

House File 215

H-1021

1 Amend House File 215 as follows:

2 1. Page 48, after line 20 by inserting:

3 <DIVISION _____
4 INDEPENDENT PRIVATE INSTRUCTION

5 Sec. _____. Section 261E.8, subsection 2, Code 2013,
6 is amended to read as follows:

7 2. Students from accredited nonpublic schools and
8 students receiving competent private instruction or
9 independent private instruction under chapter 299A may
10 access the program through the school district in which
11 the accredited nonpublic school or private institution
12 is located.

13 Sec. _____. Section 299.1, subsection 1, Code 2013,
14 is amended to read as follows:

15 1. Except as provided in section 299.2, the parent,
16 guardian, or legal or actual custodian of a child
17 who is of compulsory attendance age, shall cause the
18 child to attend some public school, or an accredited
19 nonpublic school, or place the child under competent
20 private instruction or independent private instruction
21 in accordance with the provisions of chapter 299A,
22 during a school year, as defined under section 279.10.

23 Sec. _____. Section 299.1B, Code 2013, is amended to
24 read as follows:

25 **299.1B Failure to attend — driver's license.**

26 A person who is of compulsory attendance age who
27 does not meet the requirements for an exception under
28 section 299.2, who does not attend a public school, or
29 an accredited nonpublic school, who is not receiving
30 competent private instruction or independent private
31 instruction in accordance with the provisions of
32 chapter 299A, and who does not attend an alternative
33 school, or adult education classes, shall not receive
34 an intermediate or full driver's license until age
35 eighteen.

36 Sec. _____. Section 299.6A, subsection 1, Code 2013,
37 is amended to read as follows:

38 1. In lieu of a criminal proceeding under section
39 299.6, a county attorney may bring a civil action
40 against a parent, guardian, or legal or actual
41 custodian of a child who is of compulsory attendance
42 age, has not completed educational requirements, and
43 is truant, if the parent, guardian, or legal or actual
44 custodian has failed to cause the child to attend a
45 public school, or an accredited nonpublic school, or
46 placed the child under competent private instruction or
47 independent private instruction in the manner provided
48 in this chapter. If the court finds that the parent,
49 guardian, or legal or actual custodian has failed to
50 cause the child to attend as required in this section,

1 the court shall assess a civil penalty of not less than
2 one hundred but not more than one thousand dollars for
3 each violation established.

4 Sec. _____. Section 299.8, Code 2013, is amended to
5 read as follows:

6 **299.8 "Truant" defined.**

7 Any child of compulsory attendance age who fails
8 to attend school as provided in this chapter, or as
9 required by the school board's or school governing
10 body's attendance policy, or who fails to attend
11 competent private instruction or independent private
12 instruction under chapter 299A, without reasonable
13 excuse for the absence, shall be deemed to be a truant.
14 A finding that a child is truant, however, shall not
15 by itself mean that the child is a child in need of
16 assistance within the meaning of chapter 232 and shall
17 not be the sole basis for a child in need of assistance
18 petition.

19 Sec. _____. Section 299.11, unnumbered paragraph 1,
20 Code 2013, is amended to read as follows:

21 The truancy officer may take into custody without
22 warrant any apparently truant child and place the
23 child in the charge of the school principal, or the
24 principal's designee, designated by the board of
25 directors of the school district in which the child
26 resides, or in the charge of any nonpublic school or
27 any authority providing competent private instruction
28 or independent private instruction as defined in
29 section 299A.1, designated by the parent, guardian, or
30 legal or actual custodian; but if it is other than a
31 public school, the instruction and maintenance of the
32 child shall be without expense to the school district.
33 If a child is taken into custody under this section,
34 the truancy officer shall make every reasonable attempt
35 to immediately notify the parent, guardian, or legal or
36 actual custodian of the child's location.

37 Sec. _____. Section 299.12, subsection 2, Code 2013,
38 is amended to read as follows:

39 2. This section is not applicable to a child
40 who is receiving competent private instruction or
41 independent private instruction in accordance with the
42 requirements of chapter 299A. If a child is not in
43 compliance with the attendance requirements established
44 under section 299.1, and has not completed educational
45 requirements through the sixth grade, and the school
46 has used every means available to assure the child
47 does attend, the school truancy officer shall contact
48 the child's parent, guardian, or legal or actual
49 custodian to participate in an attendance cooperation
50 meeting. The parties to the attendance cooperation

1 meeting may include the child and shall include the
2 child's parent, guardian, or legal or actual custodian
3 and the school truancy officer. The school truancy
4 officer contacting the participants in the attendance
5 cooperation meeting may invite other school officials,
6 a designee of the juvenile court, the county attorney
7 or the county attorney's designee, or other persons
8 deemed appropriate to participate in the attendance
9 cooperation meeting.

10 Sec. _____. Section 299A.1, Code 2013, is amended to
11 read as follows:

12 **299A.1 Private Competent private instruction and**
13 **independent private instruction.**

14 1. The parent, guardian, or legal custodian of
15 a child of compulsory attendance age who places the
16 child under private instruction shall provide, unless
17 otherwise exempted, competent private instruction or
18 independent private instruction in accordance with this
19 chapter. A parent, guardian, or legal custodian of
20 a child of compulsory attendance age who places the
21 child under private instruction which is not competent
22 private instruction or independent private instruction,
23 or otherwise fails to comply with the requirements of
24 this chapter, is subject to the provisions of sections
25 299.1 through 299.4 and the penalties provided in
26 section 299.6.

27 2. For purposes of this chapter, ~~"competent and~~
28 chapter 299:

29 a. "Competent private instruction" means private
30 instruction provided on a daily basis for at least
31 one hundred forty-eight days during a school year, to
32 be met by attendance for at least thirty-seven days
33 each school quarter, by or under the supervision of
34 a licensed practitioner in the manner provided under
35 section 299A.2, or other person under section 299A.3,
36 which results in the student making adequate progress.

37 ~~For purposes of this chapter and chapter 299,~~
38 ~~"private instruction"~~

39 b. "Independent private instruction" means
40 instruction that meets the following criteria:

- 41 (1) Is not accredited.
- 42 (2) Enrolls not more than four unrelated students.
- 43 (3) Does not charge tuition, fees, or other
44 remuneration for instruction.
- 45 (4) Provides private or religious-based instruction
46 as its primary purpose.
- 47 (5) Provides enrolled students with instruction in
48 mathematics, reading and language arts, science, and
49 social studies.
- 50 (6) Provides, upon written request from the

1 superintendent of the school district in which the
2 independent private instruction is provided, or from
3 the director of the department of education, a report
4 identifying the primary instructor, location, name of
5 the authority responsible for the independent private
6 instruction, and the names of the students enrolled.

7 (7) Is not a nonpublic school and does not provide
8 competent private instruction as defined in this
9 subsection.

10 (8) Is exempt from all state statutes and
11 administrative rules applicable to a school, a school
12 board, or a school district, except as otherwise
13 provided in chapter 299 and this chapter.

14 c. "Private instruction" means instruction using a
15 plan and a course of study in a setting other than a
16 public or organized accredited nonpublic school.

17 Sec. _____. Section 299A.11, Code 2013, is amended to
18 read as follows:

19 **299A.11 Student records confidential.**

20 Notwithstanding any provision of law or rule to the
21 contrary, personal information in records regarding
22 a child receiving competent private instruction or
23 independent private instruction pursuant to this
24 chapter, which are maintained, created, collected,
25 or assembled by or for a state agency, shall be kept
26 confidential in the same manner as personal information
27 in student records maintained, created, collected, or
28 assembled by or for a school corporation or educational
29 institution in accordance with section 22.7, subsection
30 1.

31 Sec. _____. Section 321.178, subsection 1, paragraph
32 c, Code 2013, is amended to read as follows:

33 c. Every public school district in Iowa shall offer
34 or make available to all students residing in the
35 school district, or Iowa students attending a nonpublic
36 school or receiving competent private instruction
37 or independent private instruction as defined in
38 section 299A.1, in the district, an approved course
39 in driver education. The receiving district shall
40 be the school district responsible for making driver
41 education available to a student participating in
42 open enrollment under section 282.18. The courses may
43 be offered at sites other than at the public school,
44 including nonpublic school facilities within the public
45 school districts. An approved course offered during
46 the summer months, on Saturdays, after regular school
47 hours during the regular terms or partly in one term
48 or summer vacation period and partly in the succeeding
49 term or summer vacation period, as the case may be,
50 shall satisfy the requirements of this section to the

1 same extent as an approved course offered during the
2 regular school hours of the school term. A student who
3 successfully completes and obtains certification in
4 an approved course in driver education or an approved
5 course in motorcycle education may, upon proof of such
6 fact, be excused from any field test which the student
7 would otherwise be required to take in demonstrating
8 the student's ability to operate a motor vehicle. A
9 student shall not be excused from any field test if a
10 parent, guardian, or instructor requests that a test be
11 administered. A final field test prior to a student's
12 completion of an approved course shall be administered
13 by a person qualified as a classroom driver education
14 instructor and certified to provide street and highway
15 driving instruction. A person qualified as a classroom
16 driver education instructor but not certified to
17 provide street and highway driving instruction may
18 administer the final field test if accompanied by
19 another person qualified to provide street and highway
20 driving instruction.>

21 2. Title page, line 5, after <schools;> by
22 inserting <providing for independent private
23 instruction for students;>

24 3. By renumbering as necessary.

DOLECHECK of Ringgold