



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 10, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 877, an Act creating a statewide voluntary preschool program for four-year-old children and making appropriations.

The above House File is hereby approved this date.

Sincerely,


Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 877

AN ACT

CREATING A STATEWIDE VOLUNTARY PRESCHOOL PROGRAM FOR
FOUR-YEAR-OLD CHILDREN AND MAKING APPROPRIATIONS.

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

DIVISION I

STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD
CHILDREN

Section 1. NEW SECTION. 256C.1 DEFINITIONS.

As used in this chapter:

1. "Approved local program" means a school district's program for four-year-old children approved by the department of education to provide high quality preschool instruction.
2. "Department" means the department of education.
3. "Director" means the director of the department of education.
4. "Preschool program" means the statewide preschool program for four-year-old children created in accordance with this chapter.
5. "School district approved to participate in the preschool program" means a school district that meets the school district requirements under section 256C.3 and has been approved by the department to participate in the preschool program.
6. "State board" means the state board of education.

Sec. 2. NEW SECTION. 256C.2 STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN -- PURPOSE.

1. A statewide preschool program for four-year-old children is established. The purpose of the preschool program is to provide an opportunity for all young children in the

state to enter school ready to learn by expanding voluntary access to quality preschool curricula for all children who are four years old.

2. The state board shall adopt rules in accordance with chapter 17A as necessary to implement the preschool program as provided in this chapter.

Sec. 3. NEW SECTION. 256C.3 PRESCHOOL PROGRAM REQUIREMENTS.

1. ELIGIBLE CHILDREN. A child who is a resident of Iowa and is four years of age by September 15 of a school year shall be eligible to enroll in the preschool program under this chapter. If space and funding are available, a school district approved to participate in the preschool program may enroll a younger or older child in the preschool program; however, the child shall not be counted for state funding purposes.

2. TEACHER REQUIREMENTS.

a. An individual serving as a teacher in the preschool program must meet all of the following qualifications:

(1) The individual is either employed by or under contract with the school district implementing the program.

(2) The individual is appropriately licensed under chapter 272 and meets requirements under chapter 284.

(3) The individual possesses a bachelor's or graduate degree from an accredited college or university with a major in early childhood education or other appropriate major identified in rule by the department.

b. A teacher in the preschool program shall collaborate with other agencies, organizations, and boards in the community to further the program's capacity to meet the diverse needs of the children taught by the teacher and the families of the children, such as needs for early care, health, and human services. In addition, a teacher in the preschool program shall work to maintain relationships with each child's family in order to enhance the child's development in all settings by collaborating with providers of parent education and family support opportunities.

3. PROGRAM REQUIREMENTS. The state board shall adopt rules to further define the following preschool program requirements which shall be used to determine whether or not a local program implemented by a school district approved to implement the preschool program qualifies as an approved local program:

a. Maximum and minimum teacher-to-child ratios and class sizes.

b. Applicable state and federal program standards.

c. Student learning standards.

d. Provisions for the integration of children from other state and federally funded preschools.

e. Collaboration with participating families, early care providers, and community partners including but not limited to community empowerment area boards, head start programs, shared visions and other programs provided under the auspices of the child development coordinating council, licensed child care centers, registered child development homes, area education agencies, child care resource and referral services provided under section 237A.26, early childhood special education programs, services funded by Title I of the federal Elementary and Secondary Education Act of 1965, and family support programs.

f. A minimum of ten hours per week of instruction delivered on the skills and knowledge included in the student learning standards developed for the preschool program.

g. Parental involvement in the local program.

h. Provision for ensuring that children receiving care from other child care arrangements can participate in the preschool program with minimal disruption due to transportation and movement from one site to another.

4. SCHOOL DISTRICT REQUIREMENTS. The state board shall adopt rules to further define the following requirements of school districts implementing the preschool program:

a. Methods of demonstrating community readiness to implement high-quality instruction in a local program shall be identified. The potential provider shall submit a collaborative program proposal that demonstrates the involvement of multiple community stakeholders including but not limited to, and only as applicable, parents, the school district, accredited nonpublic schools and faith-based representatives, the area education agency, the community empowerment area board, representatives of business, head start programs, shared visions and other programs provided under the auspices of the child development coordinating council, center-based and home-based providers of child care services, human services, public health, and economic development programs. The methods may include but are not

limited to a school district providing evidence of a public hearing on the proposed programming and written documentation of collaboration agreements between the school district, existing community providers, and other community stakeholders addressing operational procedures and other critical measures.

b. Subject to implementation of chapter 28E agreements between a school district and community-based providers of services to four-year-old children, a four-year-old child who is enrolled in a child care center or child development home licensed or registered under chapter 237A, or in an existing public or private preschool program, shall be eligible for services provided by the school district's local preschool program.

c. A school district shall participate in data collection and performance measurement processes and reporting as defined by rule.

d. Career development for school district preschool teachers shall be addressed in the school district's career development plan implemented in accordance with section 284.6.

5. DEPARTMENT REQUIREMENTS.

a. The department shall implement an application and selection process for school district participation in the preschool program that includes but is not limited to the enrollment requirements provided under section 256C.4.

b. The department shall track the progress of students served by a school district preschool program and the students' performance in elementary and secondary education.

c. The department shall implement procedures to monitor the quality of the programming provided under the preschool program.

Sec. 4. NEW SECTION. 256C.4 FUNDING PROVISIONS -- ENROLLMENT.

1. GENERAL.

a. State funding provided under the preschool program shall be based upon the enrollment of eligible students in the preschool programming provided by a school district approved to participate in the preschool program.

b. A school district approved to participate in the preschool program may authorize expenditures for the district's preschool programming from any of the revenue sources available to the district from the sources listed in chapter 298A, provided the expenditures are within the uses

permitted for the revenue source. In addition, the use of the revenue source for preschool or prekindergarten programming must have been approved prior to any expenditure from the revenue source for the district's approved local program.

c. Funding provided under the preschool program is intended to supplement, not supplant, existing public funding for preschool programming.

d. Preschool foundation aid funding shall not be commingled with the other state aid payments made under section 257.16 to a school district and shall be accounted for by the local school district separately from the other state aid payments. Preschool foundation aid payments made to school districts are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for preschool foundation aid payments received and expenditures made. A school district shall certify to the department of education that preschool foundation aid funding received by the school district was used to supplement, not supplant, moneys otherwise received and used by the school district for preschool programming.

e. Preschool foundation aid funding shall not be used for the costs of constructing a facility in connection with an approved local program.

2. ELIGIBLE STUDENT ENROLLMENT.

a. To be included as an eligible student in the enrollment count of the preschool programming provided by a school district approved to participate in the preschool program, a child must be four years of age by September 15 in the base year and attending the school district's approved local program.

b. The enrollment count of eligible students shall not include a child who is included in the enrollment count determined under section 257.6 or a child who is served by a program already receiving state or federal funds for the purpose of the provision of four-year-old preschool programming while the child is being served by the program. Such preschool programming includes but is not limited to child development assistance programs provided under chapter 256A, special education programs provided under section 256B.9, school ready children grant programs and other programs provided under chapter 28, and federal head start programs and the services funded by Title I of the federal Elementary and Secondary Education Act of 1965.

Sec. 5. NEW SECTION. 256C.5 FUNDING FORMULA.

1. DEFINITIONS. For the purposes of this section and section 256C.4:

a. "Base year", "budget year", "regular program state cost per pupil", and "school district" mean the same as defined or described in chapter 257.

b. "Eligible student" means a child who meets eligibility requirements under section 256C.4.

c. "Preschool budget enrollment" means the figure that is equal to sixty percent of the actual enrollment of eligible students in the preschool programming provided by a school district approved to participate in the preschool program on October 1 of the base year, or the first Monday in October if October 1 falls on a Saturday or Sunday.

d. "Preschool foundation aid" means the product of the regular program state cost per pupil for the budget year multiplied by the school district's preschool budget enrollment.

2. PRESCHOOL FOUNDATION AID DISTRICT AMOUNT.

a. For the initial school year for which a school district approved to participate in the preschool program receives that approval and implements the preschool program, the funding for the preschool foundation aid payable to that school district shall be paid from the appropriation made for that school year in section 256C.6 or in another appropriation made for purposes of this chapter. For that school year, the preschool foundation aid payable to the school district is the product of the regular program state cost per pupil for the school year multiplied by sixty percent of the school district's eligible student enrollment on the date in the school year determined by rule.

b. For budget years subsequent to the initial school year for which a school district approved to participate in the preschool program receives that approval and implements the preschool program, the funding for the preschool foundation aid payable to that school district shall be paid from the appropriation made in section 257.16.

3. AID PAYMENTS. Preschool foundation aid shall be paid as part of the state aid payments made to school districts in accordance with section 257.16.

4. ADMINISTRATION AND OVERSIGHT. Except as otherwise provided by law for a fiscal year, of the amount appropriated

for that fiscal year for payment of preschool foundation aid statewide, the department may use an amount sufficient to fund up to three full-time equivalent positions which shall be in addition to the number of positions authorized for the fiscal year, as necessary to provide administration and oversight of the preschool program.

Sec. 6. NEW SECTION. 256C.6 PHASE-IN -- APPROPRIATIONS.

1. PHASE-IN. For the initial fiscal year in which a school district participates in the preschool program pursuant to an appropriation provided in subsection 2, the department shall apply a modified set of the requirements of the provisions of this chapter relating to preschool program implementation, preschool enrollment reporting, and distribution of funding as necessary to begin the distribution in that fiscal year and additional program implementation in the next fiscal year. For each month after September 1, in the initial fiscal year that a school district approved to participate in the preschool program begins programming, the department shall reduce the preschool foundation aid payable to the school district by one-tenth of the amount that would otherwise have been payable to the school district for the full school year.

2. APPROPRIATIONS FOR INITIAL YEARS. There is appropriated from the general fund of the state to the department of education for the designated fiscal years the following amounts, or so much thereof as is necessary, to be used for the initial year preschool foundation aid payments to school districts approved to participate in the preschool program and administrative costs:

a. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, fifteen million dollars.

b. For the fiscal year beginning July 1, 2009, and ending June 30, 2010, fifteen million dollars.

c. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, sixteen million one hundred sixty-two thousand five hundred dollars.

3. INSUFFICIENT FUNDING. For the fiscal years in the period beginning July 1, 2007, and ending June 30, 2011, if the number of requests from school districts for initial participation in the preschool program exceeds the funding made available for the preschool program, the department shall utilize all of the following selection criteria in selecting

the school districts that will be approved to participate in the preschool program:

a. Priority shall be given to school districts that do not have existing preschool programming within the school district boundaries.

b. Priority shall be given to school districts that have a high percentage of children in poverty and such children shall receive first priority for the programs.

c. Consideration shall be given to the size of school districts in large, medium, and small categories in order for there to be equitable statewide distribution of preschool program services.

d. Consideration shall be given to school districts with established, high-quality, community partnerships for the delivery of preschool programming that are seeking to expand access.

4. REPEAL. This section is repealed July 1, 2011.

DIVISION II

CONFORMING AMENDMENTS

Sec. 7. Section 256.11, subsection 1, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this subsection, "prekindergarten program" includes but is not limited to a school district's implementation of the preschool program established pursuant to chapter 256C.

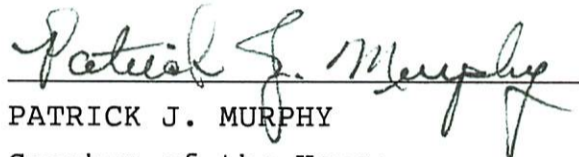
Sec. 8. Section 257.16, subsection 1, Code 2007, is amended to read as follows:


1. There is appropriated each year from the general fund of the state an amount necessary to pay the foundation aid under this chapter, the preschool foundation aid under chapter 256C, supplementary aid under section 257.4, subsection 2, and adjusted additional property tax levy aid under section 257.15, subsection 4.

Sec. 9. Section 285.1, subsection 1, paragraph c, Code 2007, is amended to read as follows:


c. Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided nonpublic school children are not eligible for reimbursement under this chapter.

Sec. 10. EMERGENCY RULES. The state board of education may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.



PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 877, Eighty-second General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved May 10th, 2007


CHESTER J. CULVER
Governor