

Senate File 2311 - Introduced

SENATE FILE _____
BY SENG

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing the foster child scholarship program Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 6154SS 82
4 kh/nh/24

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1 1 Section 1. NEW SECTION. 256G.1 TITLE.
1 2 This chapter shall be known and may be cited as the "Foster
1 3 Child Scholarship Act".
1 4 Sec. 2. NEW SECTION. 256G.2 DEFINITIONS.
1 5 1. "Department" means the department of education.
1 6 2. "Eligible student" means any elementary or secondary
1 7 student or the student's sibling, as defined in section 232.2,
1 8 who is eligible to attend an elementary or secondary school in
1 9 this state and who is in foster care or was in foster care at
1 10 the time the student began participating in the program.
1 11 3. "Parent or guardian" means a parent, custodian,
1 12 guardian, foster parent, or person with the authority to act
1 13 on behalf of the child.
1 14 4. "Participating school" means an accredited nonpublic
1 15 school that has notified the department of its intention to
1 16 participate in the program and comply with the program
1 17 requirements.
1 18 5. "Program" means the foster child scholarship program.
1 19 Sec. 3. NEW SECTION. 256G.3 PROGRAM.
1 20 1. If the general assembly appropriates moneys for the
1 21 establishment of a foster child scholarship program, the
1 22 department of education shall establish and administer a
1 23 foster child scholarship program. Under the program, any
1 24 child who is in foster care shall be provided an opportunity
1 25 to receive a state scholarship to enroll in and attend a
1 26 participating school.
1 27 2. The program shall provide for the following:
1 28 a. Eligible students shall retain program eligibility
1 29 regardless of subsequent placement out of the foster care
1 30 system and until the student graduates from high school or
1 31 reaches the age of twenty-one, whichever occurs first.
1 32 b. The amount of a state scholarship for an eligible
1 33 student shall be an amount equal to the lesser of the
1 34 following:
1 35 (1) The participating school's annual cost per pupil,
2 1 including both operational and capital facility costs, and
2 2 including any costs associated with a program or course of
2 3 special education appropriate to the eligible student's needs
2 4 if the eligible student has been identified by the director of
2 5 special education of the area education agency as a child
2 6 requiring special education as defined in section 256B.2.
2 7 (2) The dollar amount the school district of residence
2 8 would have received to serve and educate the eligible student
2 9 from federal, state, and local sources had the student
2 10 enrolled in the school district, including any costs
2 11 associated with a program or course of special education
2 12 appropriate to the eligible student's needs if the eligible
2 13 student has been identified by the director of special
2 14 education of the area education agency as a child requiring
2 15 special education as defined in section 256B.2.
2 16 3. The decision to enroll a student placed in foster care
2 17 in a participating school shall be made by the student's
2 18 parent or guardian.
2 19 4. The scholarship is the entitlement of the eligible
2 20 student under the supervision the eligible student's parent or
2 21 guardian. The scholarship shall not be considered the

2 22 entitlement of any school.

2 23 5. A participating school shall not refund, rebate, or
2 24 share a scholarship received pursuant to this chapter with a
2 25 student or parent or guardian in any manner. A scholarship
2 26 received pursuant to this chapter shall be used for secular
2 27 educational purposes including tuition, special education
2 28 services, transportation costs, uniforms, books or other
2 29 school fees, tutoring, and other extracurricular programs with
2 30 an educational purpose. Such expenses are authorized when a
2 31 participating school is either providing the educational
2 32 services or is under contract with a third party to provide
2 33 the educational services. However, scholarship funds are
2 34 payable only to the participating school.

2 35 6. A participating school may enroll an eligible student
3 1 who submits a timely application unless the number of
3 2 applications on behalf of eligible students exceeds the
3 3 capacity of a program, class, grade level, or building. In
3 4 this case, eligible students must be accepted by lot. A
3 5 participating school may give preference to siblings of
3 6 enrolled students and previously enrolled scholarship students
3 7 under this chapter. An eligible student shall not be denied
3 8 enrollment in a participating school on the basis of political
3 9 party affiliation, race, creed, color, age, marital status,
3 10 sex, national origin, religion, ancestry, or physical or
3 11 mental disability.

3 12 7. If a student is denied admission to a participating
3 13 school because the participating school has reached capacity,
3 14 the scholarship may be transferred to a participating school
3 15 that has spaces available.

3 16 8. An eligible student shall be counted, for state school
3 17 foundation aid purposes, in the student's district of
3 18 residence. The funds needed for a scholarship shall be
3 19 deducted from the state aid paid to the school district of
3 20 residence. Any state aid the school district would have
3 21 received for the student in excess of the funds needed for a
3 22 scholarship shall be retained by the state.

3 23 9. The state board of education shall adopt rules pursuant
3 24 to chapter 17A to implement this chapter. The rules adopted
3 25 shall provide for the following:

3 26 a. The eligibility of and participation by accredited
3 27 nonpublic schools in the program, including but not limited to
3 28 timelines that will maximize eligible student and accredited
3 29 nonpublic school participation.

3 30 b. The calculation and distribution of scholarships on
3 31 behalf of eligible students.

3 32 c. The application and approval procedures for
3 33 scholarships for eligible students and participating schools.

3 34 d. The sharing of student records between participating
3 35 schools, school corporations, and educational institutions in
4 1 accordance with section 22.7, subsection 1.

4 2 Sec. 4. NEW SECTION. 256G.4 DEPARTMENT == POWERS AND
4 3 DUTIES.

4 4 1. The department shall ensure that eligible students and
4 5 their parents or guardians are annually provided a list of the
4 6 participating schools. The list shall also be provided to all
4 7 state and local agencies and organizations involved in issues
4 8 pertaining to foster care to maximize the awareness among
4 9 potential beneficiaries.

4 10 2. The department shall create a standard program
4 11 application that a parent or guardian can access and submit to
4 12 participating schools to establish a student's eligibility and
4 13 apply for admissions. A participating school may require
4 14 supplemental information from applicants. The department
4 15 shall ensure that the application is readily available to
4 16 interested families through various sources, including the
4 17 department's web site.

4 18 3. The department may bar a school from participation in
4 19 the program if the department establishes that the
4 20 participating school meets any of the following conditions:

4 21 a. Intentionally and substantially misrepresented
4 22 information required under section 256G.6.

4 23 b. Routinely fails to comply with at least three of the
4 24 accountability standards established under section 256G.6.

4 25 c. Fails to refund to the state scholarship overpayments
4 26 in a timely manner.

4 27 4. If the department is considering barring a
4 28 participating school from the program, the department shall at
4 29 the earliest time feasible notify eligible students enrolled
4 30 in the participating school, and the student's parent or
4 31 guardian, of the potential action.

4 32 Sec. 5. NEW SECTION. 256G.5 RESPONSIBILITIES OF SCHOOL

4 33 DISTRICT.

4 34 1. Notwithstanding section 22.7, subsection 1, records
4 35 kept regarding an eligible student enrolling in a
5 1 participating school pursuant to the program may be requested
5 2 by the school officials of a participating school and upon
5 3 receipt of the request, shall be provided to the participating
5 4 school by the school district. A school official who receives
5 5 information under this subsection shall disclose this
5 6 information only to those school officials and employees whose
5 7 duties require them to be involved with the student. A school
5 8 official or employee who discloses information received under
5 9 this subsection in violation of this subsection shall be
5 10 subject to disciplinary action, including but not limited to
5 11 reprimand, suspension, or termination. "School officials and
5 12 employees" means those officials and persons employed by a
5 13 school district or accredited nonpublic school and area
5 14 education agency staff members who provide services to schools
5 15 or school districts.

5 16 2. The school district of residence shall provide
5 17 transportation for the eligible student to and from the
5 18 participating school under the same conditions as provided for
5 19 other resident students to nonpublic schools under chapter
5 20 285. The school district of residence shall be entitled to
5 21 state transportation aid in the same manner as provided in
5 22 chapter 285 for nonpublic student transportation for each
5 23 eligible student transported in accordance with this
5 24 subsection.

5 25 Sec. 6. NEW SECTION. 256G.6 PARTICIPATING SCHOOLS ==
5 26 ACCOUNTABILITY.

5 27 To be eligible to participate in the program, an accredited
5 28 nonpublic school shall demonstrate to the department's
5 29 satisfaction the following:

5 30 1. ADMINISTRATIVE ACCOUNTABILITY. To ensure that students
5 31 are treated fairly and kept safe, all participating schools
5 32 shall meet all applicable federal, state, and local health and
5 33 safety requirements.

5 34 2. FINANCIAL ACCOUNTABILITY. To ensure that public funds
5 35 are spent appropriately, a participating school shall do all
6 1 of the following:

6 2 a. Demonstrate the school's financial accountability by
6 3 submitting to the department and the auditor of state a
6 4 financial information report for the school which complies
6 5 with generally accepted accounting principles and was prepared
6 6 by a certified public accountant. The accountant shall
6 7 certify the report is free of material misstatements. The
6 8 report shall be limited in scope to those records which are
6 9 necessary for the department to make payments to the school
6 10 for scholarships.

6 11 b. Demonstrate, if the participating school is to receive
6 12 fifty thousand dollars or more in scholarship moneys in a
6 13 school year, the financial viability of the school in
6 14 accordance with subsection 3.

6 15 3. FINANCIAL VIABILITY. To demonstrate financial
6 16 viability, the school shall do either of the following:

6 17 a. File with the department prior to the start of the
6 18 school year a surety bond payable to the state in an amount
6 19 equal to the aggregate amount of the program scholarship funds
6 20 expected to be paid during the school year on behalf of
6 21 eligible students admitted to the participating school.

6 22 b. File with the department prior to the start of the
6 23 school year financial information that demonstrates the school
6 24 has the ability to pay an aggregate amount equal to the amount
6 25 of the program funds expected to be paid during the school
6 26 year on behalf of students admitted to the participating
6 27 school.

6 28 4. ACADEMIC ACCOUNTABILITY. Each participating school
6 29 shall provide academic accountability to parents or guardians
6 30 of the students in the program by regularly reporting to the
6 31 parent or guardian on the student's progress.

6 32 Sec. 7. NEW SECTION. 256G.7 PROGRAM EVALUATION.

6 33 1. The department may contract with one or more qualified
6 34 researchers who have previous experience evaluating school
6 35 choice programs to conduct an evaluation of the program. The
7 1 evaluation shall be conducted using appropriate analytical and
7 2 behavioral science methodologies to ensure public confidence
7 3 in the evaluation.

7 4 2. The evaluation shall assess the following:

7 5 a. The level of eligible student satisfaction with the
7 6 program.

7 7 b. The level of parent or guardian satisfaction with the
7 8 program.

7 9 c. The percentage of eligible students who exhibited
7 10 behavioral problems at their resident school district compared
7 11 to the percentage exhibiting behavioral problems at their
7 12 participating school.

7 13 d. The class size experienced by eligible students at
7 14 their resident school district and at their participating
7 15 school.

7 16 e. The fiscal impact of the program to the state and
7 17 school districts of residence.

7 18 3. The school districts from which eligible students
7 19 transfer to participate in the program and participating
7 20 schools shall cooperate with the research effort by providing
7 21 student assessment instrument scores and any other data
7 22 necessary to complete the evaluation.

7 23 4. The department may accept private foundation grants to
7 24 assist in funding the evaluation.

7 25 5. The department shall submit the evaluation report,
7 26 along with the department's findings and recommendations, to
7 27 the general assembly as soon as feasible.

7 28 6. The department may submit progress reports from the
7 29 researchers to the general assembly. The department shall
7 30 make evaluation data and the methodology used to conduct the
7 31 evaluation available on the department's web site.

7 32 EXPLANATION

7 33 This bill directs the department of education to establish
7 34 and administer a foster child scholarship program if the
7 35 general assembly appropriates moneys for the program. The
8 1 program provides scholarships to eligible foster care students
8 2 payable to participating accredited nonpublic schools.

8 3 The bill defines "eligible student" to mean any elementary
8 4 or secondary student or the student's sibling, who is eligible
8 5 to attend an elementary or secondary school in this state and
8 6 who is in foster care or was in foster care at the time the
8 7 student began participating in the program. "Participating
8 8 school" means an accredited nonpublic school that has notified
8 9 the department of its intention to participate in the program
8 10 and comply with the program requirements.

8 11 The amount of a state scholarship will be an amount equal
8 12 to the lesser of the following: the participating school's
8 13 annual cost per pupil, or the dollar amount the school
8 14 district of residence would have received to serve and educate
8 15 the eligible student from federal, state, and local sources
8 16 had the student enrolled in the school district.

8 17 An eligible student shall be counted, for state school
8 18 foundation aid purposes, in the student's district of
8 19 residence. The funds needed for a scholarship shall be
8 20 deducted from the state aid paid to the school district of
8 21 residence.

8 22 The decision to enroll a student placed in foster care in a
8 23 participating school shall be made by the student's foster
8 24 parent or other person with custody of the student.

8 25 Scholarship funds are payable only to the participating
8 26 school. A scholarship shall be used for secular educational
8 27 purposes including tuition, special education services,
8 28 transportation costs, uniforms, books or other school fees,
8 29 tutoring, and other extracurricular programs with an
8 30 educational purpose.

8 31 If the number of applications on behalf of eligible
8 32 students exceeds the capacity of a participating school's
8 33 program, class, grade level, or building, eligible students
8 34 must be accepted by lot. A participating school may give
8 35 preference to siblings of enrolled students and previously
9 1 enrolled scholarship students. Discriminatory admission
9 2 practices are prohibited.

9 3 The state board of education is directed to adopt rules to
9 4 implement the bill.

9 5 The department is directed to ensure that eligible students
9 6 and their foster parents or guardians and all state and local
9 7 agencies and organizations involved in issues pertaining to
9 8 foster care are annually provided a list of the participating
9 9 schools. The department may bar a school from participation
9 10 in the program if the school intentionally and substantially
9 11 misrepresented information, routinely fails to comply with at
9 12 least three of the accountability standards, or fails to
9 13 refund to the state scholarship overpayments in a timely
9 14 manner. If the department is considering barring a
9 15 participating school from the program, the department must at
9 16 the earliest time feasible notify eligible students enrolled
9 17 in the participating school, and the student's parent or
9 18 guardian, of the potential action.

9 19 The school district of residence must provide

9 20 transportation for the eligible student to and from the
9 21 participating school under the same conditions as provided for
9 22 other resident students to nonpublic schools under Code
9 23 chapter 285. The school district of residence will be
9 24 entitled to state transportation aid for nonpublic student
9 25 transportation.
9 26 To be eligible to participate in the program, an accredited
9 27 nonpublic school must demonstrate the school's financial
9 28 accountability, financial viability, and academic
9 29 accountability.
9 30 The department may contract with one or more qualified
9 31 researchers who have previous experience evaluating school
9 32 choice programs to conduct an evaluation of the program. The
9 33 department may accept private foundation grants to assist in
9 34 funding the evaluation. The department shall submit any
9 35 evaluation report, along with the department's findings and
10 1 recommendations, to the general assembly as soon as feasible.
10 2 The department must make the evaluation data and the
10 3 methodology used to conduct an evaluation available on its web
10 4 site.
10 5 LSB 6154SS 82
10 6 kh/nh/24