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SUMMARY OF LEGISLATION ENACTED IN THE YEAR 1991 BY THE FIRST REGULAR SESSION OF THE SEVENTY-FOURTH GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR

Prepared by the Legislative Service Bureau

PURPOSE

This summary of legislation enacted by the 1991 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. It is believed that the purpose of this compilation — that of providing interested persons with quick reference to legislation enacted in specific areas and generally informing persons of the contents and effective date of the legislation — will be served by this publication.

HOW TO FIND A SUMMARY

If you know the original file number of a particular bill, you may refer to the chart of the pages immediately following to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 1991 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

EFFECTIVE DATE

The effective date of the legislative enactments is July 1, 1991, unless otherwise specified in an individual summary.

VETOED BILLS

The bills which were vetoed by the Governor in their entirety are included and noted in this summary. The items vetoed by the Governor are specified in their particular summary.

INFORMATION IN THE APPENDICES

The appendices contain the following information:

1. A table of Senate and House Files indicating the chapter numbers assigned the 1991 Acts of the Seventy-fourth General Assembly.
2. Listings of the sections of the Code of Iowa, 1991 Senate and House Files, and Session Laws that were amended or repealed during the 1991 Session. In addition, listings of amendments to regular and standing appropriations, administrative rules, and a proposed constitutional amendment are provided.



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HOUSE FILE 455 — School Instruction and Attendance — Truancy

BY COMMITTEE ON EDUCATION. This Act makes changes in laws relating to Iowa's compulsory attendance procedures. The Act changes the beginning compulsory attendance age from seven to six years of age. Compulsory attendance policy for students attending accredited schools is to be set by the board of directors of a public school district, or the governing body of an accredited private school.

Compulsory attendance for students attending the new form of instruction created by the Act, that of competent private instruction, is set out in a new chapter, tentatively numbered Chapter 299B. The Act strikes the exceptions to compulsory attendance previously available to children who are over the age of 14 and are regularly employed or whose educational qualifications are equal to those of pupils who have completed the eighth grade. Reports relating to children under competent private instruction are to be on forms provided by the public school district and are to contain the names, ages, and number of days of attendance of each pupil, as well as the course of study pursued by the pupil, the texts used, and the name and address of the instructor. If a child is placed under competent private instruction for the first time, the notice is to also contain information on the child's immunization.

Provisions relating to conditions when a child may be excused from school based on the child's physical or mental condition are updated to reflect current practices and federal and state laws relating to special education. If a child is truant, the matter can be turned over for either mediation or for prosecution of the parent, guardian, or custodian. The penalty for violation of the compulsory attendance law is changed to reflect graduated terms of imprisonment, fines, or community service instead of fines or imprisonment.

The term "truant" is defined as a child who fails to attend school for at least 148 days per school year, as evidenced by attendance for 37 days or fewer per quarter, or who fails to attend competent private instruction under Chapter 299B. A finding that a child is truant, however, does not by itself mean that a child is a child in need of assistance (CINA) under Iowa juvenile justice laws. The boards of directors of public school districts and the authorities in charge of nonpublic schools are to develop rules relating to excuses from attendance at school and punishment of truants. Each district is required to designate an individual who is to be responsible for collecting information on truants. A truancy officer who takes a child into custody is required to make reasonable efforts to contact the child's parent, guardian, or custodian. The compulsory attendance provisions which apply to children requiring special education are updated to comply with the requirements of Chapter 281, relating to education of children requiring special education.

The Act creates a new competent private instruction law. The competent private instruction law legalizes instruction by or under the supervision of licensed practitioners and instruction by parents, guardians, or legal custodians of children. If a child is instructed by a parent, the child must be evaluated annually, either through a standardized assessment tool or through evaluation of a portfolio of the student's work by a licensed practitioner-evaluator, to determine whether the child is making adequate progress in learning. If a child's work is evaluated by a licensed practitioner-evaluator, the parent, guardian, or legal custodian is to select the practitioner-evaluator, subject to the approval of the district superintendent. If the child fails to make adequate progress, the child will be required to attend an accredited public or nonpublic school, unless permission is granted to do otherwise by the Director of the Department of Education.

The costs of any testing, except for testing related to special education, is to be reimbursed by the parent, guardian, or legal custodian, unless the child is enrolled in the public school district for dual enrollment purposes, in which case the district is responsible for payment of costs associated with the testing. Children who are dually enrolled are eligible for both academic and extracurricular activities in their district of residence. Children requiring special education may be placed under competent private instruction if the Director of Special Education for the area education agency of the child's district of residence gives permission.

HOUSE FILE 485 — Math and Science Education

BY COMMITTEE ON EDUCATION. This Act establishes a Math and Science Education Grant Program in the Department of Education to promote certain state and national educational goals. The Board of Educational Examiners may make recommendations for specific changes in licensing requirements for math and science teachers. The Department is to award grants to public school corporations from funds in the Math and Science