:

If a school district has discontinued grades under section 282.7, subsection 1, or students attend school in another school district, under an agreement with the board of the other school district, the board of directors of the district of residence either shall transmit the phase II moneys allocated to the district for those students based upon the full-time equivalent attendance of those students to the board of the school district of attendance of the students or shall transmit to the board of the school district of attendance of the students a portion of the phase II moneys allocated to the district of residence based upon an agreement between the board of the resident district and the board of the district of attendance.

Sec. 7. Section 294A.14, unnumbered paragraph 3, Code 1991, is amended to read as follows:

If a school district has discontinued grades under section 282.7, subsection 1, or students attend school in another school district, under an agreement with the board of the other school district, the board of directors of the district of residence either shall transmit the phase III moneys allocated to the district for those students based upon the full-time equivalent attendance of those students to the board of the school district of attendance of the students or shall transmit to the board of the school district of attendance of the students a portion of the phase III moneys allocated to the district of residence based upon an agreement between the board of the resident district and the board of the district of attendance.

Sec. 8. Section 294A.16, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A plan adopted by the board of directors of a school district or area education agency shall be submitted to the department of education not later than March April 15 of a school year for that school year for a school district, and not later than June 15 of a school year for that school year for an area education agency. Amendments to multiple year plans may be submitted annually.

Sec. 9. Section 299.4, Code Supplement 1991, is amended to read as follows:

299.4 REPORTS AS TO PRIVATE INSTRUCTION.

The parent, guardian, or legal or-actual custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under chapter-299A either section 299A.2 or 299A.3, not in an accredited school or a home school assistance program operated by a public or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, 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 the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor. The parent, guardian, or legal or-actual custodian of a child, who is placing the child under competent private instruction, for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139.9. The term "outline of course of study" shall include subjects covered, lesson plans, and time spent on the areas of study.

Sec. 10. Section 299A.2, Code Supplement 1991, is amended to read as follows:

299A.2 COMPETENT PRIVATE INSTRUCTION BY LICENSED PRACTITIONER.

If a licensed practitioner provides competent instruction to a child of compulsory attendance age, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 260 and which is appropriate to the ages and grade levels of the children to be taught. Competent private instruction may include, but is not limited to, a home school assistance program which provides instruction or instructional supervision offered through an accredited nonpublic school or public school district by a teacher, who is employed by the accredited nonpublic school or public school district, who assists and supervises a parent, guardian, or legal custodian in providing instruction to a child. ~~If competent private instruction is provided through a public school district, the child shall be enrolled and included in the basic enrollment of the school district.~~ Sections 299A.3 through 299A.7 do not apply to competent private instruction provided by a licensed practitioner under this section. However, the reporting requirement contained in section 299A.3, subsection 1, shall apply to competent private instruction provided by licensed practitioners that is not part of a home school assistance program offered through an accredited nonpublic school or public school district.

Sec. 11. Section 299A.6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

If the results of evaluations, administered to a child of compulsory attendance age who is under competent private instruction, indicate that the student has failed to make adequate progress, the parent, guardian, or legal custodian shall cause the child to attend an accredited public or nonpublic school at the beginning of the next school year unless, before the beginning of the next school year, the child retakes a different form of the same evaluation, or

another evaluation from the approved list of tests or assessment tools recognized by the department of education, and the results indicate that adequate progress has been made, the child has demonstrated adequate performance in the opinion of an evaluator and documented in a report under section 299A.4, subsection 7, or the director of the department of education, or the director's designee, grants approval for competent private instruction to continue under a plan for remediation.

Sec. 12. 1991 Iowa Acts, chapter 201, section 2, is amended to read as follows:

SEC. 2. RULEMAKING. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules which shall be effective by January 1, 1992 1993, which require local school districts to immediately notify the parent, guardian, or legal custodian of a child in prekindergarten through sixth grade, who is the alleged victim of sexual abuse or who is a potential or actual witness in the investigation of an allegation of sexual abuse pursuant to a report initiated under section 280.17, that the child is being questioned as provided under section 280.17 and permit to be interviewed. The notice shall include the right of the child's parent, guardian, or legal custodian to be present during the questioning observe and hear the interview.

Sec. 13. HOME SCHOOL ASSISTANCE PROGRAM -- DEFINITION. The department of education shall develop, and the state board of education shall adopt, rules by September 1, 1992, which establish criteria for the maintenance of home school assistance programs by public school districts. In developing the criteria the department shall consider program offerings in districts which have created and maintained programs for a number of years that provide instruction or instructional supervision by teachers employed by the districts to parents, guardians, or legal custodians who are providing instruction to their children or wards in the districts.



Sec. 14. Sections 8 and 13 of this Act, being deemed of immediate importance, take effect upon enactment.

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ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2384, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved \_\_\_\_\_, 1992

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TERRY E. BRANSTAD  
Governor

**HF 2384**