

Senate File 159 - Introduced

SENATE FILE 159
BY KETTERING

A BILL FOR

1 An Act providing a school tuition credit for certain pupils
2 attending an accredited nonpublic school and including
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 31. Adopt rules relating to applications
4 for a school tuition credit pursuant to section 257.11B,
5 including application processing timelines, required
6 information for submission by a parent or guardian, and
7 penalties for noncompliance.

8 Sec. 2. Section 257.6, subsection 1, paragraph a,
9 unnumbered paragraph 1, Code 2011, is amended to read as
10 follows:

11 ~~Actual~~ Except as provided in subparagraph (8), actual
12 enrollment is determined annually on October 1, or the first
13 Monday in October if October 1 falls on a Saturday or Sunday,
14 and includes all of the following:

15 Sec. 3. Section 257.6, subsection 1, paragraph a, Code 2011,
16 is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (8) Resident pupils receiving a school
18 tuition credit pursuant to section 257.11B, as designated by
19 March 1.

20 Sec. 4. NEW SECTION. 257.11B **School tuition credits.**

21 1. Pupils attending an accredited nonpublic school shall be
22 eligible to receive a school tuition credit for attendance in
23 the following grades according to the following schedule:

24 a. For the school budget year beginning July 1, 2012, pupils
25 in kindergarten.

26 b. For the school budget year beginning July 1, 2013, pupils
27 in kindergarten and grade one.

28 c. For the school budget year beginning July 1, 2014, pupils
29 in kindergarten and grades one and two.

30 d. For the school budget year beginning July 1, 2015, pupils
31 in kindergarten and grades one through three.

32 e. For the school budget year beginning July 1, 2016, pupils
33 in kindergarten and grades one through four.

34 f. For the school budget year beginning July 1, 2017, pupils
35 in kindergarten and grades one through five.

1 *g.* For the school budget year beginning July 1, 2018, pupils
2 in kindergarten and grades one through six.

3 *h.* For the school budget year beginning July 1, 2019, pupils
4 in kindergarten and grades one through seven.

5 *i.* For the school budget year beginning July 1, 2020, pupils
6 in kindergarten and grades one through eight.

7 *j.* For the school budget year beginning July 1, 2021, pupils
8 in kindergarten and grades one through nine.

9 *k.* For the school budget year beginning July 1, 2022, pupils
10 in kindergarten and grades one through ten.

11 *l.* For the school budget year beginning July 1, 2023, pupils
12 in kindergarten and grades one through eleven.

13 *m.* For the school budget year beginning July 1, 2024, and
14 succeeding budget years, pupils in kindergarten and grades one
15 through twelve.

16 2. *a.* By January of the school year preceding the school
17 year for which the school tuition credit is requested, the
18 parent or guardian of the pupil requesting to receive a school
19 tuition credit shall submit an application to the department
20 of education, on forms to be developed by the department,
21 indicating that the parent or guardian intends to enroll the
22 pupil in an accredited nonpublic school.

23 *b.* By March 1, the department of education shall notify the
24 department of management of the number of pupils designated to
25 receive school tuition credits.

26 3. *a.* (1) The department of management shall assign each
27 designated pupil a school tuition credit in an amount equal to
28 thirty-five percent of the regular program foundation base per
29 pupil, as defined in section 257.1, subsection 2, paragraph "b".

30 (2) The department of education, in consultation with
31 the department of management, shall reduce the state aid
32 payments to a local public school district otherwise payable
33 pursuant to section 257.16 for the following school budget year
34 attributable to the designated pupils by sixty-five percent of
35 the regular program foundation base per pupil, as defined in

1 section 257.1, subsection 2, paragraph "b". The regular program
2 foundation funds not paid to school districts due to the school
3 tuition credit reduction shall remain in the general fund of
4 the state.

5 (3) A public school district shall transfer twenty-five
6 percent of the regular program foundation base per pupil,
7 as defined in section 257.1, subsection 2, paragraph "b",
8 per designated pupil directly to the applicable accredited
9 nonpublic school and shall retain the remaining ten percent
10 of the regular program foundation base per pupil, as defined
11 in section 257.1, subsection 2, paragraph "b", as the pupil's
12 district of residence.

13 b. (1) Commencing in the school budget year beginning
14 July 1, 2024, and succeeding budget years, if the average
15 enrollment at an accredited nonpublic school equals seventeen
16 percent of the combined enrollment of the local public school
17 district and the accredited nonpublic school, the department of
18 management shall assign each designated pupil a school tuition
19 credit in an amount equal to forty-five percent of the regular
20 program foundation base per pupil, as defined in section 257.1,
21 subsection 2, paragraph "b".

22 (2) The department of education, in consultation with
23 the department of management, shall reduce the state aid
24 payments to a local public school district otherwise payable
25 pursuant to section 257.16 for the following school budget year
26 attributable to the designated pupils by fifty-five percent of
27 the regular program foundation base per pupil, as defined in
28 section 257.1, subsection 2, paragraph "b". The regular program
29 foundation funds not paid to school districts due to the school
30 tuition credit reduction shall remain in the general fund of
31 the state.

32 (3) A public school district shall transfer thirty percent
33 of the regular program foundation base per pupil, as defined
34 in section 257.1, subsection 2, paragraph "b", per designated
35 pupil directly to the applicable accredited nonpublic school

1 budget year thereafter, another grade is made eligible for
2 the school tuition credit, so that in the school budget year
3 commencing July 1, 2024, kindergarten through grades 12 are
4 included.

5 The bill requires that a parent or guardian submit an
6 application to the department of education (DE) by January
7 of the preceding school year indicating that the parent
8 or guardian intends to enroll the pupil in an accredited
9 nonpublic school. By March 1, DE shall notify the department
10 of management (DOM) of the number of pupils to receive school
11 tuition credits.

12 DOM shall assign each designated pupil a credit equal to 35
13 percent of the regular program foundation base per pupil. DE
14 in consultation with DOM shall reduce the state aid payments
15 to a local school district for the following school budget
16 year by 65 percent of the regular program foundation base per
17 pupil attributable to each designated pupil. The funds not
18 paid to school districts due to the school tuition credit
19 shall remain in the general fund. A local school district of
20 residence shall then transfer 25 percent of the regular program
21 foundation base per pupil attributable to each designated
22 pupil directly to the applicable accredited nonpublic school
23 district and shall retain the remaining 10 percent of the
24 regular program foundation base per pupil attributable to each
25 designated pupil as the pupil's district of residence.

26 Beginning in the school budget year commencing July 1,
27 2024, and for succeeding budget years, if an accredited
28 nonpublic school's average enrollment equals 17 percent of the
29 combined enrollment of the local public school district and
30 the accredited nonpublic school, then DOM shall assign each
31 designated pupil a credit equal to 45 percent of the regular
32 program foundation base per pupil. DE in consultation with
33 DOM shall reduce the state aid payments to a local school
34 district for the following school budget year by 55 percent of
35 the regular program foundation base per pupil attributable to

1 each designated pupil. The local school district of residence
2 shall transfer 30 percent of the regular program foundation
3 base per pupil attributable to each designated pupil directly
4 to the accredited nonpublic school and shall retain 15 percent
5 of the regular program foundation base per pupil as the pupil's
6 district of residence.

7 The credit may include additional moneys received for
8 the pupil for non-English-speaking programs or for tuition
9 reimbursement under the postsecondary enrollment options
10 program.

11 DE shall determine whether the credit amounts are to be paid
12 in a lump sum or in installments to the accredited nonpublic
13 schools.

14 A student attending an accredited nonpublic school shall
15 be counted as attending school in the pupil's district of
16 residence for state school foundation purposes. A parent or
17 guardian may reapply for the credit each year that the credit
18 is available and that the pupil is enrolled in an accredited
19 nonpublic school.

20 The bill provides that if a pupil requires special education
21 pursuant to Code chapter 256B, a school tuition credit may
22 be used only in the event that the pupil is enrolled in an
23 accredited nonpublic school which maintains a special education
24 instructional program that is appropriate to meet the pupil's
25 educational needs.

26 The state board of education is directed to adopt rules
27 relating to the applications for the school tuition credit.
28 Code section 257.6 is amended to reflect that pupils receiving
29 a credit are counted as part of a local public school
30 district's actual enrollment.

31 The bill applies to school budget years beginning on or after
32 July 1, 2012.