

House File 37 - Introduced

HOUSE FILE 37

BY HUNTER

A BILL FOR

1 An Act relating to private instruction by adding reporting
2 requirements and requiring school districts to conduct
3 health and safety visits for children placed under competent
4 private instruction, independent private instruction, or
5 private instruction.

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

1 Section 1. Section 299.4, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. The parent, guardian, or legal custodian of a child who
4 is of compulsory attendance age, who places the child under
5 competent private instruction ~~under section 299A.2, independent~~
6 private instruction, or private instruction under chapter
7 299A, not in an accredited school or a home school assistance
8 program operated by a school district or accredited nonpublic
9 school, shall furnish to the school district of residence a
10 report in duplicate on forms provided in the form and manner
11 prescribed by the public school district, to the district by
12 September 1 of the school year in which the child will be under
13 competent private instruction, independent private instruction,
14 or private instruction. The secretary shall retain and file
15 one copy and forward the other copy to the district's area
16 education agency. The report shall state the name and age of
17 the child, the period of time during which the child has been
18 or will be under competent private instruction, independent
19 private instruction, or private instruction for the year, an
20 outline of the course of study, texts used, and the name and
21 address of the instructor. The parent, guardian, or legal
22 custodian of a child, who is placing the child under competent
23 private instruction, independent private instruction, or
24 private instruction for the first time, shall also provide the
25 district with evidence that the child has had the immunizations
26 required under [section 139A.8](#), and, if the child is elementary
27 school age, a blood lead test in accordance with section
28 135.105D. The term "*outline of course of study*" shall include
29 subjects covered, lesson plans, and time spent on the areas of
30 study.

31 Sec. 2. Section 299A.1, subsection 2, paragraph b,
32 subparagraph (6), Code 2021, is amended to read as follows:

33 (6) Provides, ~~upon written request from the superintendent~~
34 ~~of to the superintendent of the school district in which the~~
35 ~~independent private instruction is provided, or from the~~

1 ~~director of the department of education of residence of each~~
2 student enrolled, a report identifying the primary instructor,
3 location, name of the authority responsible for the independent
4 private instruction, and the names of the students enrolled.

5 Sec. 3. Section 299A.3, Code 2021, is amended to read as
6 follows:

7 **299A.3 Private instruction by nonlicensed person.**

8 1. A parent, guardian, or legal custodian of a child of
9 compulsory attendance age providing private instruction to
10 the child shall complete and send, in a timely manner, the
11 report required under section 299.4 to the school district of
12 residence of the child.

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

16 ~~1. Complete and send, in a timely manner, the report~~
17 ~~required under section 299.4 to the school district of~~
18 ~~residence of the child.~~

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

23 ~~3. b.~~ Ensure that the results of the child's annual
24 evaluation are reported to the school district of residence
25 of the child and to the department of education by a date not
26 later than June 30 of each year in which the child is under
27 private instruction.

28 Sec. 4. NEW SECTION. **299A.13 Health and safety visits.**

29 1. The board of directors of a school district shall
30 conduct quarterly home visits to check on the health and safety
31 of children located within the district who are receiving
32 competent private instruction, independent private instruction,
33 or private instruction.

34 2. Home visits shall take place in the child's residence
35 with the consent of the parent, guardian, or legal custodian

1 and an interview or observation of the child may be conducted.
2 If permission to enter the home to interview or observe the
3 child is refused, the juvenile court or district court upon
4 a showing of probable cause may authorize the person making
5 the home visit to enter the home and interview or observe the
6 child.

7 3. The superintendent of the school district shall
8 designate a person to carry out the duties assigned to the
9 school district under this section. The person designated
10 shall be a mandatory reporter, as defined in section 232.69,
11 subsection 1. The school district may collaborate with the
12 department of human services, including the local, county, and
13 service area officers of the department, in conducting the home
14 visits required under this section.

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

18 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
19 with section 25B.2, subsection 3, the state cost of requiring
20 compliance with any state mandate included in this Act shall
21 be paid by a school district from state school foundation aid
22 received by the school district under section 257.16. This
23 specification of the payment of the state cost shall be deemed
24 to meet all of the state funding-related requirements of
25 section 25B.2, subsection 3, and no additional state funding
26 shall be necessary for the full implementation of this Act
27 by and enforcement of this Act against all affected school
28 districts.

29

EXPLANATION

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

32 This bill requires the parent, guardian, or legal custodian
33 who places a child in independent private instruction or
34 private instruction to submit the same report to the school
35 district of residence that is required for a child placed in

1 competent private instruction, and requires school districts
2 to conduct quarterly home visits to check on the health and
3 safety of children placed under competent private instruction,
4 independent private instruction, or private instruction.

5 The parent, guardian, or legal custodian placing a child
6 under independent private instruction or private instruction
7 must, by September 1 of the academic year, furnish to the
8 school district of residence a report that includes the name
9 and age of the child, the period of time during which the child
10 has been or will be under private instruction for the year, an
11 outline of the course of study, and the name and address of the
12 instructor. The criteria for independent private instruction
13 is modified to require that a report be provided to each
14 student's school district of residence.

15 As currently required for persons filing reports for a child
16 placed in competent private instruction, the first time such
17 a report is filed by a person on behalf of a child placed in
18 independent private instruction or private instruction, the
19 person must also provide the district with evidence that the
20 child has had the immunizations required under Code section
21 139A.8, and, if the child is elementary school age, a blood
22 lead test. The term "outline of course of study" includes
23 subjects covered, lesson plans, and time spent on the areas of
24 study.

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

33 The superintendent of the school district shall designate a
34 person to carry out the duties assigned to the school district.
35 The person designated shall be a mandatory reporter of child

1 abuse. The department of education, in collaboration with
2 the department of human services, shall provide guidelines to
3 school districts for implementation of the home visits for
4 health and safety.

5 The bill may include a state mandate as defined in Code
6 section 25B.3. The bill requires that the state cost of
7 any state mandate included in the bill be paid by a school
8 district from state school foundation aid received by the
9 school district under Code section 257.16. The specification
10 is deemed to constitute state compliance with any state mandate
11 funding-related requirements of Code section 25B.2. The
12 inclusion of this specification is intended to reinstate the
13 requirement of political subdivisions to comply with any state
14 mandates included in the bill.