

House File 182 - Introduced

HOUSE FILE 182

BY MASCHER

A BILL FOR

1 An Act relating to private instruction.

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

1 Section 1. Section 256.42, subsections 1, 5, and 8, Code
2 2019, are amended to read as follows:

3 1. An Iowa learning online initiative is established
4 within the department to partner with school districts and
5 accredited nonpublic schools to provide distance education
6 to high school students statewide. The initiative may also
7 provide distance education to a student receiving ~~independent~~
8 ~~private instruction as defined in section 299A.1, subsection~~
9 ~~2, paragraph "b", competent private instruction under section~~
10 ~~299A.2, or private instruction by a nonlicensed person under~~
11 ~~section 299A.3~~ chapter 299A. The department shall utilize a
12 variety of content repositories, including those maintained
13 by the area education agencies and the public broadcasting
14 division, in administering the initiative.

15 5. Under the initiative, a student must be enrolled in
16 a participating school district or accredited nonpublic
17 school or be receiving private instruction under chapter 299A
18 ~~as described in subsection 1~~. For a student enrolled in a
19 participating school district or accredited nonpublic school,
20 the school district or school is responsible for recording
21 grades received for initiative coursework in a student's
22 permanent record, awarding high school credit for initiative
23 coursework, and issuing a high school diploma to a student
24 enrolled in the district or school who participates and
25 completes coursework under the initiative. Each participating
26 school shall identify a site coordinator to serve as a student
27 advocate and as a liaison between the initiative staff and
28 teachers and the school district or accredited nonpublic
29 school. The individual providing instruction to a student
30 under chapter 299A as described in subsection 1 shall receive
31 the student's score for completed initiative coursework.

32 8. The department shall establish fees payable by school
33 districts, accredited nonpublic schools, and ~~individuals~~
34 parents, guardians, or legal custodians providing instruction
35 to students under chapter 299A ~~as described in subsection 1,~~

1 for coursework offered under the initiative. Fees collected
2 pursuant to [this subsection](#) are appropriated to the department
3 to be used only for the purpose of administering [this section](#)
4 and shall be established so as not to exceed the cost of
5 administering [this section](#). Providing professional development
6 necessary to prepare teachers to participate in the initiative
7 shall be considered a cost of administering [this section](#).
8 Notwithstanding [section 8.33](#), fees collected by the department
9 that remain unencumbered or unobligated at the close of the
10 fiscal year shall not revert but shall remain available for
11 expenditure for the purpose of expanding coursework offered
12 under the initiative in subsequent fiscal years.

13 Sec. 2. Section 261E.8, subsection 2, Code 2019, is amended
14 to read as follows:

15 2. Students from accredited nonpublic schools and students
16 receiving competent private instruction ~~or independent private~~
17 ~~instruction~~ under [chapter 299A](#) may access the program through
18 the school district in which the accredited nonpublic school or
19 private institution is located.

20 Sec. 3. Section 299.1, subsection 1, Code 2019, is amended
21 to read as follows:

22 1. Except as provided in [section 299.2](#), the parent,
23 guardian, or legal or actual custodian of a child who is of
24 compulsory attendance age shall cause the child to attend some
25 public school or an accredited nonpublic school, or place
26 the child under competent private instruction ~~or independent~~
27 ~~private instruction~~ in accordance with the provisions of
28 chapter 299A, during a school year, as defined under section
29 279.10.

30 Sec. 4. Section 299.1B, Code 2019, is amended to read as
31 follows:

32 **299.1B Failure to attend — driver's license.**

33 A person who ~~is of compulsory attendance age who does~~
34 ~~not meet the requirements for an exception under section~~
35 ~~299.2, who~~ does not attend a public school or an accredited

1 nonpublic school, who is not receiving competent private
2 instruction ~~or independent private instruction~~ in accordance
3 with the provisions of [chapter 299A](#), and who does not attend
4 an alternative school or adult education classes, shall not
5 receive an intermediate or full driver's license until age
6 eighteen.

7 Sec. 5. Section 299.4, subsection 1, Code 2019, is amended
8 to read as follows:

9 1. The parent, guardian, or legal custodian of a child who
10 is of compulsory attendance age, who places the child under
11 competent private instruction under either [section 299A.2](#) or
12 [299A.3](#), not in an accredited school or a home school assistance
13 program operated by a school district or accredited nonpublic
14 school, shall furnish a report in duplicate on forms provided
15 by the public school district, to the district by September 1
16 of the school year in which the child will be under competent
17 private instruction. The secretary shall retain and file
18 one copy and forward the other copy to the district's area
19 education agency. The report shall state the name and age of
20 the child, the period of time during which the child has been
21 or will be under competent private instruction for the year,
22 an outline of the course of study, texts used, and the name
23 and address of the instructor. The parent, guardian, or legal
24 custodian of a child, who is placing the child under competent
25 private instruction for the first time, shall also provide the
26 district with evidence that the child has had the immunizations
27 required under [section 139A.8](#), and, if the child is elementary
28 school age, a blood lead test in accordance with section
29 135.105D. The term "*outline of course of study*" shall include
30 subjects covered, lesson plans, and time spent on the areas of
31 study.

32 Sec. 6. Section 299.6A, subsection 1, Code 2019, is amended
33 to read as follows:

34 1. In lieu of a criminal proceeding under [section 299.6](#),
35 a county attorney may bring a civil action against a parent,

1 guardian, or legal or actual custodian of a child who is of
2 compulsory attendance age, has not completed educational
3 requirements, and is truant, if the parent, guardian, or legal
4 or actual custodian has failed to cause the child to attend a
5 public school or an accredited nonpublic school, or to place
6 the child under competent private instruction ~~or independent~~
7 ~~private instruction~~ in the manner provided in [this chapter](#). If
8 the court finds that the parent, guardian, or legal or actual
9 custodian has failed to cause the child to attend as required
10 in [this section](#), the court shall assess a civil penalty of not
11 less than one hundred but not more than one thousand dollars
12 for each violation established.

13 Sec. 7. Section 299.8, Code 2019, is amended to read as
14 follows:

15 **299.8 "Truant" defined.**

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

26 Sec. 8. Section 299.11, subsection 1, Code 2019, is amended
27 to read as follows:

28 1. The truancy officer may take into custody without
29 warrant any apparently truant child and place the child
30 in the charge of the school principal, or the principal's
31 designee, designated by the board of directors of the school
32 district in which the child resides, or in the charge of any
33 nonpublic school or any authority providing competent private
34 instruction ~~or independent private instruction~~ as defined in
35 section 299A.1, designated by the parent, guardian, or legal

1 or actual custodian; but if it is other than a public school,
2 the instruction and maintenance of the child shall be without
3 expense to the school district. If a child is taken into
4 custody under **this section**, the truancy officer shall make
5 every reasonable attempt to immediately notify the parent,
6 guardian, or legal or actual custodian of the child's location.

7 Sec. 9. Section 299.12, subsection 2, Code 2019, is amended
8 to read as follows:

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

27 Sec. 10. Section 299A.1, Code 2019, is amended to read as
28 follows:

29 **299A.1 ~~Competent private~~ Private instruction and ~~independent~~**
30 **~~private instruction.~~**

31 1. The parent, guardian, or legal custodian of a child of
32 compulsory attendance age who places the child under private
33 instruction shall provide, unless otherwise exempted, competent
34 private instruction ~~or independent private instruction~~ in
35 accordance with **this chapter**. A parent, guardian, or legal

1 custodian of a child of compulsory attendance age who places
2 the child under private instruction which is not competent
3 private instruction ~~or independent private instruction,~~
4 or otherwise fails to comply with the requirements of this
5 chapter, is subject to the provisions of sections 299.1 through
6 299.4 and the penalties provided in [section 299.6](#).

7 2. For purposes of [this chapter](#) and [chapter 299](#):

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

16 *b. ~~"Independent private instruction"~~* means ~~instruction that~~
17 ~~meets the following criteria:~~

18 ~~(1) Is not accredited.~~

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

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

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

24 ~~(5) Provides enrolled students with instruction in~~
25 ~~mathematics, reading and language arts, science, and social~~
26 ~~studies.~~

27 ~~(6) Provides, upon written request from the superintendent~~
28 ~~of the school district in which the independent private~~
29 ~~instruction is provided, or from the director of the department~~
30 ~~of education, a report identifying the primary instructor,~~
31 ~~location, name of the authority responsible for the independent~~
32 ~~private instruction, and the names of the students enrolled.~~

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

35 ~~(8) Is exempt from all state statutes and administrative~~

1 ~~rules applicable to a school, a school board, or a school~~
2 ~~district, except as otherwise provided in [chapter 299](#) and this~~
3 ~~chapter.~~

4 ~~e.~~ b. "Private instruction" means instruction using a
5 plan and a course of study in a setting other than a public or
6 organized accredited nonpublic school.

7 Sec. 11. Section 299A.3, unnumbered paragraph 1, Code 2019,
8 is amended to read as follows:

9 A parent, guardian, or legal custodian of a child of
10 compulsory attendance age providing competent private
11 instruction to the child ~~may~~ shall meet all of the following
12 requirements:

13 Sec. 12. Section 299A.11, Code 2019, is amended to read as
14 follows:

15 **299A.11 Student records confidential.**

16 Notwithstanding any provision of law or rule to the
17 contrary, personal information in records regarding a child
18 receiving competent private instruction ~~or independent private~~
19 ~~instruction~~ pursuant to [this chapter](#), which are maintained,
20 created, collected, or assembled by or for a state agency,
21 shall be kept confidential in the same manner as personal
22 information in student records maintained, created, collected,
23 or assembled by or for a school corporation or educational
24 institution in accordance with [section 22.7, subsection 1](#).

25 Sec. 13. Section 321.178, subsection 1, paragraph c, Code
26 2019, is amended to read as follows:

27 *c.* Every public school district in Iowa shall offer
28 or make available to all students residing in the school
29 district, or Iowa students attending a nonpublic school or
30 receiving competent private instruction ~~or independent private~~
31 ~~instruction as defined in [section 299A.1](#)~~, in the district, an
32 approved course in driver education. The receiving district
33 shall be the school district responsible for making driver
34 education available to a student participating in open
35 enrollment under [section 282.18](#). The courses may be offered

1 at sites other than at the public school, including nonpublic
2 school facilities within the public school districts. An
3 approved course offered during the summer months, on Saturdays,
4 after regular school hours during the regular terms or partly
5 in one term or summer vacation period and partly in the
6 succeeding term or summer vacation period, as the case may
7 be, shall satisfy the requirements of [this section](#) to the
8 same extent as an approved course offered during the regular
9 school hours of the school term. A student who successfully
10 completes and obtains certification in an approved course in
11 driver education or an approved course in motorcycle education
12 may, upon proof of such fact, be excused from any field test
13 which the student would otherwise be required to take in
14 demonstrating the student's ability to operate a motor vehicle.
15 A student shall not be excused from any field test if a parent,
16 guardian, or instructor requests that a test be administered.
17 A final field test prior to a student's completion of an
18 approved course shall be administered by a person qualified
19 as a classroom driver education instructor and certified to
20 provide street and highway driving instruction. A person
21 qualified as a classroom driver education instructor but not
22 certified to provide street and highway driving instruction
23 may administer the final field test if accompanied by another
24 person qualified to provide street and highway driving
25 instruction.

26 Sec. 14. Section 321.180B, subsection 2, paragraph a, Code
27 2019, is amended to read as follows:

28 a. The department may issue an intermediate driver's
29 license to a person sixteen or seventeen years of age who
30 possesses an instruction permit issued under [subsection 1](#) or
31 a comparable instruction permit issued by another state for a
32 minimum of twelve months immediately preceding application,
33 and who presents an affidavit signed by a parent, guardian, or
34 custodian on a form to be provided by the department that the
35 permittee has accumulated a total of twenty hours of street

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

1 an intermediate license that does not include the six-month
2 restriction on unrelated minor passengers.

3 Sec. 15. REPEAL. Section 321.178A, Code 2019, is repealed.

4 EXPLANATION

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

7 This bill eliminates changes made relating to private
8 instruction, including independent private instruction and
9 driver education by a teaching parent, made in 2013 Iowa
10 Acts, chapter 121, divisions X, XII, and XIII, and modifies a
11 provision enacted in 2018 authorizing the Iowa learning online
12 initiative to provide distance learning to students receiving
13 private instruction.

14 Currently, the Iowa learning online initiative is authorized
15 to provide distance education to a student receiving
16 independent private instruction, competent private instruction,
17 or private instruction by a nonlicensed person, and is directed
18 to establish fees payable by the individual providing the
19 instruction. The bill modifies the provision to allow the
20 initiative to provide distance learning to students receiving
21 private instruction, with the fees to be established for and
22 paid by the parent, guardian, or legal custodian providing the
23 private instruction.

24 The bill requires that a parent, guardian, or legal
25 custodian of a child of compulsory attendance age placed under
26 competent private instruction by a parent, guardian, or legal
27 custodian submit to the school district of residence a report
28 that states the name and age of the child and the period of
29 time the child has been or will be under competent private
30 instruction and includes an outline of course study and texts
31 used, and the name and address of the instructor, and evidence
32 of immunization. The bill also requires the parent, guardian,
33 or legal custodian to ensure that the child is evaluated
34 annually, and to ensure that the results of the child's annual
35 evaluation are reported to the school districts.

1 The bill eliminates language that establishes an option for
2 independent private instruction under Code chapter 299A and
3 makes corresponding changes.

4 The bill modifies the definition of "competent private
5 instruction" to include instruction by or under the supervision
6 of a parent, guardian, or legal custodian.

7 The bill also repeals Code section 321.178A, which allows a
8 parent, guardian, or legal custodian who is providing competent
9 private instruction to a student to teach the student driver
10 education provided the parent, guardian, or legal custodian has
11 a valid driver's license that permits unaccompanied driving and
12 has a clear driving record for the previous two years.