**ISFIS Policy Booster: Independent and Competent Private Instruction Update**

October 11, 2018

We recommend you change the title of your policy from Competent Private Instruction to Independent and Competent Private Instruction as our sample policy 513A shows in the attached. Although we sent out this Policy Booster in 2016, we neglected to correct the title. We also want to remind you of district/DE authority to request information about students in independent private instruction, underlined below.

**Independent and Competent Private Instruction Policy Update**

[HF 215, Education Reform](https://www.legis.iowa.gov/DOCS/IowaActs/85/1/pdf/Chapter_0121.pdf), Division XII, enacted requirements regarding testing and reporting of student progress for students that are homeschooled, termed competent private instruction and now also termed independent private instruction under certain circumstances.

What used to be a mandate for annual testing is now permissive; parents of students served in these environments may opt into testing, but are not required to participate. The law also established the authority for a local school superintendent or the DE director to request information concerning the identity of the primary instructor, location, name of the authority responsible for the independent instruction, and names of students enrolled.

The attached sample policy booster provides two new sub policies under the attendance area of the ISFIS sample policy manual. They speak to expectations regarding notice deadlines, participation in dual enrollment (extracurricular and academic activities), responsibility for adequate yearly progress, details of reporting information if requested, the provision of optional assessments at no cost to the parent, and special education referrals to the Area Education Agency for evaluation. Also check your compulsory attendance policy to reference independent private instruction (513).

The law did not specifically mandate such a policy, but in this area of communicating with parents of students outside of the traditional school delivery system, policy may help clarify roles and establish clear authority and expectations.

Additional information from DE on competent or independent private instruction:

* [Private Instruction Handbook 2015-2016](https://www.educateiowa.gov/documents/options-educational-choice/2015/05/private-instruction-handbook-2015-2016)
* [Private Instruction Comparison Chart 2015-2016](https://www.educateiowa.gov/documents/options-educational-choice/2015/05/private-instruction-comparison-chart-2015-2016)
* [Form A 2015-2016](https://www.educateiowa.gov/documents/options-educational-choice/2015/05/form-2015-2016)
* [Annual Assessment Notification Sample Letter 2015-2016](https://www.educateiowa.gov/documents/options-educational-choice/2015/05/annual-assessment-notification-sample-letter-2015-2016)
* [Acceptable Tests for Baseline and Annual Assessment Option  2015-201](https://www.educateiowa.gov/documents/options-educational-choice/2015/05/acceptable-tests-baseline-and-annual-assessment-option)6

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***The “dot your I’s and cross your T’s” disclaimer:*** *This Policy Booster is not a substitute for legal advice, but rather, the impetus to get the local ball rolling. Check with your local school attorney and consider the impact this policy will have on other policies, handbooks, bargaining agreements, administrative procedures and forms in the district.*

Code No. 513

COMPULSORY ATTENDANCE

Parent/guardians within the school District who have children over age six (6) and under age sixteen (16) by September 15, in proper physical and mental condition to attend school, will have the children attend the school District at the attendance center designated by the Board.

Students will attend school the number of days school is in session in accordance with the school calendar.  Students of compulsory attendance age will attend school a minimum of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (\_\_\_\_) days.  Students of compulsory attendance age, students over age six (6) and under age sixteen (16) on September 15, may not attend the minimum days only if the student falls into one of the following exemptions:

1. has completed the requirements for graduation in an accredited school or has obtained a high school equivalency diploma;
2. is attending religious services or receiving religious instruction;
3. is attending an approved or probationally approved private college preparatory school;
4. is attending an accredited nonpublic school;
5. is receiving competent private instruction; or
6. is subject to the Attendance Cooperation Process.

It is the responsibility of the parent/guardian of a child to provide evidence of the child's mental and physical inability to attend school or of the child's qualifications for one of the exceptions listed above.

The truancy officer, principal or other school official will investigate the cause for a student's truancy.  If the truancy officer, principal or other school official is unable to secure the truant student's attendance, the truancy officer, principal or other school official should discuss the next step with the school Board.  If after school Board action, the student is still truant, the truancy officer, principal or other school official will refer the matter over to the county attorney for students of compulsory attendance age. Truant students who have not yet completed sixth grade will be subject to the Attendance Cooperation Process outlined in the supporting administrative regulation.

The school will participate in mediation if requested by the county attorney.  The superintendent will represent the school District in mediation.  The school District will monitor the student's compliance with the mediation agreement and will report violations of the mediation agreement to the county attorney.

Code No. 513A

INDEPENDENT AND COMPETENT PRIVATE INSTRUCTION

In the event a child of compulsory attendance age does not attend public school or an accredited non-public school, the child must receive competent private instruction or independent private instruction.

A parent choosing competent private instruction for a student by or under the supervision of a licensed practitioner, competent private instruction for a student by a non-licensed individual or independent private instruction must meet the requirements outlined under Iowa law.

A parent choosing competent private instruction for a student by or under the supervision of a licensed practitioner shall notify the District prior to the first day of school on forms provided by the district. The forms are available in the central administration office. One copy of the completed forms will be kept by the district and another copy will be forwarded to the appropriate Area Education Agency.

A parent choosing competent private instruction for a student by a non-licensed individual may notify the District prior to the first day of school on forms provided by the district. The forms are available in the central administration office. One copy of the completed forms will be kept by the district and another copy will be forwarded to the appropriate Area Education Agency.

A parent choosing independent private instruction for a student may be asked to provide a report identifying the primary instructor, location, name of the authority responsible for the independent instruction, and the names of the students enrolled to the district.

The superintendent or superintendent’s designee will determine whether the completed form or report is in compliance with the law. The district shall report non-compliance 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 or independent private instruction are eligible to request open enrollment to another 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 non-compliance to the county attorney of the county of residence of the parent, guardian, or custodian.

Students receiving competent private instruction by or under the supervision of a licensed practitioner must make adequate progress. Students receiving competent private instruction by or under the supervision of a licensed practitioner shall be monitored for progress by the supervising teacher. Students receiving competent private instruction by or under the supervision of a licensed practitioner may be assessed annually. The district will provide any optional assessments at no cost.

Students receiving competent private instruction by a non-licensed individual must make adequate progress. Students receiving competent private instruction by a non-licensed individual shall be evaluated annually by the parent, guardian or legal custodian to ensure adequate progress is being made. Students receiving competent private instruction from a non-licensed individual may be assessed annually. The district will provide any optional assessments at no cost.

Students receiving competent private instruction by or under the supervision of a licensed practitioner and students receiving competent private instruction from a non-licensed individual may dual enroll with the district. Students receiving individual private instruction may not dual enroll with the district.

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 district shall refer a student who may require special education to the appropriate Area Education Agency, Division of Special Education, for evaluation.

Code No. 513B

DUAL ENROLLMENT

The parent, guardian, or custodian of a student receiving competent private instruction by or under the supervision of a licensed practitioner or by a non-licensed individual may also enroll the student in the district. The student shall be considered under dual enrollment. The parent, guardian or custodian requesting dual enrollment for the student should notify the superintendent prior to October 1st each year on forms provided by the Iowa Department of Education. On the form, the parent, guardian or custodian shall indicate the extracurricular and academic activities in which the student is interested in participating. The forms are available at the central administration office.

A dual enrollment student is eligible to participate in the district's extracurricular and academic activities in the same manner as other students enrolled in the District. The policies and administrative rules of the District shall apply to the dual enrollment students in the same manner as the other students enrolled in the District. These policies and administrative rules shall include, but not be limited to, athletic eligibility requirements, the good conduct rule, academic eligibility requirements, and payment of the fees required for participation.