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STATE OF IOWA • DEPARTMENT OF PUBLIC INSTRUCTION

GRIMES STATE OFFICE BUILDING • DES MOINES, IOWA 50319

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Declaratory Ruling #22  
(Cite as 1 D.P.I. Dec. Rul. 38)

May 10, 1978

Mr. & Mrs. Robert Sessions  
805 Vernon  
Decorah Iowa 52101

Dear Mr. & Mrs. Sessions:

Your "Petition for Declaratory Ruling" was filed in my office on February 21, 1978. In it you seek clarification of an issue presented by the State Board of Public Instruction's decision entitled, In re Erik Sessions, 1 D.P.I. App. Dec. 181. In that appeal, you contested the Decorah Community School District Board of Directors' refusal to allow you to educate your son under the provisions of Section 299.4, The Code 1977. The State Board ruled that while your planned program of instruction sufficiently met the minimum required, supervision by the certificated teacher on a monthly basis was not sufficient to meet the requirement of "equivalent instruction by a certified teacher."

Your specific question is as follows:

Precisely what must we do to comply with the "instruction by a certified teacher" clause of Section 299.1 of the 1977 Code of Iowa?

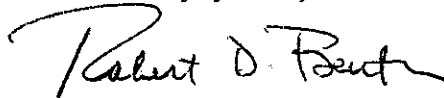
There is not a great deal of authority on which to base a reply to your question; however, a rule of this Department found at 670--3.4(4), Iowa Administrative Code, provides a good definition of "teacher":

3.4(4) Teacher. A teacher shall be defined as a member of the instructional professional staff who: (a) holds a certificate, issued by the state board of public instruction, endorsed for the type of position in which employed; (b) diagnoses, prescribes, evaluates, and directs student learning in terms of the school's objectives either singly or in concert with other professional staff members; (c) shares responsibility with the total professional staff for the development of educational procedures and student activities to be used in achieving these objectives; (d) supervises educational aides who assist in serving students for whom the teacher is responsible; and (3) evaluates or assesses student progress both during and following instruction, in terms of the objectives sought, and uses the information thus gained as a basis for developing further educational procedures.

May 10, 1978

While your planned program of instruction includes many related educational activities extending beyond the normal school day, I feel that the appropriate standard to be used to determine the amount of instruction required by a certificated teacher is that portion of a normal school day during which instruction occurs in the public school district of residence. Please note that the terms of Rule 670--3.4(4) strongly imply the necessity of teacher presence or close proximity throughout the instructional process. This does not in any way negate the importance of the expanded program and its relationship to the formal instructional components of an educational program.

Sincerely yours,



Robert D. Benton, Ed.D.

State Superintendent of Public Instruction

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