

## Frequently Asked Questions

### Private Instruction

1. **What is private instruction?**

Private instruction means instruction using a plan and a course of study in a setting other than a public or organized accredited nonpublic school. Iowa Code section 299A.1 (2) (c). It includes competent private instruction (by a licensed practitioner or a nonlicensed person), independent private instruction, home school assistance programs, and non-accredited nonpublic schools.

### Competent Private Instruction (CPI)

2. **What is competent 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, by or under the supervision of a licensed practitioner in the manner provided under Iowa Code section 299A.2 and this chapter, or other person under Iowa Code section 299A.3 and this chapter, which results in the student making adequate progress. The CPI category includes home schooled children who are not enrolled in independent private instruction and those in non-accredited nonpublic “schools.” 281-IAC chapter 31.

3. **May any child receive CPI?**

Generally, yes. There are two options for a parent, guardian, or legal or actual custodian who wants to enroll a child under CPI in Iowa. The **Option 1** is to enroll the child under private instruction under the supervision of a **licensed practitioner** in a manner provided under Iowa Code section 299A.2. The **Option 2** is to enroll the child under private instruction by a **non-licensed person** as provided under Iowa Code section 299A.3.

4. **How do I enroll my child in CPI under Option 1?**

#### Option 1: Private Instruction under the supervision of a licensed practitioner

Under Option 1 a parent, guardian, or legal or actual custodian simply completes the report of Competent Private Instruction (Form A – available from district of residence) and returns it to the resident district by **September 1** or within 14 days of commencing CPI.

**NOTE**, however, if a child has been identified as requiring special education programs or services, prior written approval must be obtained from the special education director of the Area Education Agency (AEA) in which the child resides before the child may be home schooled or enrolled in a non-accredited nonpublic “school.” This consent is not required if the parent, guardian, legal, or actual custodian does not consent to initial evaluation or to reevaluation of the child for receipt of special education services or programs. Iowa Code sections 299.4, 299A.9; 281-IAC rules 31.5(1) (f), 31.10.

5. **Where can a parent, guardian, or legal or actual custodian choosing to provide CPI under Option 1 find an Iowa licensed teacher to provide supervision and/or instruction?**

The parent, guardian, or legal or actual custodian may start with the local district, which might have a home school assistance program (HSAP) or know of teachers willing to work with CPI students. The parent, guardian, or legal or actual custodian may also contact [www.homeschooliowa.org](http://www.homeschooliowa.org)<sup>1</sup> or email [referrals@homeschooliowa.org](mailto:referrals@homeschooliowa.org) for assistance.

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<sup>1</sup> The Iowa Department of Education does not endorse any single home schooling organization. We make this website known as a resource because it offers a teacher referral service for homeschooling families.

6. **How do I enroll my child in CPI under Option 2?**

**Option 2: Private Instruction by a non-licensed person**

Under Option 2 a parent, guardian, or legal or actual custodian **may meet, but is not required to meet**, all of the following requirements:

- a. Complete the report of Competent Private Instruction (Form A-available from the district of residence and found on pages 20-21 of this handbook) and return it to the resident district by September 1 or within 14 days of commencing CPI. (Iowa Code section 299.4)
- b. Ensure that the child under the parent's, guardian's, or legal 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 June 30 of each year in which the child is under competent private instruction.

A parent, guardian, or legal or actual custodian who chooses Option 2 with no reporting is utilizing the "private instruction exemption", and by doing so relinquishes the ability to dual enroll for academics, extracurricular activities, or special education services. Dual enrollment requires compliance with the reporting requirements of Iowa Code section 299.4 and the assessment requirements of 299A.4. A parent who dual enrolls for academics, athletics, or special education services relinquishes the option to utilize the private instruction exemption, and must complete Form A.

**A parent, guardian, or legal or actual custodian who chooses Option 2 and chooses not to report to the district (i.e., uses the private instruction exemption) may wish to provide the district notice of the decision to use the private instruction exemption. Doing so will create a presumption that a child of compulsory attendance age is in compliance with the compulsory attendance requirements of Iowa Code chapter 299.**

**NOTE**, however, if a child has been identified as requiring special education programs or services, prior written approval must be obtained from the special education director of the Area Education Agency (AEA) in which the child resides before the child may be home schooled or enrolled in a non-accredited nonpublic "school." This consent is not required if the parent, guardian, legal, or actual custodian does not consent to initial evaluation or to reevaluation of the child for receipt of special education services or programs. Iowa Code sections 299.4, 299A.9; 281-IAC rules 31.5(f), 31.10.

7. **Does Form A have to be filed for a child who attends a non-accredited "school"?**

Yes. Form A must be filed for each child of **compulsory attendance age** who is enrolled in a non-accredited nonpublic "school." Iowa Code section 299.4. (See question #40 regarding students enrolled in a HSAP).

8. **Does Form A have to be filed for a child who is younger or older than compulsory attendance age?**

No. However, the fact that Form A does not have to be filed for a child younger or older than compulsory attendance age does not mean that the child cannot receive CPI. Any child who is 5 years of age by September 15 and under 21 years of age who has not completed the equivalency of graduation requirements may receive CPI. Iowa Code section 299.4; 281-IAC 31.2. The parent, guardian, or legal or actual custodian may apply for dual enrollment for a child who is not of compulsory attendance age by filing Form A with only Items #1, #2, and #9 completed. (No teacher supervision or annual assessment reporting is required for the student who is not of compulsory attendance age.)

9. **Is Form A (the Report of CPI) a public document?**

Yes. It is a document the school district and appropriate AEA are required to maintain; therefore, it is a public document. That does not mean that all of the information on the form is public information. A district may not release information to unauthorized persons about the child's immunization records, special education status, curriculum, or assessment/portfolio information without parental consent or statutory authorization. Also, a parent, guardian, or legal or actual custodian has the right to instruct the district not to release to unauthorized persons any information that is usually regarded as public information, including the child's name.

Iowa Code section 22.7(1); 20 U.S.C. section 1232g (FERPA – Family Educational Rights and Privacy Act).

10. **What is compulsory attendance age?**

For children who receive CPI or Independent Private Instruction (See #17 below), compulsory attendance age includes children who are 6 years old by September 15 and younger than 16. For those students receiving CPI using a licensed

practitioner (i.e., supervising teacher) and for those receiving CPI by a nonlicensed person who dual enroll in a school district, Form A (the Report of CPI) must be filed for a child of compulsory attendance age. Form A may also be filed (but is not required) for a child who is 5 years old by September 15, as well as for a child who is 16 years of age or older. Iowa Code sections 299.1A, 299.4.

**11. Is there a particular curriculum that must be used to provide CPI?**

No, the State of Iowa does not have a mandated curriculum for students who receive CPI. The type of curriculum and instructional materials is the decision of the parent, guardian, or legal or actual custodian.

**12. Are diplomas available for children who are home schooled?**

The Iowa Department of Education cannot issue diplomas, and the district of residence may not be compelled to issue a diploma. There are certain state-mandated graduation requirements that must be met before a school district may issue a diploma. Physical education, U.S. history and U.S. government are current requirements, and as of the 2010-2011 school year, anyone receiving a diploma must have four credits in English/language arts, and three credits each in science, mathematics, and social studies. Families desiring a district diploma for their children are urged to contact their resident high school administrators during their child's 8<sup>th</sup> grade year to coordinate these credits.

**13. May a parent, guardian, or legal or actual custodian provide CPI via a correspondence school?** Yes. The curriculum can come from any source including a correspondence school. The students whose curriculum is provided by a correspondence school must be still annually assessed unless the school is accredited or the teacher providing instruction or supervision is an Iowa licensed teacher. 31.8(4), 31.9(4).

**14. Are children who receive CPI exempt from the immunization requirements?**

Only to the same extent that a regularly enrolled child is exempt, by filing a medical or religious exemption. To obtain the exemption form, see the Iowa Department of Public Health website at <http://www.idph.state.ia.us/ImmTB/immunization.aspx?prog=imm&pg=Laws> or call 1(800-831-6293 ext 1). 641. IAC 7.3. Option 1 children and Option 2 children receiving dual enrollment must provide evidence of immunization or exemption.

**15. Are children who receive CPI exempt from the new health screening requirements?**

Legislation enacted by the 2007 Iowa General Assembly requires all children under the age of 6 to have a blood lead test. Compliance with this requirement will be verified for children enrolling in kindergarten and children under the age of 6 for whom a Competent Private Instruction under Option 1, or Option 2 where the child is dually enrolled. This will be done by matching the names of these children with the Iowa Department of Health's blood lead database. The dental screening, vision examinations, and blood lead test reporting do not apply to children who receive CPI.

**16. May a child who has been identified as requiring special education programs or services receive CPI?**

Yes, if the special education director of the AEA in which the child resides gives prior written approval to the parent, guardian, or legal or actual custodian. Iowa Code section 299A.9; 281-IAC 31.10. (See NOTE on pages 5-6, FAQ #4 & #6)

## **Independent Private Instruction (IPI)**

**17. What is independent private instruction?**

Independent Private Instruction (IPI) means instruction that meets the following criteria:

1. Is not accredited,
2. Enrolls not more than four unrelated students,
3. Does not charge tuition, fees, or other remuneration for instruction,
4. Provides private or religious-based instruction as its primary purpose,
5. Provides enrolled students with instruction in mathematics, reading and language arts, science, and social studies,
6. Provides, upon written request from the superintendent of the school district in which the independent private instruction is provided, or from the director of the department of education, a report identifying the primary instructor, location, name of the authority responsible for the independent private instruction, and the name of the students enrolled.
7. Is not a nonpublic school and does not provide competent private instruction as defined in Iowa Code section 299A.1 and these rules.
8. Is exempt from all state statutes and administrative rules applicable to a school, a school board, or a school district, except as otherwise provided in Iowa Code chapters 299 and 299A.

**18. May any child receive IPI?**

Generally, yes.

**19. How do I enroll my child in IPI?**

To enroll a child in IPI for the first time there is no form required. A parent, guardian, or legal or actual custodian choosing IPI is advised to inform the district that they will be choosing this option.

**20. What are the district's responsibilities in regard to IPI?**

The superintendent of district of residence of the student enrolled in independent private instruction may but is not required to request a report from a parent, guardian, or legal or actual custodian identifying the primary instructor, location, name of the authority responsible for the independent private instruction, and the name of the students enrolled. The district must still comply with requirements of truancy law. **Unless otherwise mentioned, a district may not provide a child receiving IPI with public school services, such as most dual enrollment services.**

**21. Is a family still under compulsory attendance law?**

Yes. A family who chooses IPI meets the requirements of the compulsory attendance law. Iowa Code section 299.1.

**22. How a family is held accountable for student progress?**

IPI instructors are responsible for accountability of their own students' progress. This is not reported to the district or the Department of Education.

**23. How does a district know that an IPI family is teaching the four required content areas (mathematics, science, reading and language arts, and social studies)?**

The district does not have a right to request this information.

**24. How does a district know that a family is also "teaching" not more than four unrelated students?**

The district may but is not required to request a report from a parent, guardian, or legal or actual custodian identifying the primary instructor, location, name of the authority responsible for the independent private instruction, and the name of the students enrolled.

**25. Are diplomas available for children who are home schooled under IPI?**

The Iowa Department of Education cannot issue diplomas, and the district of residence may not be compelled to issue a diploma.

**26. Are children who receive IPI exempt from the immunization requirements?**

Yes, a child who receives IPI is exempt from all state statutes except as otherwise provided in Iowa Code Chapters 299 and 299A.

**27. Are children who receive IPI exempt from the new health screening requirements?**

Yes, a child who receives IPI is exempt from all state statutes except as otherwise provided in Iowa Code Chapters 299 and 299A.

**28. May a child who has been identified as requiring special education programs or services receive IPI?**

Yes. No permission from the AEA director of special education is required and no special education services will be provided by either the school district or the AEA.

**Dual Enrollment: Home School Assistance Programs (HSAP)**

**29. What is dual enrollment?**

Dual enrollment is enrollment with a public school district of a child who is receiving CPI for the purpose of attending one or more courses, participating in extracurricular activities offered by the district, or obtaining special education programs or services (if required by the child's IEP). Iowa Code section 299A.8; 281-IAC 31.6. In addition, the district must provide appropriate instructional materials to dually enrolled students, if the parent, guardian, or legal or actual guardian so requests, on the same basis these materials are provided to regularly enrolled children. 281-IAC rules 31.5(4) **The reporting requirements, including Form A, apply to dually enrolled children receiving CPI under both Option 1 and Option 2.**

**30. May a student who is not of compulsory attendance age be dually enrolled?**

Yes. A student receiving competent private instruction, who is 5 years of age by September 15 or who is under age 21 years and has not graduated from CPI, or the equivalent thereof, may be dually enrolled. Iowa Code section 257.6(1) (f). The parent, guardian, or legal or actual custodian may apply for dual enrollment for a child who is not of compulsory attendance age by filing Form A with only Items #1, #2, and #9 completed. No teacher supervision or annual assessment reporting is required for the student who is not of compulsory attendance age.

**31. In what school district activities may a dually enrolled child participate?**

A child under dual enrollment may participate in academic programs or extracurricular activities on the same basis as any regularly enrolled student. A child under dual enrollment is also eligible to receive AEA services on the same basis as a regularly enrolled child. The district must provide available instructional materials, if the parent, guardian, or legal or actual custodian so requests, on the same basis these materials are provided to regularly enrolled children. Iowa Code section 299A.8; 281-IAC 31.6; 281-IAC 31.5(4)

**32. May a child be dually enrolled in any school district?**

No. A child may dual enroll only in his or her district of residence. However, a student may open enroll to another district and then dual enroll in the receiving district. 281-IAC rules 17.10(2), 31.6.

**33. How does a child use open enrollment to dual enroll in a district other than the child's district of residence?**

The parent, guardian, or legal or actual custodian just needs to follow the usual procedures of the open enrollment law – file the application with the resident district before March 1 of the preceding school year. See Open Enrollment Handbook at our web site:

<https://www.educateiowa.gov/pk-12/options-educational-choice/open-enrollment>

**34. May a child receiving CPI or IPI enroll in Senior Year Plus programs?**

A child receiving CPI under Option 1, or under Option 2 after completing Form A, may enroll in any Senior Year Plus program, including advanced placement courses offered by the district, post secondary enrollment options under Iowa Code section 261E.7 (See questions #2 and #17), and concurrent enrollment in community college courses under Iowa Code section 261E.8.

A child receiving IPI may only enroll in concurrent enrollment courses. No other Senior Year Plus option is available to IPI students. To enroll in concurrent enrollment courses, contact the district of residence.

**35. May a dually enrolled child take post-secondary enrollment option (PSEO) courses?**

Yes, if the child is an 11th or 12th grader or is a 9<sup>th</sup> or 10<sup>th</sup> grader who is identified as Talented and Gifted by the resident district and meets all other eligibility requirements specified in rule 281-22.2.

*In re Meggan Stone*, 19 D.o.E. App. Dec. 104; Iowa Code section 299A.8.

**36. How many courses (PSEO or those offered by the district) may a dually enrolled child take?**

Declaratory Ruling #44, 5 D.o.E. App. Dec. 33, states that a parent, guardian, or legal or actual custodian may not use dual enrollment to enroll a child in all courses but one. (e.g., a child could take 5 of 7 classes via dual enrollment). Also, the PSEO program provides that a student may not enroll on a full-time basis in a post-secondary institution under PSEO. 261E.7 (2).

**37. What must I do to receive free standardized testing for my child?**

Submit a timely request to your school district for free standardized testing for the student.

**38. Does dual enrollment cost a child or the child's family any money?**

No. However, a district may charge a fee to a dually enrolled child if a fee also is charged for the same item or service to a regularly enrolled child. (e.g., if a district charges a school supplies fee under Iowa Code 301.1 to regularly enrolled students, that same fee may be charged to a dually enrolled student who also participates in the course or activity). Districts may not charge the dually enrolled student the same total fee that a regularly enrolled student is assessed, but districts may pro-rate the total fee that a regularly enrolled student is assessed in accordance to the class time usage of a dually enrolled child. Iowa Code section 299A.8.

**39. What public funds does a district receive for a dually enrolled child?**

The district receives one-tenth the amount of state aid it receives for a regularly enrolled child for students in 8<sup>th</sup> grade and under, and for students in grades 9 – 12 who are dually enrolled solely to participate in extracurricular activities. A child dually enrolled in grades 9 – 12 for purposes other than or in addition to participation in extracurricular activities is counted by the district as a shared-time student. Iowa Code sections 299A.8, 257.6(1).

**40. What is a home school assistance program (HSAP), and is a district required to have such a program?**

Districts are not required to have a HSAP. If a district does have such a program, the district must employ one or more properly licensed instructors to provide instruction or instructional supervision of CPI. The instructor is required to have contact with the child and the child's parent, guardian or legal or actual custodian at least 4 times per quarter, half of which contacts must be face-to-face with the child. The instructor is also to advise the parent, guardian, or legal or actual custodian about lesson plans, instructional materials, teaching/learning techniques, evaluation of student learning, planning, etc. A HSAP is not available to children receiving IPI.

**REMINDER:** Parents, guardian, or legal or actual custodian of children enrolled in a HSAP (whether under Option 1 or Option 2) must also fill out Form A for each student enrolled in the Program. At a minimum, questions 1, 3, and 5 must be filled out. However, per rule 31.4(5), a district may condition participation in its HSAP on having the entire form A filled out. Iowa Code section 299.4(2); 281-IAC rules and 31.5(5).

**41. What are the other benefits of enrollment in a HSAP?**

Because a district that has a HSAP is employing a licensed instructor to provide or supervise CPI, a child in a HSAP is not required to be assessed annually to determine whether the child is making adequate educational progress. Also, the district must provide appropriate instructional materials, if the parent, guardian, or legal or actual guardian so requests, on the same basis these materials are provided to regularly enrolled children. 281-IAC rules 31.5(4) and 31.5(5).

**42. Does dual enrollment include participation in a HSAP and vice-versa?**

No. A child who receives CPI may be both dually enrolled and enrolled in a HSAP, may be enrolled in either one, or may choose not to be enrolled in either. If a district has a HSAP and the parent, guardian, or legal or actual custodian wishes to have a child enrolled in that program, the child must be specifically enrolled for that purpose. Dual enrollment alone does not automatically allow the child to participate in the HSAP. Iowa Code section 299A.8.

**43. What is the difference between dual enrollment and a HSAP?**

If a child is dually enrolled, she/he may access all academic courses and extracurricular activities offered at the district on the same basis as a regularly enrolled child. A child enrolled in a HSAP must also dual enroll to be able to participate in academic and extracurricular activities. A child age 7 – 15, inclusive, who is dually enrolled is required to complete an annual assessment (via standardized test, portfolio evaluation, or report card from accredited correspondence school) to show that s/he is making adequate progress, unless the child is working with a licensed instructor. A HSAP must provide a properly licensed instructor, so children enrolled in a HSAP are not required to be assessed annually (unless the district includes standardized testing or another form of annual assessment as a requirement for HSAP enrollment) Iowa Code section 299A.8; 281-IAC 31.5(5).

**44. May a child be enrolled in any school district's HSAP?**

No. A child may only enroll in a home school assistance program, if available, through his or her district of residence. However, a student may open enroll to another district and then enroll in the receiving district's HSAP. 281-IAC rules 17.10(2), 31.7.

**45. How does a child use open enrollment to enroll in a HSAP?**

The parent, guardian, or legal or actual custodian should follow the usual procedures of the open enrollment law – file the application with the resident district before March 1 of the preceding school year. See Open Enrollment Handbook at our web site: <https://www.educateiowa.gov/pk-12/options-educational-choice/open-enrollment>

**46. Is there any cost to a child or the child's family to participate in a HSAP?**

No.

**47. What public funds does a district receive for a child enrolled in a HSAP?**

The district receives three-tenths the amount of state aid it receives for a regularly enrolled child. Iowa Code section 257.6(1) (a) (5), as amended by 2008 Iowa Acts, HF 2700.

**48. Is there a deadline for dual enrollment and enrollment in a HSAP?**

To ensure a child's participation in dual enrollment or a HSAP, the district must be notified by the parent, guardian, or legal or actual custodian no later than September 15 of the current school year for which either or both types of enrollment are sought (a district may decide on its own to extend this deadline). If the parent, guardian, or legal or actual custodian moves into the district after September 15 or withdraws the child from the district or from an accredited nonpublic school after September 15, the deadline is no later than 14 days after either event. 281-IAC 31.6

**49. May a child who is in attendance at an accredited nonpublic school be dually enrolled or enrolled in a HSAP?**

No, these enrollments are available only to children who receive CPI. Iowa Code section 299A.8.

**Assessments**

**50. What are the annual assessment requirements?**

Those children who receive CPI under Option 1 must be monitored by a supervising teacher with a license that is appropriate for the age and grade of the child. The teacher is responsible to monitor the child's progress. This includes students enrolled in a HSAP. Iowa Code section 299A.4; 281-IAC 31.8.

Those children between the ages of 7 and 15, inclusive, of the current school year who receives CPI under Option 2 may, but are not required, to be assessed annually to determine if adequate progress is being made. Under Option 2, the child may be appropriately evaluated to set a baseline evaluation for the first year of home schooling. This could include standardized testing, portfolio assessment, or submittal of a report card from an accredited correspondence school for purposes of fulfilling the baseline evaluation and annual assessment requirements of the law. After the first year, the child may, but is not required to, continue to take a standardized test, develop a portfolio, or submit a report card from an accredited correspondence school to show annual adequate progress, unless the child works with an appropriately licensed Iowa instructor under Option 1. Students through grade 5 may be assessed on reading, language arts, and mathematics. Students in grades 6 and higher may also be assessed in science and social studies. If dual enrolled, annual assessment is required. 281-IAC 31.8(1)

**NOTE:** Home-schooled children subject to the testing requirement may be tested annually in these subjects even if the school district does not test its own students. Districts, remember that CPI students under Option 2 may be tested annually even if your district does not test its own students. If test scores are reported, national percentile ranks and national grade equivalents must be included on the score report from the test scoring service.

If a child is tested prior to his or her 7th birthday, those results may not be used as the baseline evaluation.

**51. Who pays for the standardized test?**

No fee is charged to the parent, guardian, or legal or actual custodian of the child who is under CPI. Iowa Code section 299A.8.

Generally, a parent, guardian, or legal or actual custodian may not administer the test to his or her own children. However, rule 31.5(2) "c" provides an exception as follows: If the parent, guardian, or legal or actual custodian purchases an approved assessment instrument from an accredited school [such as Bob Jones University], and if the publisher of the test determines that the parent, guardian, or legal or actual custodian is a qualified test administrator, it is acceptable.

**52. What are the requirements of a portfolio assessment?**

**Contents of portfolio:** The child's portfolio shall contain evidence of academic progress in the minimum curriculum areas of reading, language arts and mathematics if the child under private instruction is in grade levels 1-5. For children in grade levels 6-12, the portfolio shall contain evidence in the minimum curriculum areas of reading, language arts, mathematics, science, and social studies.

For each curriculum area, the portfolio shall include a book of lesson plans, a diary or other written record indicating the subject matter taught and activities in which the child has been engaged, and an outline of the curriculum used by the child.

The portfolio may also include a list of, a reference to, or material from the textbooks and resource materials used by the student in each subject area.

The portfolio evaluator must have an Iowa-teaching license for the appropriate age level. The report shall be in narrative form and shall reflect the child's progress in reading, language arts, and mathematics for students in 5th grade and below. For students in grades 6 and higher, progress shall be shown in reading or literary materials, language or written expression, mathematics or qualitative thinking, science, and social studies. Iowa Code section 299A.4 (7); 281-IAC 31.8(3).

**53. What is adequate progress for purposes of annual assessment?**

For students under the supervision of an Iowa licensed teacher, or for whom a portfolio is evaluated by an Iowa licensed teacher, the teacher determines whether adequate progress is being made.

For students receiving CPI under Option 2 and opting into the reporting of annual assessment results using standardized testing, ALL of the child's composite scores in the subjects required for reporting must be above the 30<sup>th</sup> percentile, nationally normed. In addition, if the child's evaluation results do not show that the child is at or above his/her grade level, the child must show at least six months' progress from the previous evaluation results. Iowa Code section 299A.6.

For students receiving CPI under Option 2 and opting into the reporting of annual assessment results using a report from an accredited correspondence school, a passing grade must be assigned in ALL of the subjects required for reporting.

**54. What happens if the child does not make adequate progress?**

The parent, guardian, or legal or actual custodian of a child who fails to make adequate progress shall be notified that the child must be enrolled in an accredited nonpublic school or in the resident school district, unless the Iowa Department of Education grants permission to continue CPI under an approved remediation plan, or unless, before the beginning of the next school year, the child retakes a different form of the same evaluation or another evaluation form of a test approved by the department, and those results indicate that adequate progress has been made. Alternatively, a portfolio review complying with ##50 and 53 above and showing adequate progress could be submitted before the beginning of the next school year. Iowa Code sections 299 A.6 and 299 A.7.

**55. If a child is beyond compulsory attendance age, is an annual assessment required?**

No. However, an annual assessment may be given upon request.

**56. Are dual enrolled students required to take the universal screeners for K-3 early literacy?**

Yes, according to Section 279.68 all students enrolled in the district are subject to the universal screening assessments.

**Special Education**

**57. May a student who has been identified as requiring special education and whose parent, guardian, or legal or actual custodian has received written permission from the AEA special education director to provide competent private instruction (CPI) for the student receive special education services from the AEA and district of residence?**

Yes, if the parent, guardian, or legal or actual custodian dually enrolls the student in the district of residence, the student shall receive special education services to the same extent that a regularly enrolled child does. Diagnostic evaluations are to be provided to all children, regardless of enrollment status. Iowa Code sections 256.12(2); 299A.8.

**Note: If the parent, guardian, or legal or actual custodian of a student receiving CPI under Option 2 dually enrolls the student in the district of resident, the parent relinquishes the private instruction exemption outlined in #6 above and must fill out a FORM A as outlined in #4 above.**

**58. May a district require a child who has been identified as eligible for special education services who receives CPI and who is dually enrolled to come to the public school premises to receive such services?**

Effective July 1, 2006, Iowa Code section 256.12(2) states as follows: "special education support, and related services provided by area education agencies for the purpose of identifying children with disabilities, assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter may be provided on nonpublic school premises with the permission of the lawful custodian of the property. Other special education services may be provided on nonpublic school premises at the discretion of the school district or AEA provider of the service and with the permission of the lawful custodian of the property." Therefore, a district or AEA may provide special education services to such a child either at the public school or at an accredited nonpublic school. The choice belongs to the district or AEA.



- 59. Under what circumstances may special education services provided to a student who receives CPI be terminated?**  
As with any student, such services may be terminated in the event the IEP team determines that the services are no longer needed/appropriate. In addition, they may be terminated if the parent, guardian, or legal or actual custodian of the student refuses to continue to dually enroll the child. 281-IAC 41.303-.305.
- 60. May a parent provide IPI to a child receiving special education services?**  
Yes. No permission is required. No special education services will be provided through the public school or AEA to a child receiving IPI.

### Drivers Education

- 61. Does a student have to dual enroll to take drivers education provided by the district?**  
No. Every school district in Iowa shall offer or make available to all students residing in the school district, or all students attending a non-public school or receiving competent private instruction or independent private instruction an approved course in driver's education. Iowa Code section 321.178. It is not necessary for the student to dual enroll to enroll in these courses.
- 62. Who can provide drivers education as a teaching parent under Iowa Code section 321.178A (2) (c)?**  
The Iowa Department of Transportation will provide additional guidance on this issue.  
<http://www.iowadot.gov/mvd/ods/education/teachingparent.html>