

# Senate File 350 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1119)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act creating a statewide voluntary preschool program for  
2 four-year-old children and making appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1231SV 82  
5 jp/je/5

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1 1 DIVISION I  
1 2 STATEWIDE VOLUNTARY PRESCHOOL PROGRAM FOR  
1 3 FOUR-YEAR-OLD CHILDREN  
1 4 Section 1. NEW SECTION. 256C.1 DEFINITIONS.  
1 5 As used in this chapter:  
1 6 1. "Approved local program" means a school district's  
1 7 program for four-year-old children approved by the department  
1 8 of education to provide high quality preschool instruction.  
1 9 2. "Department" means the department of education.  
1 10 3. "Director" means the director of the department of  
1 11 education.  
1 12 4. "Preschool program" means the statewide voluntary  
1 13 preschool program for four-year-old children created in  
1 14 accordance with this chapter.  
1 15 5. "School district approved to participate in the  
1 16 preschool program" means a school district that meets the  
1 17 school district requirements under section 256C.3 and has been  
1 18 approved by the department to participate in the preschool  
1 19 program.  
1 20 6. "State board" means the state board of education.  
1 21 Sec. 2. NEW SECTION. 256C.2 STATEWIDE VOLUNTARY PRESCHOOL  
1 22 PROGRAM FOR FOUR-YEAR-OLD CHILDREN == PURPOSE.  
1 23 1. A statewide voluntary preschool program for  
1 24 four-year-old children is established. The purpose of the  
1 25 preschool program is to provide an opportunity for all young  
1 26 children in the state to enter school ready to learn by  
1 27 expanding voluntary access to quality preschool curricula for  
1 28 all children who are four years old.  
1 29 2. The state board shall adopt rules in accordance with  
1 30 chapter 17A as necessary to implement the preschool program as  
1 31 provided in this chapter.  
1 32 Sec. 3. NEW SECTION. 256C.3 PRESCHOOL PROGRAM  
1 33 REQUIREMENTS.  
1 34 1. ELIGIBLE CHILDREN. A child who is a resident of Iowa  
1 35 and is four years of age by September 15 of a school year  
2 1 shall be eligible to enroll in the preschool program under  
2 2 this chapter. If space and funding are available, a school  
2 3 district approved to participate in the preschool program may  
2 4 enroll a younger child in the preschool program; however, the  
2 5 child shall not be counted for state funding purposes.  
2 6 2. TEACHER REQUIREMENTS.  
2 7 a. An individual serving as a teacher in the preschool  
2 8 program must meet all of the following qualifications:  
2 9 (1) The individual is either employed by or under contract  
2 10 with the school district implementing the program.  
2 11 (2) The individual is appropriately licensed under chapter  
2 12 272 and meets requirements under chapter 284.  
2 13 (3) The individual possesses a bachelor's or graduate  
2 14 degree from an accredited college or university with a major  
2 15 in early childhood education or other appropriate major  
2 16 identified in rule by the department.  
2 17 b. A teacher in the preschool program shall collaborate  
2 18 with other agencies, organizations, and boards in the

2 19 community to further the program's capacity to meet the  
2 20 diverse needs of the children taught by the teacher and the  
2 21 families of the children, such as needs for early care,  
2 22 health, and human services. In addition, a teacher in the  
2 23 preschool program shall work to maintain relationships with  
2 24 each child's family in order to enhance the child's  
2 25 development in all settings by collaborating with providers of  
2 26 parent education and family support opportunities.

2 27 3. PROGRAM REQUIREMENTS. The state board shall adopt  
2 28 rules to further define the following preschool program  
2 29 requirements which shall be used to determine whether or not a  
2 30 local program implemented by a school district approved to  
2 31 implement the preschool program qualifies as an approved local  
2 32 program:

2 33 a. Maximum and minimum teacher-to-child ratios and class  
2 34 sizes.

2 35 b. Applicable state and federal program standards.

3 1 c. Student learning standards.

3 2 d. Provisions for the integration of children from other  
3 3 state and federally funded preschools.

3 4 e. Collaboration with participating families, early care  
3 5 providers, and community partners including but not limited to  
3 6 community empowerment area boards, head start programs, shared  
3 7 visions and other programs provided under the auspices of the  
3 8 child development coordinating council, licensed child care  
3 9 centers, registered child development homes, area education  
3 10 agencies, child care resource and referral services provided  
3 11 under section 237A.26, early childhood special education  
3 12 programs, services funded by Title I of the federal Elementary  
3 13 and Secondary Education Act of 1965, and family support  
3 14 programs.

3 15 f. A minimum of ten hours per week of instruction  
3 16 delivered on the skills and knowledge included in the student  
3 17 learning standards developed for the preschool program.

3 18 g. Parental involvement in the local program.

3 19 h. Provision for ensuring that children receiving care  
3 20 from other child care arrangements can participate in the  
3 21 preschool program with minimal disruption due to  
3 22 transportation and movement from one site to another.

3 23 4. SCHOOL DISTRICT REQUIREMENTS. The state board shall  
3 24 adopt rules to further define the following requirements of  
3 25 school districts implementing the preschool program:

3 26 a. Methods of demonstrating community readiness to  
3 27 implement high-quality instruction in a local program shall be  
3 28 identified. The potential provider shall submit a  
3 29 collaborative program proposal that demonstrates the  
3 30 involvement of multiple community stakeholders including but  
3 31 not limited to, and only as applicable, parents, the school  
3 32 district, accredited nonpublic schools and faith-based  
3 33 representatives, the area education agency, the community  
3 34 empowerment area board, representatives of business, head  
3 35 start programs, shared visions and other programs provided  
4 1 under the auspices of the child development coordinating  
4 2 council, center-based and home-based providers of child care  
4 3 services, human services, public health, and economic  
4 4 development programs. The methods may include but are not  
4 5 limited to a school district providing evidence of a public  
4 6 hearing on the proposed programming and written documentation  
4 7 of collaboration agreements between the school district,  
4 8 existing community providers, and other community stakeholders  
4 9 addressing operational procedures and other critical measures.

4 10 b. Subject to implementation of agreements between a  
4 11 school district and community-based providers of services to  
4 12 four-year-old children, a four-year-old child who is enrolled  
4 13 in a child care center or child development home licensed or  
4 14 registered under chapter 237A, or in an existing public or  
4 15 private preschool program, shall be eligible for services  
4 16 provided by the school district's local preschool program.

4 17 c. A school district shall participate in data collection  
4 18 and performance measurement processes and reporting as defined  
4 19 by rule.

4 20 d. Career development for school district preschool  
4 21 teachers shall be addressed in the school district's career  
4 22 development plan implemented in accordance with section 284.6.

4 23 5. DEPARTMENT REQUIREMENTS.

4 24 a. The department shall implement an application and  
4 25 selection process for school district participation in the  
4 26 preschool program that includes but is not limited to the  
4 27 enrollment requirements provided under section 256C.4.

4 28 b. The department shall track the progress of students  
4 29 served by a school district preschool program and the

4 30 students' performance in elementary and secondary education.  
4 31 c. The department shall implement procedures to monitor  
4 32 the quality of the programming provided under the preschool  
4 33 program.

4 34 Sec. 4. NEW SECTION. 256C.4 FUNDING PROVISIONS ==  
4 35 ENROLLMENT.

5 1 1. GENERAL.

5 2 a. State funding provided under the preschool program  
5 3 shall be based upon the enrollment of eligible students in the  
5 4 preschool programming provided by a school district approved  
5 5 to participate in the preschool program.

5 6 b. A school district approved to participate in the  
5 7 preschool program may authorize expenditures for the  
5 8 district's preschool programming from any of the revenue  
5 9 sources available to the district from the sources listed in  
5 10 chapter 298A, provided the expenditures are within the uses  
5 11 permitted for the revenue source. In addition, the use of the  
5 12 revenue source for preschool or prekindergarten programming  
5 13 must have been approved prior to any expenditure from the  
5 14 revenue source for the district's approved local program.

5 15 c. Funding provided under the preschool program is  
5 16 intended to supplement, not supplant, existing public funding  
5 17 for preschool programming.

5 18 d. Preschool foundation aid funding shall not be  
5 19 commingled with the other state aid payments made under  
5 20 section 257.16 to a school district and shall be accounted for  
5 21 by the local school district separately from the other state  
5 22 aid payments. Preschool foundation aid payments made to  
5 23 school districts are miscellaneous income for purposes of  
5 24 chapter 257. A school district shall maintain a separate  
5 25 listing within its budget for preschool foundation aid  
5 26 payments received and expenditures made. A school district  
5 27 shall certify to the department of education that preschool  
5 28 foundation aid funding received by the school district was  
5 29 used to supplement, not supplant, moneys otherwise received  
5 30 and used by the school district for preschool programming.

5 31 e. Preschool foundation aid funding shall not be used for  
5 32 the costs of constructing a facility in connection with an  
5 33 approved local program.

5 34 2. ELIGIBLE STUDENT ENROLLMENT.

5 35 a. To be included as an eligible student in the enrollment  
6 1 count of the preschool programming provided by a school  
6 2 district approved to participate in the preschool program, a  
6 3 child must be four years of age by September 15 in the base  
6 4 year and attending the school district's approved local  
6 5 program.

6 6 b. The enrollment count of eligible students shall not  
6 7 include a child who is included in the enrollment count  
6 8 determined under section 257.6 or a child who is served by a  
6 9 program already receiving state or federal funds for the  
6 10 purpose of the provision of four-year-old preschool  
6 11 programming. Such preschool programming includes but is not  
6 12 limited to child development assistance programs provided  
6 13 under chapter 256A, special education programs provided under  
6 14 section 256B.9, school ready children grant programs and other  
6 15 programs provided under chapter 28, and federal head start  
6 16 programs and the services funded by Title I of the federal  
6 17 Elementary and Secondary Education Act of 1965.

6 18 Sec. 5. NEW SECTION. 256C.5 FUNDING FORMULA.

6 19 1. DEFINITIONS. For the purposes of this section and  
6 20 section 256C.4:

6 21 a. "Base year", "budget year", "regular program state cost  
6 22 per pupil", and "school district" mean the same as defined or  
6 23 described in chapter 257.

6 24 b. "Eligible student" means a child who meets eligibility  
6 25 requirements under section 256C.4.

6 26 c. "Preschool budget enrollment" means the figure that is  
6 27 equal to sixty percent of the actual enrollment of eligible  
6 28 students in the preschool programming provided by a school  
6 29 district approved to participate in the preschool program on  
6 30 October 1 of the base year, or the first Monday in October if  
6 31 October 1 falls on a Saturday or Sunday.

6 32 d. "Preschool foundation aid" means the product of the  
6 33 regular program state cost per pupil for the budget year  
6 34 multiplied by the school district's preschool budget  
6 35 enrollment.

7 1 2. PRESCHOOL FOUNDATION AID DISTRICT AMOUNT.

7 2 a. For the initial school year for which a school district  
7 3 approved to participate in the preschool program receives that  
7 4 approval and implements the preschool program, the funding for  
7 5 the preschool foundation aid payable to that school district

7 6 shall be paid from the appropriation made for that school year  
7 7 in section 256C.6. For that school year, the preschool  
7 8 foundation aid payable to the school district is the product  
7 9 of the regular program state cost per pupil for the school  
7 10 year multiplied by sixty percent of the school district's  
7 11 eligible student enrollment on the date in the school year  
7 12 determined by rule.

7 13 b. For budget years subsequent to the initial school year  
7 14 for which a school district approved to participate in the  
7 15 preschool program receives that approval and implements the  
7 16 preschool program, the funding for the preschool foundation  
7 17 aid payable to that school district shall be paid from the  
7 18 appropriation made in section 257.16.

7 19 3. AID PAYMENTS. Preschool foundation aid shall be paid  
7 20 as part of the state aid payments made to school districts in  
7 21 accordance with section 257.16.

7 22 4. ADMINISTRATION AND OVERSIGHT. Except as otherwise  
7 23 provided by law for a fiscal year, of the amount appropriated  
7 24 for that fiscal year for payment of preschool foundation aid  
7 25 statewide, the department may use an amount sufficient to fund  
7 26 up to three full-time equivalent positions which shall be in  
7 27 addition to the number of positions authorized for the fiscal  
7 28 year, as necessary to provide administration and oversight of  
7 29 the preschool program.

7 30 Sec. 6. NEW SECTION. 256C.6 PHASE-IN == APPROPRIATIONS.

7 31 1. PHASE-IN. For the initial fiscal year in which a  
7 32 school district participates in the preschool program pursuant  
7 33 to an appropriation provided in subsection 2, the department  
7 34 shall apply a modified set of the requirements of the  
7 35 provisions of this chapter relating to preschool program  
8 1 implementation, preschool enrollment reporting, and  
8 2 distribution of funding as necessary to begin the distribution  
8 3 in that fiscal year and additional program implementation in  
8 4 the next fiscal year. For each month after September 1, in  
8 5 the initial fiscal year that a school district approved to  
8 6 participate in the preschool program begins programming, the  
8 7 department shall reduce the preschool foundation aid payable  
8 8 to the school district by one tenth of the amount that would  
8 9 otherwise have been payable to the school district for the  
8 10 full school year.

8 11 2. APPROPRIATIONS FOR INITIAL YEARS. There is  
8 12 appropriated from the general fund of the state to the  
8 13 department of education for the designated fiscal years the  
8 14 following amounts, or so much thereof as is necessary, to be  
8 15 used for the initial year preschool foundation aid payments to  
8 16 school districts approved to participate in the preschool  
8 17 program and administrative costs:

8 18 a. For the fiscal year beginning July 1, 2007, and ending  
8 19 June 30, 2008, fifteen million dollars.

8 20 b. For the fiscal year beginning July 1, 2008, and ending  
8 21 June 30, 2009, fifteen million dollars.

8 22 c. For the fiscal year beginning July 1, 2009, and ending  
8 23 June 30, 2010, fifteen million dollars.

8 24 d. For the fiscal year beginning July 1, 2010, and ending  
8 25 June 30, 2011, sixteen million one hundred sixty-two thousand  
8 26 five hundred dollars.

8 27 3. INSUFFICIENT FUNDING. For the fiscal years in the  
8 28 period beginning July 1, 2007, and ending June 30, 2011, if  
8 29 the number of requests from school districts for initial  
8 30 participation in the preschool program exceeds the funding  
8 31 made available for the preschool program, the department shall  
8 32 utilize all of the following selection criteria in selecting  
8 33 the school districts that will be approved to participate in  
8 34 the preschool program:

8 35 a. Priority shall be given to school districts that do not  
9 1 have existing preschool programming within the school district  
9 2 boundaries.

9 3 b. Priority shall be given to school districts that have a  
9 4 high percentage of children in poverty and such children shall  
9 5 receive first priority for the programs.

9 6 c. Consideration shall be given to the size of school  
9 7 districts in large, medium, and small categories in order for  
9 8 there to be equitable statewide distribution of preschool  
9 9 program services.

9 10 d. Consideration shall be given to school districts with  
9 11 established, high-quality, community partnerships for the  
9 12 delivery of preschool programming that are seeking to expand  
9 13 access.

9 14 4. REPEAL. This section is repealed July 1, 2011.

9 15 DIVISION II  
9 16 CONFORMING AMENDMENTS

9 17 Sec. 7. Section 256.11, subsection 1, Code 2007, is  
9 18 amended by adding the following new unnumbered paragraph:  
9 19 NEW UNNUMBERED PARAGRAPH. For the purposes of this  
9 20 subsection, "prekindergarten program" includes but is not  
9 21 limited to a school district's implementation of the preschool  
9 22 program established pursuant to chapter 256C.

9 23 Sec. 8. Section 257.16, subsection 1, Code 2007, is  
9 24 amended to read as follows:

9 25 1. There is appropriated each year from the general fund  
9 26 of the state an amount necessary to pay the foundation aid  
9 27 under this chapter, the preschool foundation aid under chapter  
9 28 256C, supplementary aid under section 257.4, subsection 2, and  
9 29 adjusted additional property tax levy aid under section  
9 30 257.15, subsection 4.

9 31 Sec. 9. Section 285.1, subsection 1, paragraph c, Code  
9 32 2007, is amended to read as follows:

9 33 c. Children attending prekindergarten programs offered or  
9 34 sponsored by the district or nonpublic school and approved by  
9 35 the department of education or department of human services or  
10 1 children participating in preschool in an approved local

10 2 program under chapter 256C may be provided transportation  
10 3 services. However, transportation services provided nonpublic  
10 4 school children are not eligible for reimbursement under this  
10 5 chapter.

10 6 Sec. 10. EMERGENCY RULES. The department of education may  
10 7 adopt emergency rules under section 17A.4, subsection 2, and  
10 8 section 17A.5, subsection 2, paragraph "b", to implement the  
10 9 provisions of this Act and the rules shall be effective  
10 10 immediately upon filing unless a later date is specified in  
10 11 the rules. Any rules adopted in accordance with this section  
10 12 shall also be published as a notice of intended action as  
10 13 provided in section 17A.4.

#### 10 14 EXPLANATION

10 15 This bill creates a statewide voluntary preschool program  
10 16 for four-year-old children. The bill is divided into  
10 17 divisions.

10 18 STATEWIDE VOLUNTARY PRESCHOOL PROGRAM FOR FOUR=YEAR=OLD  
10 19 CHILDREN. This division creates the program and makes  
10 20 appropriations in new Code chapter 256C. The program is to be  
10 21 administered by the department of education and the state  
10 22 board of education.

10 23 New Code section 256C.1 provides definitions.

10 24 New Code section 256C.2 lays out the purpose for the  
10 25 program and authorizes the state board to adopt rules to  
10 26 implement the program and the state funding for the program.

10 27 New Code section 256C.3 lists the program requirements  
10 28 required to be adopted in rule. The requirements address  
10 29 child eligibility, teacher requirements, program requirements,  
10 30 school district requirements, and departmental requirements.

10 31 New Code section 256C.4 identifies general funding  
10 32 provisions and specifies how eligible student enrollment for  
10 33 the preschool program is determined. A school district is  
10 34 authorized to use various school district funds for the  
10 35 program provided the use is permitted for the revenue source  
11 1 and the preschool use has been approved in advance.

11 2 The state preschool foundation aid cannot be commingled  
11 3 with other state school aid funding and a school district is  
11 4 required to list the preschool program revenues and  
11 5 expenditures separately in the district budget.

11 6 New Code section 256C.5 establishes a funding formula for  
11 7 the program, based on elements of the school foundation aid  
11 8 formula under Code chapter 257. For the initial school year  
11 9 that a school district is approved to participate in the  
11 10 preschool program, the school district receives funding based  
11 11 on the preschool program enrollment for that school year. For  
11 12 subsequent school years, the aid is based on the prior year's  
11 13 preschool enrollment. Of the preschool foundation aid for a  
11 14 fiscal year, an amount sufficient to fund up to three  
11 15 positions is set aside for the department of education to  
11 16 provide oversight and administration of the preschool program.  
11 17 The bill amends Code section 257.16 to provide that preschool  
11 18 foundation aid payments are required to be made as part of the  
11 19 school aid payments under Code chapter 257.

11 20 New Code section 256C.6 provides for phase-in of the  
11 21 program beginning during fiscal year 2007=2008 and makes  
11 22 standing limited appropriations for four fiscal years. For  
11 23 fiscal year 2007=2008, the department is authorized to modify  
11 24 other requirements in new Code chapter 256C as necessary to  
11 25 distribute funding in that fiscal year. The appropriations  
11 26 made in this section are for payment of the initial year a  
11 27 school district receives a preschool foundation aid payment.

11 28 In subsequent years, this preschool foundation aid payment  
11 29 becomes part of the school foundation formula.  
11 30 CONFORMING AMENDMENTS. This division provides conforming  
11 31 amendments for the changes made by the bill.  
11 32 The bill amends Code section 256.11, relating to  
11 33 educational standards for schools adopted by the state board  
11 34 of education, to provide that a prekindergarten program also  
11 35 includes a preschool program implemented in accordance with  
12 1 the bill.  
12 2 Code section 285.1, relating to state aid to schools for  
12 3 transportation, is amended to include the children  
12 4 participating in preschool in an approved local program under  
12 5 the preschool program in the state aid funding authorization.  
12 6 The department of education is authorized to utilize  
12 7 emergency procedures to adopt rules to implement the  
12 8 provisions of the bill without public comment periods or  
12 9 review by the administrative rules review committee.  
12 10 LSB 1231SV 82  
12 11 jp:nh/je/5