

IOWA HOME EDUCATION LEGAL SUMMARY

Are you interested in homeschooling in Iowa?

This summary will help you identify your legally defined options and choices.

Please note that this summary does not constitute legal advice, but it can serve as a general guide to the practical workings of home education in this state.

We recommend that you obtain a copy of the Iowa homeschool law & rules. Follow the links on our website [www.homeschooliowa.org] or contact:

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Grimes State Office Building, Des Moines, IA 50319
(515) 281-8170 elizabeth.calhoun@iowa.gov**

In this summary, legal citations are placed in brackets — Iowa Code references begin with "299" and Iowa Administrative Code references begin with "31." (e.g. [299A.2] [31.5])

Now, let's begin! Your first choice is which level of public school involvement you want.

PUBLIC SCHOOL INVOLVEMENT LEVELS

1 . Home School Assistance Programs

Home School Assistance Programs (also called HSAPs) may be offered by local public school districts, but school districts do not have to provide them. Homeschooling families residing in a district which has a HSAP can choose whether or not they want to utilize the HSAP. Nonpublic schools may also provide HSAPs for homeschooling families.

For each HSAP student, the public school district receives 30% of the state funds allotted for regularly enrolled students. HSAPs minimally provide a school-employed certified teacher who assists and supervises the homeschool instruction.

Home School Assistance Programs can legally impose any requirements they want upon participating families. [299A.2] [31.5(5)]

2. Dual Enrollment

Dual enrollment is available to home educated students in every public school district in Iowa. As with HSAPs, homeschooling families choose whether or not they want dual enrollment. For each dual enrolled student, the public school district receives a percentage of the state funds allotted for regularly enrolled students — according to the amount of instruction time the dual enrolled student receives at the public school.

Dual enrollment allows the home educated student to participate in any academic or extra-curricular activity on the same basis as a regularly enrolled student. It also covers the cost of any standardized testing done through the school. [299A.8] [31.6(3) 31.5(2)(a)]

3. No Involvement

Home educating families may choose to have no involvement with their local public school. The family would receive no services from the school, and the school would receive no funding from the state for the homeschooled student.

The home educating family would be under no additional legal requirements than those minimally outlined by state law and rules.

When making this decision, it is important to note that the state administrative rules declare that public schools may not make monetary payments directly or indirectly to homeschooling families.
[31.5(4)(a)]

Your next step? Most homeschoolers' next step is filing the competent private instruction [CPI] form. Turn the page for more on filing CPI forms!



Competent Private Instruction Reports and the Power of Precedent

Whether at the start of a new school year, or at any time throughout, Iowa law requires most home educators to register by filing "Competent Private Instruction Forms" (also known as CPI forms).

The Department of Education produces a new CPI form at the beginning of each school year and sends copies to every school district in the state. You can get yours by contacting the school district in which you live, or by downloading one from the NICHE website.

As you fill out the CPI form, we'd like to urge you to consider this: When you file this required form, you are not only supplying information about your own homeschool, but you may be setting a precedent for other families, too.

*"Precedent" is defined as "a preceding instance or case that may serve as an example for, or justification in, subsequent cases."
In other words, the first instance of something happening sets the pattern for all that comes after it.*

Setting a precedent is usually very easy to do, but changing a precedent often is not.

The amount and kind of information that you supply to your local public school about your homeschool can be viewed as the pattern, or precedent, that the district will use when dealing with other homeschooling families.

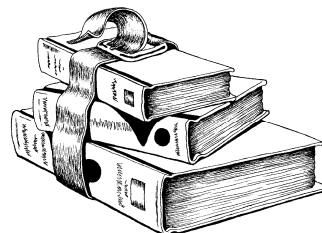
To better protect all home educating families in the state, we urge you to comply with the **minimum** statutory requirements only.

We all can be tempted to want to impress officials with detailed descriptions of our plans for the school year, but in going beyond the law you could be setting an unnecessary and excessive precedent with which all home educators, particularly those in your district, may be expected to comply.

Remember the phrase, "No man is an island" and apply it here. Take care to set precedents that leave maximum flexibility for all Iowa home educators.

As You File Your CPI Report Form Consider:

- The most ill-defined part of the CPI form is the request for an "outline of the course of study" including "lesson plans." The way you respond to this request has the potential to set precedent.
- Home educators across the state have set precedent for more than a dozen years as they have used NICHE Plan of Instruction forms when filing their CPI forms. These one-page forms have been accepted in every school district in which they have been filed.
- NICHE has produced two different types of Plan of Instruction forms, available as downloads from our website. One is more convenient to use with a traditional, textbook approach, while the other works well with a unit study or open-ended approach. Choose the form that works best for you or use it as a template to produce your own customized form.
- The law does not set criteria by which school officials can judge your lesson plans (the Department of Education merely suggests that the plans "should show some evidence of planning.") The law is also silent on subject areas required in lesson plans. NICHE forms use subject areas required for the annual assessment option as a guide.
- For an added level of protection, you may request a signed receipt from your school district when filing your form.





Who has to file Competent Private Instruction Report Forms?

Even though Iowa law requires most home educators to file Competent Private Instruction Report Forms, there are a few exceptions.

Competent Private Instruction Report Forms **would not** need to be filed for home educated students who are not of Compulsory School Attendance Age.

If your child turned six on or before September 15th, your child **is** of Compulsory School Attendance Age for that school year. A Competent Private Instruction Report Form **does** need to be filed for this child.

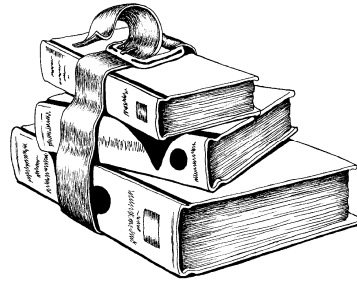
If your child's sixth birthday is on or after September 16th, your child **is not** yet of Compulsory School Attendance Age. You may homeschool this child, but a Competent Private Instruction Report Form **does not** yet need to be filed for this child.

Likewise, if your child is under 16 on or after September 16th, he/she **is** of Compulsory School Attendance Age. A Competent Private Instruction Report Form **does** need to be filed for this child.

And, if your child turns 16 on or before September 15th, he/she **is no longer** of Compulsory School Attendance Age — for that school year, or those after. You may continue to homeschool, but a Competent Private Instruction Report Form **does not** need to be filed for this child.

If your child is enrolled in a Home School Assistance Program [HSAP] through a public or an *accredited* nonpublic school, you **will** need to file a Competent Private Instruction Report Form, but only minimal information is required (CPI form Items 1, 3, and 5). These items include: the child's name, the child's birth date, immunization evidence, and the number of days of instruction under competent private instruction. [299.4] [31.5(5)]

If you want to dual-enroll a child younger than 6 or older than 16, you **can** file a Competent Private Instruction Report Form with minimal information included (parent's name, child's name, child's birth date, & your request for dual enrollment).



When do the Competent Private Instruction Report Forms need to be filed?

If you are starting your homeschool year at the beginning of the public school year, you must file the Competent Private Instruction Report Form by August 26th.

If you are removing your child during the school year from attendance in a public or *accredited* nonpublic school in order to homeschool that child, you must file the Competent Private Instruction Report Form — *completed as fully as possible* — within fourteen calendar days of the removal. A fully-completed form must be filed within 30 calendar days after removing the child from the public or *accredited* nonpublic school. [31.2(2)]

Note: If you remove your child during the school year from attendance in a public or *accredited* nonpublic school in order to homeschool that child, the days of the child's attendance in the public or *accredited* nonpublic school up to the time of removal will be applied to the 148-day minimum compulsory attendance requirement for that child's affected school year.



What is asked for on the Competent Private Instruction Report Forms?

Mandatory information on CPI report includes:

- Name & birth date of the child
- Name & address of person filing the report
- Immunization evidence

Note: Some families are unable to give immunization evidence due to religious or medical objections to immunizations. If your family falls into this category, photocopy the Religious Exemption Form below or download one from the NICHE website.

- An outline of the course of study, including subjects, texts & publishers, and time spent in each area

- An attached plan of instruction
Note: NICHE has Plan of Instruction lesson plan forms available for use in meeting this reporting requirement.

- An indication of the number of days of instruction for the school year
Note: The legal minimum is 148 days.

- Name, address, and folder number of the Iowa licensed teacher providing supervision (if applicable)

The report also requests optional information:

- An indication of whether the child has been identified as a child requiring special education
- An indication as to whether dual enrollment is desired, and for what purposes (academic, extra-curricular activities, testing, and/or special education services)
- An indication, if dual enrollment is desired, of the child's grade level and the subjects or activities in which the child will be dual-enrolling
- An indication as to whether enrollment in a Home School Assistance Program, if available, is desired

Please note that, although the optional information is not required by law, in order to access dual enrollment or HSAP enrollment, you must request it before September 15.

Iowa Department of Public Health Certificate of Immunization Exemption

Medical

Name Last: _____ First: _____ Middle: _____ Date of Birth: _____

Expiration Date: _____

A medical exemption may be granted to an applicant when, in the opinion of a physician, nurse practitioner, or physician assistant, the required immunizations would be injurious to the health and well-being of the applicant or any member of the applicant's family or household. A medical exemption may apply to a specific vaccine(s) or all required immunizations. A Certificate of Immunization Exemption for medical reasons is valid only when signed by a physician, nurse practitioner, or physician assistant. If, in the opinion of the physician, nurse practitioner, or physician assistant issuing the medical exemption, the exemption should be terminated or reviewed at a future date, an expiration date shall be recorded on the Certificate of Immunization Exemption.

List vaccine(s): _____

Signature: _____ Date: _____

Physician (MD, DO), Physician Assistant, Nurse Practitioner

Religious

Name Last: _____ First: _____ Middle: _____ Date of Birth: _____

A religious exemption may be granted to an applicant if immunization conflicts with a genuine and sincere religious belief. A Certificate of Immunization Exemption for religious reasons shall be signed by the applicant or, if the applicant is a minor, by the parent or guardian or legally authorized representative and shall attest that the immunization conflicts with a genuine and sincere religious belief and that the belief is in fact religious, and not based merely on philosophical, scientific, moral, personal, or medical opposition to immunizations. The Certificate of Immunization Exemption for religious reasons is valid only when notarized. Religious exemptions shall become null and void during times of emergency as determined by the state board of health and declared by the director of public health.

Signature: _____ Date: _____

Applicant, Parent or Guardian

State of _____ County of _____

This instrument was acknowledged before me on _____ Date

by _____ Name(s) of Person(s)

Signature of Notary Public: _____

Title (or Rank for Military Personnel): _____

Seal or Stamp

September 2005



Where do I get the Competent Private Instruction Report Form and where do I file it?

The Iowa Department of Education produces the Competent Private Instruction Report Forms.

You may obtain a form by contacting your resident school district – or by downloading a form from the NICHE website:

www.homeschooliowa.org

[click the forms link on option list on left side]
[click to download CPI Form A]

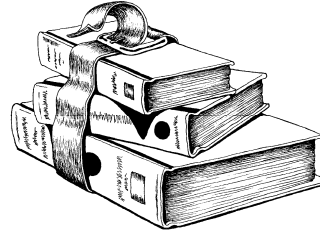
When you have completed the form, you should file it in duplicate with the school board secretary (or the school's designee) at your resident school district. One copy will be retained by the school and the other copy is forwarded to the Area Education Agency. NICHE strongly suggests that you keep all original documents for your own files and submit photocopies to the school.

What happens if I don't file a Competent Private Instruction Report Form?

Although some homeschoolers choose not to file this report, failure to report is basis for legal prosecution, which can result in a required mediation process and/or conviction of a simple misdemeanor with possible fines, imprisonment, and/or community service.

Note: If you choose not to report, you are advised to retain competent, expert legal counsel.

*Iowa Code & Administrative Rules Sections
dealing with
Competent Private Instruction Report Forms:
[299.4] [31.2(1)]*



What else do I have to do besides filing the Competent Private Instruction Report Form?

Besides filing the Competent Private Instruction Report Form, Iowa home educators must decide what legal option they will to use to satisfy the State of Iowa's interest in their child's academic progress.

Options to satisfy the State's interest in your child's academic progress

1. Supervising Teacher

2. Annual Assessment (testing, portfolio, or correspondence school report)

The remainder of this pamphlet is devoted to providing information about these options.

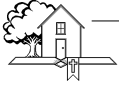
You'll also find some suggestions to help choose which option is best for your family.

Page 10 covers the supervising teacher option.

Page 11 covers the annual assessment option of annual standardized testing.

Page 12 covers the annual assessment options of annual portfolio evaluation *or* reports from accredited correspondence schools.

*If, after reading this summary,
you still have questions concerning
home education in Iowa,
please contact NICHE.*



The Supervising Teacher Option

The homeschool supervising teacher must:

- possess a valid Iowa teaching certificate or license which is appropriate to the student's age and grade level.
(If the supervision is provided privately — not through a public school — the supervising teacher can possess an Iowa substitute authorization.)
- have contact with the student and the student's parent at least twice per quarter — 45 days of instruction. (One of every two contacts must be face-to-face.)
[Note: HSAP supervising teachers must have contact with the student and the student's parent at least *four* times per quarter.]
- provide supervision for no more than 25 families, or no more than 50 homeschooled students, unless the teacher is employed by a nonpublic school.
[Note: HSAP supervising teachers must provide supervision for no more than 20 families, or no more than 40 homeschooled students.]
- offer consultation and advice as requested by the student's parent or as deemed necessary in the professional judgment of the supervising teacher.
- provide formal & informal assessments of the student's progress to the student & parent.
- maintain a diary, record, or log of the supervising visits & the assistance provided.
- refer any student to the resident school district for evaluation if the teacher has reason to believe there is a need for special education.
[Please note that home educators can refuse this evaluation & provide for special education outside of the public school.]
[299A.2] [31.3 and 31.4]

The NICHE supervising teacher contract is available on the NICHE website..

Those who use the supervising teacher option do not have to submit to annual assessment.

Help for Those Using the Supervising Teacher Option

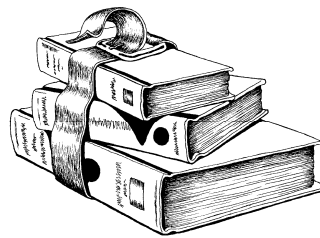
by supervising teacher & homeschooling mom, Terri Miller

How do I find a supervising teacher?

There are several places to start looking. NICHE has a list of supervising teachers available in Iowa. Your local homeschoolers or support group will also know of teachers willing to supervise. You will find that homeschoolers are quite a resourceful bunch, and most are willing to share teacher references with others. You may also know teachers in your local district who have favorable opinions of homeschooling.

What should I look for in a supervising teacher?

You will want to make sure that your supervising teacher is a good fit for your family. Make sure your potential teacher understands your philosophy of homeschooling and can work with it. Is the teacher someone with whom you are comfortable? Is he or she knowledgeable of the law? Are your children comfortable with the teacher? Does he or she seem to possess a working knowledge of resources available?



What can homeschooling families do to best serve supervising teachers?

You will want to understand that although your supervising teacher is a great resource, she doesn't hold all the answers. You will want to research homeschooling to find what approaches will work best for you and your family. Do understand that you are the one who is responsible for your family's education. Your

teacher is there to verify your work and to assist you in your homeschooling endeavor. You will also want to understand that your teacher is very busy. Most are also homeschooling their own children, may be serving other families, and are pressed for time. Do what you can to work with your teacher's schedule. Taking the initiative in scheduling and fulfilling the required number of meetings will be a great help to your supervising teacher. Since your teacher needs to look through your child's work to see that your child is making adequate progress, you will want to be prepared for your meeting by bringing samples of your child's work for the quarter.

What can supervising teachers do to serve homeschooling families?

As supervising teachers, we need to understand there are many concepts of homeschooling, and we need to understand that not everyone does or should adhere to our educational philosophies. We need to be flexible and open to their ideas, taking care that we don't overload our homeschool families with our own personal requirements or our own agendas. It is also good to remember that we are a resource for our homeschooling families, however, we are not the source of all knowledge. We need to understand that the parents we work with are the God-ordained teachers in their home. Although supervising teachers are a necessary part of many homeschoolers' experience, hopefully they can also become a valuable and enjoyable asset. Perhaps along the way, you will find a great new friend.



The Annual Assessment Option: Standardized Testing

If a homeschooling parent is not using the services of a supervising teacher, the home-schooled student is subject to annual assessment. One of the three annual assessment methods is *standardized testing*.

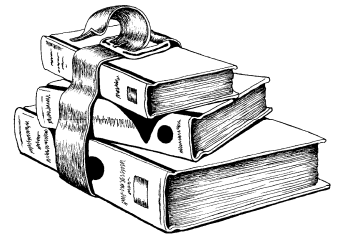
Parents using the standardized testing option must:

- start the testing option when the child is 7 or older.
 - choose a test from the list of approved tests published annually by the Department of Education, or request special permission to use another test.
 - arrange to have the child tested by May 1, and report the results to the resident school district by June 30.
 - either test through the public school (dual-enrolled students receive free testing) or arrange for private testing. (NICHE has test administrator certification forms available for the reporting of private testing.)
 - report baseline results the first year under the testing option (for use only to compare subsequent test results in order to determine progress).
 - report regular test score results the years following the baseline year:
 - Students grade 1 through 5: composite scores for reading, language, and mathematics.
 - Students grades 6 and above: composite scores for reading, language, mathematics, science, and social studies.
 - schedule testing the same time each year.
 - request any special arrangements desired: (e.g. parent present during testing, testing done in child's home).
 - make special arrangements if the child does not make "adequate progress" — defined as:
 - scores above 30th percentile nationally-normed in each composite area listed above.
 - scores which indicate six months' progress from the previous results *or* scores which are at or above the child's grade level.
- [299A.4, 299A.5, 299A.6, 299A.7, 31.8(2), 31.9(2)]

Help for Those Using the Standardized Testing Option

What can I do to make sure my child does his best on the standardized test?

- talk to your child in advance about what the experience will be like — will he be allowed to talk, ask questions, take breaks? how many tests will be administered? how long will it take?
- provide practice materials or tests if your child is unfamiliar with the standardized testing format.
- offer suggestions on how to "attack" standardized test questions — e.g. if you don't know, skip it, come back later, and then if you don't know, take an educated guess! etc.
- make sure that your child is well-rested and has a healthy meal before testing — if your child is ill, reschedule the test.
- help your child find encouraging Scripture verses to memorize, such as Isaiah 26:3 or Philippians 4:13.
- announce plans for a special event or treat after the testing — make the experience as positive as possible!
- encourage your child to put forth his best effort — but emphasize that God will bring the results that He desires.



What provisions are included in the law and rules that can accommodate special situations?

- You can request that testing through a public or nonpublic school be done in your home, and/or with you present.
- You can request special forms of tests (e.g. large print).
- You can request permission to use a test other than those on the approved list provided annually by the Department of Education.
- You can request a test with a grade level other than that implied by your child's age — especially if your child is working at a different grade level than his age implies. [31.8(2)]
- You can have your child retested (using another form of the same test, or using a different test) — or switch to portfolio evaluation — if your child did not meet required levels — *but only if you had the initial testing done early enough in the school year to allow enough time.*
- You can request dual enrollment and have the testing done via the public school if you don't want to pay for testing.
- You can obtain tests privately (e.g. through Bob Jones University Testing Services) & find your own test administrator.
- You can ask for Department of Education approval of alternative evaluation if your child has a physical or mental disability.



The Annual Assessment Option:

Portfolio Evaluation

(& Reports from Accredited Correspondence Schools)

If a homeschooling parent is not using the services of a supervising teacher, the homeschooled student is subject to annual assessment. Two of the three annual assessment methods are *portfolio evaluation* and *reports from accredited correspondence schools*.

Parents using either of these two options must:

- start the option when the child is 7 or older.
- initiate the first year under the process with a “baseline” evaluation. (The “baseline” evaluation is not used to determine if the child is making “adequate progress” — results are merely recorded as a beginning standard.)
- have the annual evaluation completed by May 1.
- report the evaluation results to the resident school district by June 30.
- make special arrangements if the evaluation (other than the baseline evaluation) does not indicate the child is making “adequate progress.”

Parents choosing the portfolio evaluation option must:

- find a portfolio evaluator with a valid Iowa teaching certificate or license which is appropriate to the student’s age and grade level. The selected evaluator must receive the resident public school district superintendent’s approval.
- make arrangements with the evaluator to review the portfolio. Required content subject areas are:
 - reading, language, & mathematics samples for students grade 1 through 5.
 - reading, language, mathematics, science, & social studies samples for students grades 6 and above.
- include for each required subject area, a book of lesson plans, a diary or other written record; an outline of the curriculum used; samples of the child’s work/homework/evaluations; and any other completed assessment evaluations.

Parents choosing accredited correspondence schools must:

- verify that their correspondence school is accredited.
- submit a report card issued by the accredited correspondence school for evaluation purposes to the resident school district by June 30..

[299A.4(7), 299A.5, 299A.6,

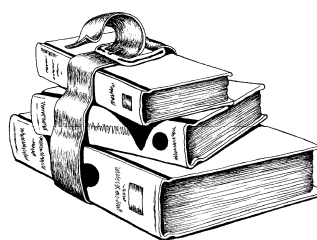
Help for Those Using the Portfolio Evaluation Option

How do I find a portfolio evaluator?

You’ll use the same methods as those who are looking for a supervising teacher. NICHE has a list of supervising teachers available in Iowa — some of them are willing to evaluate portfolios also. Homeschooling neighbors, relatives, friends, or local support group members might also know of teachers willing to evaluate portfolios.

What should I look for in a portfolio evaluator?

Just as those who are selecting a supervising teacher, you will want to make sure that your portfolio evaluator is a good fit for your family. Make sure your potential evaluator understands your philosophy of homeschooling and can work with it. Is the evaluator someone with whom you are comfortable? Is he or she knowledgeable of the law? Has he or she evaluated homeschoolers’ portfolios before?



What can homeschooling families do to help their portfolio evaluators?

Most evaluators would prefer that contact and arrangements be made early in the school year. Another plus can be an informal meeting between the evaluator and the homeschooling parent and homeschooled child.

If this is not possible, another form of communication (phone, mail, e-mail)

can inform the evaluator of the child’s age, grade, and course of study. Portfolio evaluators also appreciate thoroughly prepared portfolios. Place representative samples of the child’s work in a safe place periodically throughout the year — include samples from all required subject areas. Place photographs of projects or other intangibles in the portfolio as your child completes the school year. Make sure to date each sample so the evaluator can see the child’s progression throughout the year. Finally, allow the evaluator plenty of time! Remember that the portfolio evaluation must be completed by May 1.

How can portfolio evaluators best serve homeschooling families?

Portfolio evaluators need to understand there are many styles and methods of homeschooling. Judge the portfolio on its evidence of adequate progress — not on the philosophy or method that was used to achieve the results. Handle the portfolio contents respectfully and return them promptly when finished with the evaluation. Complete the required reports in a timely manner. You might want to prepare a printed sheet of your requirements for portfolio.

Help for Those Using the Reports from Accredited Correspondence Schools Evaluation Option

How can I be sure that the report from my child’s correspondence school will be acceptable as an annual assessment?

Be certain to verify that the correspondence school you have chosen is a member of an accrediting association recognized by the federal department of education. NICHE maintains a list of many of the known accredited homeschool correspondence schools. Make sure that you request a copy of the school’s report in time to submit it to your school district of residence before June 30.