

**281—31.2(299) Reports as to competent private instruction.**

**31.2(1) Reporting.** Subject to subrule 31.2(3), the parent, guardian, or legal or actual custodian of a child of compulsory attendance age who does not enroll the child in a public school or Iowa accredited nonpublic school or who is not obtaining independent private instruction for the child shall complete a report in duplicate on forms created by the department of education and provided by the resident public school district, indicating the parent, guardian, or legal or actual custodian's intent to provide or arrange for competent private instruction for the child for each school year. The report shall be filed with the school district by September 1 of the school year in which the child will be under competent private instruction.

*a.* The report shall include the following information:

- (1) The name and address of the parent, guardian, or legal or actual custodian reporting;
- (2) The name and birth date of the child;
- (3) An indication of the number of days of instruction, which must be a minimum of 148 days per academic year;
- (4) The name and address of the person or persons providing competent private instruction to the child and an indication of whether each such person is the holder of a valid Iowa practitioner license or teaching certificate appropriate to the age and grade level of the child being taught;
- (5) An outline of the courses of study, including subjects covered, lesson plans, and time spent on the areas of study;
- (6) The titles and authors or publishers of the texts to be used;
- (7) Evidence of immunization of the child or evidence of exemption, as required by law, if the child is being placed under competent private instruction for the first time and, if the child is younger than ten years of age, a blood lead test in accordance with Iowa Code section 135.105D. NOTE: Noncompliance with the blood lead test requirement shall not be considered a violation of compulsory attendance laws.

*b.* The report shall also seek the following information, which may be supplied by the person filing the report:

- (1) An indication of whether and to what extent dual enrollment of the child in the public school is desired;
- (2) An indication of whether the child is currently identified as a child requiring special education pursuant to the rules of special education;
- (3) An indication of which form of annual assessment, if applicable, is to be administered to the child and which test, if known, is desired.

**31.2(2) Late reporting.** If a parent, guardian, or legal or actual custodian decides, after enrolling a child of compulsory attendance age in a public or accredited nonpublic school and after the deadline for filing a report under subrule 31.2(1), to provide competent private instruction to the child, the parent, guardian, or legal or actual custodian shall file the required report completed as fully as possible no later than 14 calendar days and a fully completed report within 30 calendar days after removing the child from the public or accredited nonpublic school. Days of the child's attendance in the public or nonpublic school up to the time of removal shall be applied to the 148-day minimum compulsory attendance requirement for the school year affected.

**31.2(3) Reporting requirement option: private instruction exemption.** A parent, guardian, or legal or actual custodian of a child of compulsory attendance age providing competent private instruction to the child under Iowa Code section 299A.3 may meet, but is not required to meet, all of the following requirements:

*a.* Complete and send, in a timely manner, the report required under Iowa Code section 299.4 and this rule to the school district of residence of the child.

*b.* Ensure that the child under the parent's, guardian's, or legal or actual custodian's instruction is evaluated annually to determine whether the child is making adequate progress, as defined in Iowa Code section 299A.6 and this chapter.

*c.* Ensure that the results of the child's annual evaluation are reported to the school district of residence of the child and to the department of education by a date not later than August 1 of the year

following the school year in which the child is under competent private instruction, pursuant to this chapter.

**31.2(4)** *Reporting requirement option not available.*

*a.* The reporting requirement option provided in subrule 31.2(3) shall not be available to any parent, guardian, or legal or actual custodian who requests services from a school district or area education agency under this chapter, including but not limited to provision of instructional materials under subrule 31.5(4), assistance from a home school assistance program under subrule 31.5(5), dual enrollment under rule 281—31.6(299A), open enrollment under rule 281—31.7(299), or special education services under rule 281—31.10(299A). Parents who elect the reporting requirement option under subrule 31.2(3) and who request testing assistance under subrule 31.5(2) or an approved course in driver education under subrule 31.5(6) need not complete the form required by subrule 31.2(1), but must demonstrate that the child is receiving competent private instruction pursuant to this chapter.

*b.* Notwithstanding the reporting requirement option described in subrule 31.2(3), a parent, guardian, or legal or actual custodian of a child currently requiring special education must obtain approval pursuant to rule 281—31.10(299A) before providing competent private instruction, unless that rule provides otherwise.

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