

**Senate Study Bill 1219 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON SINCLAIR)

**A BILL FOR**

1 An Act relating to private instruction and driver education  
2 provided by a teaching parent.  
3 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 31 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 321.178A, subsection 2, paragraphs a and c,  
10 Code 2021, are amended to read as follows:

11 a. "Approved course" means a driver education course  
12 that meets the requirements of section 321.178, subsection  
13 1, paragraph "a", or a driver education curriculum approved  
14 by the department pursuant to rules adopted under chapter  
15 17A. An approved course or curriculum shall, at a minimum,  
16 meet the requirements of subsection 3 and be appropriate for  
17 teaching-parent-directed driver education and related street or  
18 highway instruction. Driver education materials that meet or  
19 exceed standards established by the department for an approved  
20 course in driver education for a public or private school shall  
21 be approved unless otherwise determined by the department. The  
22 list of approved courses and curricula shall be posted on the  
23 department's internet site.

24 c. "Teaching parent" means a parent, guardian, or legal  
25 custodian of a student who is currently providing ~~competent~~  
26 private instruction to the student pursuant to ~~section 299A.2~~  
27 ~~or 299A.3~~ chapter 299A and who provided such instruction to  
28 the student during the previous year; who has a valid driver's  
29 license, other than a motorized bicycle license or a temporary  
30 restricted license, that permits unaccompanied driving; and  
31 who has maintained a clear driving record for the previous two  
32 years. For purposes of this paragraph, "clear driving record"  
33 means the individual has not been identified as a candidate  
34 for suspension or revocation of a driver's license under the  
35 habitual violator or habitual offender provisions of the

1 department's regulations; is not subject to a driver's license  
2 suspension, revocation, denial, cancellation, disqualification,  
3 or bar; and has no record of a conviction for a moving traffic  
4 violation determined to be the cause of a motor vehicle  
5 accident.

6 Sec. 10. Section 321.178A, subsection 3, paragraph a,  
7 subparagraphs (1), (2), (3), (4), (5), and (6), Code 2021, are  
8 amended to read as follows:

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

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

15 ~~(3) (2) Four hours of classroom instruction~~ Instruction  
16 concerning substance abuse.

17 ~~(4) (3) A minimum of twenty minutes of instruction~~  
18 Instruction concerning railroad crossing safety.

19 ~~(5) (4)~~ (4) Instruction relating to becoming an organ donor  
20 under the revised uniform anatomical gift Act as provided in  
21 chapter 142C.

22 ~~(6) (5)~~ (5) Instruction providing an awareness about sharing  
23 the road with pedestrians, bicycles, and motorcycles.

24 Sec. 11. Section 321.178A, subsection 3, paragraph b, Code  
25 2021, is amended to read as follows:

26 *b.* The content of the course of instruction required under  
27 this subsection shall be equivalent to that required under  
28 section 321.178. However, reference and study materials,  
29 physical classroom requirements, actual classroom hours and  
30 minutes, and extra vehicle safety equipment required for  
31 instruction under section 321.178 shall not be required for the  
32 course of instruction provided under this section.

33 Sec. 12. Section 321.178A, subsection 4, paragraphs b, e,  
34 and g, Code 2021, are amended to read as follows:

35 *b.* Documentation that the student is receiving ~~competent~~

1 private instruction under ~~section 299A.2~~ or the name of  
2 the school district within which the student is receiving  
3 instruction under ~~section 299A.3~~ chapter 299A.

4 e. Copies of written tests completed by the student or  
5 lesser documentation as may be required by the department.

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

12 Sec. 13. Section 321.178A, subsection 5, Code 2021, is  
13 amended to read as follows:

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

23 Sec. 14. Section 321.178A, Code 2021, is amended by adding  
24 the following new subsection:

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

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 relates to private instruction by parents,  
33 guardians, and legal custodians and to driver education  
34 provided by a teaching parent.

35 Currently, statute provides that a parent, guardian,

1 or legal custodian may place a child in competent private  
2 instruction under a licensed practitioner; in independent  
3 private instruction provided by an individual to not more  
4 than four unrelated students; or private instruction by a  
5 nonlicensed parent, guardian, or legal custodian.

6 "Competent private instruction" is defined in statute to  
7 mean private instruction provided on a daily basis for at least  
8 148 days during a school year, to be met by attendance for at  
9 least 37 days each school quarter, by or under the supervision  
10 of a licensed practitioner, which results in the student making  
11 adequate progress.

12 Under the bill, private instruction by a parent, guardian,  
13 or legal custodian is competent private instruction,  
14 but remains exempt from certain reporting and assessment  
15 requirements.

16 Currently, a parent, guardian, or legal custodian who  
17 places a child in private instruction by a nonlicensed person  
18 may ensure that the results of the child's annual evaluation  
19 are reported to the school district of residence and to the  
20 department of education by June 30, which the bill extends to  
21 August 31 of the year following the school year in which the  
22 child was under private instruction.

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

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

35 Currently, for purposes of driver education provided by a



1 teaching parent under Code section 321.178A, "approved course"  
2 means driver education curriculum approved by the department of  
3 transportation (DOT). The bill modifies the definition to add  
4 that the course may also mean a course that meets the classroom  
5 instruction requirements of Code section 321.178(1)(a), set  
6 forth by the DOT for students who are receiving instruction  
7 from a person licensed by the board of educational examiners.  
8 The bill requires the DOT to list the approved curricula on the  
9 DOT's internet site.

10 Currently, "teaching parent" means a parent, guardian,  
11 or legal custodian of a student who is currently providing  
12 competent private instruction to the student, which the bill  
13 amends to include the parent, guardian, or legal custodian of a  
14 student receiving private instruction under Code chapter 299A.

15 Currently, an approved course administered by a teaching  
16 parent must consist of 30 hours of classroom time, which the  
17 bill eliminates; and 40 hours of street or highway driving,  
18 which the bill reduces to 30 hours, and must include 4 hours  
19 of driving after sunset and before sunrise, which the bill  
20 reduces to 3 hours. The bill also eliminates the number of  
21 instructional hours currently required concerning substance  
22 abuse and railroad crossing safety, adds that instruction must  
23 be provided relating to sharing the road with pedestrians, and  
24 provides that actual classroom hours and minutes required for  
25 an approved driver education course shall not be required for  
26 driver education provided by a teaching parent.

27 Currently, the teaching parent must provide evidence  
28 showing the student's completion of the requirements for an  
29 intermediate license. The evidence includes documentation  
30 that the student is receiving competent private instruction,  
31 which under the bill includes documentation that the student  
32 is receiving private instruction under Code chapter 299A, or  
33 the name of the school district within which the student is  
34 receiving instruction. Under the bill, the option to provide  
35 the name of the school district is stricken. Evidence also

1 includes copies of written tests completed by the student,  
2 and the bill adds that in place of these copies, the DOT  
3 may require lesser documentation. The bill also strikes a  
4 requirement that the student's and teaching parent's name and  
5 initials be noted next to each entry on a log of completed  
6 street or highway driving instruction.

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

11 The bill makes conforming changes.