

## The Department of Education Rule Change Summary

This is the Department of Education's summary of the key substantive changes included in the rules revision proposal:

- Subrule 31.2(1) is amended to provide a date certain by which the mandatory reports of competent private instruction ("CPI") must be filed. Iowa Code section 299.4 requires that the reports be filed with the resident districts "by the earliest starting date specified in section 279.10, subsection 1." That provision states that the first day of school is to be "no sooner than a day during the calendar week on which the first day of September falls," the earliest date of which is August 26.
- Rule 31.3 and new rule 31.3A now differentiate between the duties of supervising teachers who are privately retained by families who provide CPI and those who are hired by a school district that provides a home school assistance program. The biggest difference is in regards to licensing requirements. Iowa Code section 299A.2 requires that teachers who provide instruction or instructional supervision for a child receiving CPI shall possess a license or certificate from the Iowa board of educational examiners which is "appropriate to the ages and grade levels of the children to be taught." Because public funds are paying for the teachers hired by a district through a home school assistance program, the department finds that it is reasonable to require that those teachers who provide direct instruction also possess a valid endorsement as to content area. The department further finds that it is reasonable to prohibit districts that provide a home school assistance program from hiring teachers who possess only a substitute teacher authorization (which limits the holder to teaching children in middle school, junior high, or high school, as well as to no more than five consecutive days in one job assignment).
- Subrule 31.4(4) emphasizes the prohibition against school districts providing public funds and other resources to unlawfully benefit a child who receives CPI with the exception of texts and supplementary materials already on hand and appropriate for use by regularly enrolled students of the district.
- Subrule 31.4(5) reflects the requirement in 2008 Iowa Acts, House File 2700, section 110, that the enrollment of each child in a home school assistance program be documented and submitted to the department on a form provided by the department. This subrule is also amended to reflect the language in 2008 Iowa Acts, House File 2700, section 108, that school districts are not to spend less than the amount expended for the delivery of home school assistance programming during fiscal year 2008 unless there is a decline in enrollment in the program.
- Subrule 31.5(2) codifies a long-standing appeal decision of the department that a child under dual enrollment must receive at least one-quarter of the child's instruction by way of CPI (and no more than three-quarters by way of the district's academic programs).
- Rules 31.7 and 31.8 include the following changes:
  - o Clarification that one option for compliance with the annual assessment requirement for a child who receives CPI is enrollment in a correspondence school accredited by an accrediting agency approved by the federal department of education;
  - o Deletion of a listing of acceptable standardized testing in favor of a list updated annually by the department and posted on the department's web site;
  - o Clarification about responsibility for submitting assessment results to the district of residence; and
  - o Updating of portfolio evaluator credentials to be consistent with changes made by the board of educational examiners.
- Rule 31.9 was amended to conform to changes in federal regulations to the Individuals with Disabilities Education Act (IDEA) permitting a parent to deny consent for an evaluation of the parent's child for IDEA purposes.