

Chapter 31 Proposed Rules

Key Concerns Analysis & Recommendations from Homeschool Iowa & HSLDA

The Iowa Department of Education is proposing changes to Chapter 31 of the Iowa Administrative Code that implements and interprets the Iowa Code sections governing private instruction, including homeschooling.

The newly proposed rules can be found at the following website, which also includes details on how to submit public comments, either digitally or at public meetings scheduled for that purpose.
<https://rules.iowa.gov/Notice/Details/7587C>

You can find the current Chapter 31 rules here:
<https://www.legis.iowa.gov/docs/iac/chapter/281.31.pdf>

CALL TO ACTION:

Homeschool Iowa encourages every homeschooling family in Iowa to:

- **read** the proposed rules and our analysis and recommendations below.
- **submit** comments to the Department of Education and/or **attend** one of the public hearings.
- **share** this document with your friends and family in Iowa who are friends of homeschooling.

FEBRUARY 27 is the **comment submission deadline** and the date for the **public hearings**.

If you submit comments using the website linked above, you do not have to attend the public hearings. However, you are welcome to attend if you are able. The Homeschool Advocacy Team will be there.

Homeschool Iowa and Home School Legal Defense Association [HSLDA] worked together to carefully analyze the Iowa Department of Education's rule change proposal. While the listing below does not cover every issue we have found, it presents the **key concerns identified in the rule proposal**.

PLEASE NOTE:

- Other than recognizing the legal definition of **Independent Private Instruction (IPI)** and including a few brief statements on public school services as related to IPI, these rules have very little effect on parents providing IPI. Even so, we encourage you to submit comments supporting the IPI option and its status as an independent homeschooling option.
- Also, there has been some confusion about the term "**private instruction**" in the rules. This term is included in the Iowa Code as a general foundational definition encompassing instruction using a plan and course of study outside of an accredited school setting, which includes both CPI and IPI

Questions may be emailed to:
advocacy@homeschooliowa.org

5 KEY CONCERNS:

281—31.1

Please urge the Department to include language mirroring the federal requirement providing that a privately placed student can be offered a public school evaluation but cannot be forced to obtain an evaluation if the parents do not want the services.

(See HSLDA's case [Fitzgerald v. Camdenton R III school district](#).)

281—31.3(2)

The wording of this subrule does not recognize competent private instruction under the supervision of an Iowa licensed teacher as described in 31.3(1). It causes unnecessary confusion and conflict by referring solely to the licensing status of the parent, guardian, or legal custodian.

This subrule wording also does not provide for the “private instruction reporting exemption” allowed by [Iowa Code 299A3](#), which permits parents using competent private instruction to opt out of reporting and annual assessment.

Please urge the Department to revise 31.3(2) to recognize CPI under the supervision of an Iowa licensed teacher and CPI with the private instruction reporting exemption.

281—31.4(1)

This subrule begins with a phrase that includes all children under competent private instruction. This wording does not recognize:

- a. that [Iowa Code 299A.2](#) *exempts* students under competent private instruction with instruction or supervision by an Iowa licensed teacher from the annual assessment requirements in 299A.3 through 299A7, and
- b. that [Iowa Code 299A.3](#) *exempts* students under competent private instruction with the private instruction reporting exemption applied from both the reporting and the annual assessment requirements in [Iowa Code 299A.3](#) through [299A7](#).

Also, there is no mention in subrule 31.4 of the [Iowa Code 299A.4\(2\)](#) language designating that annual achievement evaluations begin with baseline testing commencing at age 7.

Finally, this subrule refers only to educational agencies, including school districts and AEAs, when describing who can conduct the annual evaluations. Chapter 31 rules have always allowed for both public and private testing completed under the protocol rules of the test publishers.

Please urge the Department to revise 31.4(1) to recognize the exemptions granted by law to students under CPI with instruction or supervision by an Iowa licensed teacher and to students under CPI with the private instruction reporting exemption. Further, urge the Department to allow for privately accessed achievement evaluations and to recognize that CPI evaluations commence with a baseline evaluation at age 7.

281—31.4(6)

First, this subrule's reference to "the child" – with no qualifiers – is already resulting in confusion.

This subrule is not an accurate representation of the explicit provisions in [Iowa Code 299A.7](#). And, the wording does not recognize, as current Chapter 31 rules do, the options outlined in [Iowa Code 299A.6](#) guaranteeing the right of the parent to have the child under CPI with annual assessment complete another evaluation to demonstrate adequate progress.

This rule covers content that is already clearly presented in [Iowa Code 299A.6](#) and [299A.7](#). It should either be eliminated or replaced with a single sentence referring to the content provided in Iowa Code 299A.6 and 299A.7 – including accurate modifiers defining the child it applies to.

Please urge the Department to either eliminate subrule 31.4(6) or replace its current contents with a single sentence referring to Iowa Code 299A.6 and 299A.7.

If the subrule is retained, modifiers should be placed to clarify that it applies to neither students under IPI nor students under CPI with private instruction reporting exemption.

281—31.5(4)

This subrule recapitulates the Department's current rule that at least one quarter of a dual enrolled CPI child's instruction must be by way of CPI, and no more than three quarters by a way of the school district's academic programs as applied to high school level classes offered on the public school premises.

The intent of this designation, while not specified in the Iowa Code, appears to be an effort to assure that a dual enrolled student does not access all but one course in a district's academic program schedule. If that is the case, then this rule needs to be stated as such. Dual enrolled students attempting to access courses at public schools with academic programs that do not translate well to quarter fractions (i.e., a six period day) are unduly limited by the arbitrary one-quarter/three-quarter designation.

Further, the Legislature has been clear that the point of making concurrent enrollment courses and PSEO courses available is to help the maximum number of *resident* students access the highest level of education they can.

The one-quarter/three-quarter rule causes a miscarriage of justice as applied to those courses. Public school students are now allowed to take a full load of concurrent enrollment and PSEO classes. Homeschool students should not be denied this same access.

Please urge the Department to redefine the limit for dual enrollment for public school academic programs to "the student shall not access all but one course."

Also petition for equitable access to Senior Year Plus options for homeschooled students.