

Senate File 546 - Introduced

SENATE FILE 546
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1219)

A BILL FOR

1 An Act relating to private instruction and driver education.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.11, subsection 17, paragraph c,
2 subparagraph (3), Code 2021, is amended to read as follows:

3 (3) An online learning platform offered, subject to the
4 initial availability of federal funds, by the department in
5 collaboration with one or more area education agencies or in
6 partnership with school districts and accredited nonpublic
7 schools. The online learning platform may deliver distance
8 education to students, including students receiving ~~independent~~
9 ~~private instruction as defined in section 299A.1, subsection~~
10 ~~2, paragraph "b",~~ competent private instruction under ~~section~~
11 ~~299A.2, or private instruction by a nonlicensed person under~~
12 ~~section 299A.3~~ chapter 299A, provided such students register
13 with the school district of residence and the coursework
14 offered by the online learning platform is taught and
15 supervised by a teacher licensed under chapter 272 who has
16 online learning experience and the course content meets the
17 requirements established by rule pursuant to section 256.7,
18 subsection 32, paragraph "c". The department and the area
19 education agencies operating online learning programs pursuant
20 to section 273.16 shall coordinate to ensure the most effective
21 use of resources and delivery of services. Federal funds, if
22 available, may be used to offset what would otherwise be costs
23 to school districts for participation in the program.

24 Sec. 2. Section 273.16, subsection 1, Code 2021, is amended
25 to read as follows:

26 1. Subject to an appropriation of funds by the general
27 assembly for this purpose, the area education agencies
28 may offer, separately or in collaboration with other area
29 education agencies, or in partnership with school districts and
30 accredited nonpublic schools, to provide an online learning
31 program to deliver distance education to Iowa's secondary
32 students, including students receiving ~~independent private~~
33 ~~instruction as defined in section 299A.1, subsection 2,~~
34 ~~paragraph "b",~~ competent private instruction under ~~section~~
35 ~~299A.2, or private instruction by a nonlicensed person under~~

1 ~~section 299A.3~~ chapter 299A.

2 Sec. 3. Section 299A.1, subsection 1, Code 2021, is amended
3 to read as follows:

4 1. The parent, guardian, or legal custodian of a child
5 of compulsory attendance age ~~who places~~ may place the child
6 under ~~private instruction shall provide, unless otherwise~~
7 ~~exempted,~~ competent private instruction or independent
8 private instruction in accordance with this chapter. A
9 parent, guardian, or legal custodian of a child of compulsory
10 attendance age who places the child under private instruction
11 ~~which that~~ is not ~~competent private instruction or independent~~
12 ~~private instruction,~~ in compliance with this chapter, or
13 who otherwise fails to comply with the requirements of this
14 chapter, is subject to the provisions of sections 299.1 through
15 299.4 and the penalties provided in section 299.6.

16 Sec. 4. Section 299A.1, subsection 2, paragraph a, Code
17 2021, is amended to read as follows:

18 a. *"Competent private instruction"* means private either of
19 the following:

20 (1) Private instruction provided on a daily basis for at
21 least one hundred forty-eight days during a school year, to be
22 met by attendance for at least thirty-seven days each school
23 quarter, by or under the supervision of a licensed practitioner
24 in the manner provided under section 299A.2, which results in
25 the student making adequate progress.

26 (2) Private instruction provided by a parent, guardian, or
27 legal custodian under section 299A.3.

28 Sec. 5. Section 299A.1, subsection 2, paragraph b,
29 unnumbered paragraph 1, Code 2021, is amended to read as
30 follows:

31 *"Independent private instruction"* means private instruction
32 that meets the following criteria:

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

35 **299A.3 Private Competent private instruction by nonlicensed**

1 ~~person~~ parent, guardian, or legal custodian.

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

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

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

13 3. Ensure that the results of the child's annual evaluation
14 are reported to the school district of residence of the child
15 and to the department of education by a date not later than
16 ~~June 30~~ August 1 of each the year following the school year
17 in which the child ~~is~~ was under competent private instruction
18 pursuant to this section.

19 Sec. 7. Section 299A.4, subsection 1, Code 2021, is amended
20 to read as follows:

21 1. Each child of compulsory attendance age who is
22 receiving competent private instruction shall either be
23 evaluated annually by May ~~±~~ 31, using a nationally recognized
24 standardized achievement evaluation or other assessment tool
25 developed or recognized by the department of education and
26 chosen by the child's parent, guardian, or legal custodian from
27 a list of approved evaluations or assessment tools provided
28 by the department of education or be evaluated annually in
29 the manner provided in subsection 7. The department shall
30 provide information on the cost of and the administration time
31 required for each of the approved evaluations. The department
32 shall provide, as part of approval procedures for evaluations
33 to be used under this section, a mechanism which permits the
34 introduction and approval of new or alternate methods of
35 educational assessment which meet the requirements of this

1 chapter.

2 Sec. 8. Section 299A.6, Code 2021, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 2A. This section shall not be construed to
5 require or prohibit testing on any subject matter at intervals
6 more frequently or at grade levels other than those set forth
7 in section 256.7, subsection 21, paragraph "b", subparagraph
8 (2).

9 Sec. 9. Section 321.178, subsection 1, paragraph a,
10 subparagraph (4), Code 2021, is amended to read as follows:

11 (4) Instruction providing an awareness about sharing
12 the road with pedestrians, bicycles, and motorcycles. The
13 instruction course shall be first approved by the state
14 department of transportation. Instructional materials creating
15 an awareness about sharing the road with pedestrians, bicycles,
16 and motorcycles shall also be distributed during the course of
17 instruction.

18 Sec. 10. Section 321.178A, subsection 2, paragraph c, Code
19 2021, is amended to read as follows:

20 *c.* "Teaching parent" means a parent, guardian, or legal
21 custodian of a student who is currently providing ~~competent~~
22 private instruction to the student pursuant to ~~section 299A.2~~
23 ~~or 299A.3~~ chapter 299A and who provided such instruction to
24 the student during the previous year; who has a valid driver's
25 license, other than a motorized bicycle license or a temporary
26 restricted license, that permits unaccompanied driving; and
27 who has maintained a clear driving record for the previous two
28 years. For purposes of this paragraph, "clear driving record"
29 means the individual has not been identified as a candidate
30 for suspension or revocation of a driver's license under the
31 habitual violator or habitual offender provisions of the
32 department's regulations; is not subject to a driver's license
33 suspension, revocation, denial, cancellation, disqualification,
34 or bar; and has no record of a conviction for a moving traffic
35 violation determined to be the cause of a motor vehicle

1 accident.

2 Sec. 11. Section 321.178A, subsection 3, paragraph a,
3 subparagraphs (1), (2), (3), (4), (5), and (6), Code 2021, are
4 amended to read as follows:

5 (1) ~~Thirty clock hours of classroom instruction.~~

6 (2) ~~Forty~~ Thirty hours of street or highway driving
7 including ~~four~~ three hours of driving after sunset and before
8 sunrise while accompanied by ~~the~~ a teaching parent or a
9 person who is qualified to provide street or highway driving
10 instruction pursuant to section 321.178.

11 (3) ~~(2)~~ Four ~~hours of classroom instruction~~ Instruction
12 concerning substance abuse.

13 (4) ~~(3)~~ A minimum of twenty minutes of instruction
14 Instruction concerning railroad crossing safety.

15 (5) ~~(4)~~ Instruction relating to becoming an organ donor
16 under the revised uniform anatomical gift Act as provided in
17 chapter 142C.

18 (6) ~~(5)~~ Instruction providing an awareness about sharing
19 the road with pedestrians, bicycles, and motorcycles.

20 Sec. 12. Section 321.178A, subsection 3, paragraph b, Code
21 2021, is amended to read as follows:

22 b. The content of the course of instruction required under
23 this subsection shall be equivalent to that required under
24 section 321.178. However, reference and study materials,
25 physical classroom requirements, actual classroom hours and
26 minutes, and extra vehicle safety equipment required for
27 instruction under [section 321.178](#) shall not be required for the
28 course of instruction provided under [this section](#).

29 Sec. 13. Section 321.178A, subsection 4, paragraphs b, e,
30 and g, Code 2021, are amended to read as follows:

31 b. Documentation that the student is receiving ~~competent~~
32 private instruction under [section 299A.2](#) ~~or the name of~~
33 ~~the school district within which the student is receiving~~
34 ~~instruction under~~ [section 299A.3](#) chapter 299A.

35 e. Copies of written tests completed by the student or

1 lesser documentation as may be required by the department.

2 *g.* A log of completed street or highway driving instruction
3 including the dates when the lessons were conducted, ~~the~~
4 ~~student's and the teaching parent's name and initials noted~~
5 ~~next to each entry,~~ notes on driving activities including a
6 list of driving deficiencies and improvements, and the duration
7 of the driving time for each session.

8 Sec. 14. Section 321.178A, subsection 5, Code 2021, is
9 amended to read as follows:

10 5. *Intermediate license.* Any student who successfully
11 completes an approved course as provided in [this section](#),
12 passes a driving test to be administered by the department,
13 and is otherwise qualified under section 321.180B, subsection
14 2, shall be eligible for an intermediate license pursuant to
15 section 321.180B. Twenty of the ~~forty~~ thirty hours of street
16 or highway driving instruction required under [subsection 3](#),
17 paragraph "a", subparagraph ~~(2)~~ (1), may be used to satisfy the
18 requirement of [section 321.180B, subsection 2](#).

19 Sec. 15. Section 321.178A, Code 2021, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 7. *Applicability.* This section shall not
22 be construed to require a teaching parent to apply for or seek
23 approval of the department separate from the course completion
24 and certification requirements of subsection 4.

25 EXPLANATION

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

28 This bill relates to private instruction by parents,
29 guardians, and legal custodians and to driver education
30 provided by a teaching parent.

31 Currently, statute provides that a parent, guardian,
32 or legal custodian may place a child in competent private
33 instruction under a licensed practitioner; in independent
34 private instruction provided by an individual to not more
35 than four unrelated students; or private instruction by a

1 nonlicensed parent, guardian, or legal custodian.

2 "Competent private instruction" is defined in statute to
3 mean private instruction provided on a daily basis for at least
4 148 days during a school year, to be met by attendance for at
5 least 37 days each school quarter, by or under the supervision
6 of a licensed practitioner, which results in the student making
7 adequate progress.

8 Under the bill, private instruction by a parent, guardian,
9 or legal custodian is competent private instruction,
10 but remains exempt from certain reporting and assessment
11 requirements.

12 Currently, a parent, guardian, or legal custodian who
13 places a child in private instruction by a nonlicensed person
14 may ensure that the results of the child's annual evaluation
15 are reported to the school district of residence and to the
16 department of education by June 30, which the bill extends to
17 August 1 of the year following the school year in which the
18 child was under private instruction.

19 Currently, each child of compulsory attendance age who is
20 receiving competent private instruction shall be evaluated
21 annually by May 1, which the bill extends to May 31.

22 The bill modifies the Code section establishing requirements
23 and responsibilities when a child fails to make adequate
24 progress by providing that the Code section shall not be
25 construed to require or prohibit testing on any subject matter
26 at intervals more frequently or at grade levels other than
27 those set forth in Code section 256.7(21)(b)(2), which requires
28 annual assessments in mathematics and English language arts for
29 students enrolled in grades 3 through 11, and in science for
30 students enrolled in grades 5, 8, and 10.

31 Currently, "teaching parent" means a parent, guardian,
32 or legal custodian of a student who is currently providing
33 competent private instruction to the student, which the bill
34 amends to include the parent, guardian, or legal custodian of a
35 student receiving private instruction under Code chapter 299A.

1 Currently, an approved course administered by a teaching
2 parent must consist of 30 hours of classroom time, which the
3 bill eliminates; and 40 hours of street or highway driving,
4 which the bill reduces to 30 hours, and must include 4 hours
5 of driving after sunset and before sunrise, which the bill
6 reduces to 3 hours. The bill also eliminates the number of
7 instructional hours currently required concerning substance
8 abuse and railroad crossing safety, adds that regular driver
9 education instruction and instruction by a teaching parent must
10 include sharing the road with pedestrians, and provides that
11 actual classroom hours and minutes required for an approved
12 driver education course shall not be required for driver
13 education provided by a teaching parent.

14 Currently, the teaching parent must provide evidence
15 showing the student's completion of the requirements for an
16 intermediate license. The evidence includes documentation
17 that the student is receiving competent private instruction,
18 which under the bill includes documentation that the student
19 is receiving private instruction under Code chapter 299A, or
20 the name of the school district within which the student is
21 receiving instruction. Under the bill, the option to provide
22 the name of the school district is stricken. Evidence also
23 includes copies of written tests completed by the student,
24 and the bill adds that in place of these copies, the DOT
25 may require lesser documentation. The bill also strikes a
26 requirement that the student's and teaching parent's name and
27 initials be noted next to each entry on a log of completed
28 street or highway driving instruction.

29 The bill also provides that Code section 321.178A shall not
30 be construed to require a teaching parent to apply for or seek
31 approval of the DOT separate from the course completion and
32 certification established in the Code section.

33 The bill makes conforming changes.