

Senate File 138 - Introduced

SENATE FILE 138

BY McCOY

A BILL FOR

1 An Act relating to private instruction by adding a reporting
2 requirement and requiring school districts to conduct health
3 and safety visits for the protection of children placed
4 under competent private instruction or private instruction.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 299.4, subsection 1, Code 2017, is
2 amended to read as follows:

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

28 Sec. 2. Section 299A.3, Code 2017, is amended to read as
29 follows:

30 **299A.3 Private instruction by nonlicensed person.**

31 1. A parent, guardian, or legal custodian of a child of
32 compulsory attendance age providing private instruction to
33 the child shall complete and send, in a timely manner, the
34 report required under section 299.4 to the school district of
35 residence of the child.

1 2. A parent, guardian, or legal custodian of a child of
2 compulsory attendance age providing private instruction to the
3 child may meet all either of the following requirements:

4 ~~1. Complete and send, in a timely manner, the report~~
5 ~~required under section 299.4 to the school district of~~
6 ~~residence of the child.~~

7 ~~2. a.~~ Ensure that the child under the parent's, guardian's,
8 or legal custodian's instruction is evaluated annually to
9 determine whether the child is making adequate progress, as
10 defined in section 299A.6.

11 ~~3. b.~~ Ensure that the results of the child's annual
12 evaluation are reported to the school district of residence
13 of the child and to the department of education by a date not
14 later than June 30 of each year in which the child is under
15 private instruction.

16 Sec. 3. NEW SECTION. **299A.13 Health and safety visits.**

17 1. The board of directors of a school district shall
18 conduct quarterly home visits to check on the health and safety
19 of children located within the district who are receiving
20 competent private instruction or private instruction.

21 2. Home visits shall take place in the child's residence
22 with the consent of the parent, guardian, or legal custodian
23 and an interview or observation of the child may be conducted.
24 If permission to enter the home to interview or observe the
25 child is refused, the juvenile court or district court upon
26 a showing of probable cause may authorize the person making
27 the home visit to enter the home and interview or observe the
28 child.

29 3. The superintendent of the school district shall
30 designate a person to carry out the duties assigned to the
31 school district under this section. The person designated
32 shall be a mandatory reporter, as defined in section 232.69,
33 subsection 1. The school district may collaborate with the
34 department of human services, including the local, county, and
35 service area officers of the department, in conducting the home

1 visits required under this section.

2 4. The department of education, in collaboration with the
3 department of human services, shall provide guidelines to
4 school districts for implementation of this section.

5 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
6 with section 25B.2, subsection 3, the state cost of requiring
7 compliance with any state mandate included in this Act shall
8 be paid by a school district from state school foundation aid
9 received by the school district under section 257.16. This
10 specification of the payment of the state cost shall be deemed
11 to meet all of the state funding-related requirements of
12 section 25B.2, subsection 3, and no additional state funding
13 shall be necessary for the full implementation of this Act
14 by and enforcement of this Act against all affected school
15 districts.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill requires the parent, guardian, or legal custodian
20 who places a child in private instruction to submit the same
21 report to the school district of residence that is required for
22 a child placed in competent private instruction, and requires
23 school districts to conduct quarterly home visits to check
24 on the health and safety of children placed under competent
25 private instruction or private instruction.

26 The parent, guardian, or legal custodian placing a child
27 under private instruction must furnish, by September 1 of the
28 academic year to the school district of residence, in the form
29 and manner prescribed by the school, a report that includes the
30 name and age of the child, the period of time during which the
31 child has been or will be under private instruction for the
32 year, an outline of the course of study, texts used, and the
33 name and address of the instructor.

34 As currently required for persons filing reports for a child
35 placed in competent private instruction, the first time such

1 a report is filed by a person on behalf of a child placed in
2 private instruction, the person must also provide the district
3 with evidence that the child has had the immunizations required
4 under Code section 139A.8, and, if the child is elementary
5 school age, a blood lead test. The term "outline of course of
6 study" includes subjects covered, lesson plans, and time spent
7 on the areas of study.

8 The home visits shall take place in the child's residence
9 with the consent of the parent, guardian, or legal custodian
10 and an interview or observation of the child may be conducted.
11 If permission to enter the home to interview or observe the
12 child is refused, the juvenile court or district court upon
13 a showing of probable cause may authorize the person making
14 the home visit to enter the home and interview or observe the
15 child.

16 The superintendent of the school district shall designate a
17 person to carry out the duties assigned to the school district.
18 The person designated shall be a mandatory reporter of child
19 abuse. The school district may collaborate with the department
20 of human services, including the local, county, and service
21 area officers of the department. The department of education,
22 in collaboration with the department of human services, shall
23 provide guidelines to school districts for implementation of
24 the home visits for health and safety.

25 The bill may include a state mandate as defined in Code
26 section 25B.3. The bill requires that the state cost of
27 any state mandate included in the bill be paid by a school
28 district from state school foundation aid received by the
29 school district under Code section 257.16. The specification
30 is deemed to constitute state compliance with any state mandate
31 funding-related requirements of Code section 25B.2. The
32 inclusion of this specification is intended to reinstate the
33 requirement of political subdivisions to comply with any state
34 mandates included in the bill.