

COMPETENT PRIVATE INSTRUCTION (HOME SCHOOLED)

In the event a child of compulsory attendance age, over age six (6) and under age sixteen (16), does not attend public school or an accredited nonpublic school, the child must receive competent private instruction.

Private instruction can take the form of competent private instruction and independent private instruction. The Iowa Department of Education recognizes three options for delivery of this form of instruction: two options for delivery of competent private instruction and one option for independent private instruction.

Competent private instruction means private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, which results in the student making adequate progress. Competent private instruction is provided by or under the supervision of a licensed practitioner or by other individuals identified in law.

A parent choosing competent private instruction for a student must notify the school district prior to the first day of school on forms provided by the school district. The forms are available at the Education Service Center. One copy of the completed forms will be kept by the school district and another copy will be forwarded to the area education agency.

The superintendent or designee will determine whether the completed form is in compliance with the law. Specifically, the superintendent will determine whether the individual providing the instruction is either the student's parent, guardian, legal custodian or an Iowa licensed practitioner; whether the licensed practitioner's license is appropriate for the age and grade level of the student; that the student is being instructed a minimum of one hundred and forty-eight (148) days per year; that immunization evidence is provided for students placed under competent private instruction for the first time and that the report is timely filed.

The school district shall report noncompliance with the reporting, immunization, attendance, instructor qualifications, and assessment requirements of the compulsory attendance law to the county attorney of the county of residence of the student's parent, guardian, or custodian.

Students receiving competent private instruction are eligible to request open enrollment to another school district. Prior to the request for open enrollment, the student shall request dual enrollment in the resident district. The receiving district shall not bill the resident district unless the receiving district complies with the reporting requirements. If the parent, guardian or custodian fails to comply with the compulsory attendance requirements, the receiving district shall notify the resident district. The resident district shall then report the noncompliance to the county attorney of the county of residence of the parent, guardian, or custodian.

Students receiving competent private instruction from a parent, guardian or legal custodian must be evaluated annually by May 1, unless such person is properly

licensed. The parent, guardian or legal custodian may choose either a standardized test approved by the Iowa Department of Education or a portfolio evaluation. If the parent, guardian or legal custodian chooses standardized testing and the student is dual enrolled, the school district shall pay for the cost of the standardized test and the administration of the standardized test. If the student is not dual enrolled, the parent, guardian or legal custodian shall reimburse the school district for the cost of the standardized test. If a parent, guardian or legal custodian of a student receiving competent private instruction chooses portfolio assessment as the means of annual assessment, the portfolio evaluator must be approved by the superintendent. Portfolio evaluators must hold a valid Iowa practitioner's license or teacher certificate appropriate to the ages and grade levels of the children whose portfolios are being assessed. No annual evaluation is required for students receiving competent private instruction from an appropriately licensed or certified Iowa practitioner or supervised by an appropriately licensed or certified Iowa practitioner.

Upon the request of a parent, guardian or legal custodian of a student receiving competent private instruction, or upon referral of a licensed practitioner who provides instruction or instructional supervision of a student under competent private instruction, the school district shall refer a student who may require special education to the area education agency, Division of Special Education, for evaluation.

Students in competent private instruction must make adequate progress. Adequate progress includes scoring at the thirtieth (30th) percentile on a standardized test or a report by the portfolio evaluator indicating adequate progress. Students who fail to make adequate progress under competent private instruction provided by the student's parent, guardian or legal custodian shall attend an accredited public or nonpublic school beginning the next school year. The parent, guardian or legal custodian of a student who fails to make adequate progress may apply to the director of the Department of Education for approval of continued competent private instruction under a remediation plan.

The remediation plan shall be for no more than one year. Before the beginning of the school year, the student may be retested, and, if the student achieves adequate progress, the student may remain in competent private instruction.

Elementary and middle students on competent private instruction may request placement within the District. Final grade placement will be determined by the principal through review of the student's performance and achievement levels. Secondary students on competent private instruction may request midterm and final examinations for the courses for which they wish District credit. Passing or failing to pass with the designated achievement shall be determined by the appropriate department personnel and the principal.

Legal Ref.: Iowa Code §§ 299, 299A.
281 I.A.C. 31.

Cross Ref.: 501.12 State-Enacted Open Enrollment Program
502.1 Dual Enrollment
502.2-R Transfer Credit/Enrollment
509.0 Attendance and Tardy Policy
602.3 Acceleration
603.31 Competent Private Instruction Credits, Grades, and Graduation for the Home Schooled

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