

**House File 2226 - Introduced**

HOUSE FILE 2226

BY STONE

**A BILL FOR**

1 An Act relating to education savings account program  
2 eligibility and payments for children enrolled in an  
3 accredited nonpublic school's program for four-year-old  
4 children and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256C.1, Code 2024, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. *“Approved nonpublic program”* means  
4 an accredited nonpublic school’s program for four-year-old  
5 children approved by the department of education to provide  
6 high-quality preschool instruction.

7 Sec. 2. NEW SECTION. **256C.6 Nonpublic programs.**

8 1. The state board shall adopt rules pursuant to chapter 17A  
9 to define the requirements for an accredited nonpublic school  
10 preschool program to be approved for the purposes of qualifying  
11 for payments from an education savings account established  
12 pursuant to section 257.11B. Such rules shall not require an  
13 approved nonpublic program to do any of the following:

14 a. Retain the services of a teacher licensed by the board of  
15 educational examiners for the approved nonpublic program.

16 b. Partner or collaborate with a school district.

17 c. Partner or collaborate with community stakeholders.

18 2. A child that is eligible to participate in preschool  
19 programming provided by an approved local program shall also be  
20 eligible to participate in an approved nonpublic program.

21 Sec. 3. Section 257.11B, subsection 1, paragraph b, Code  
22 2024, is amended by adding the following new subparagraph:

23 NEW SUBPARAGRAPH. (01) *“Approved nonpublic program”* means  
24 the same as defined in section 256C.1.

25 Sec. 4. Section 257.11B, subsection 1, paragraph b,  
26 subparagraph (1), Code 2024, is amended to read as follows:

27 (1) *“Qualified educational expenses”* includes ~~tuition~~ any  
28 of the following:

29 (a) Tuition and fees at a nonpublic school, ~~textbooks, fees.~~

30 (b) Textbooks.

31 (c) Fees or payments for educational therapies, including  
32 tutoring or cognitive skills training, ~~curriculum fees.~~

33 (d) Curriculum fees, software, and materials for a course of  
34 study for a specific subject matter or grade level, ~~tuition.~~

35 (e) Tuition or fees for nonpublic online education

1 programs, ~~tuition.~~

2 (f) Tuition for vocational and life skills education  
3 approved by the department of education, ~~education.~~

4 (g) Education materials and services for pupils with  
5 disabilities from an accredited provider, including the cost of  
6 paraprofessionals and assistants who are trained in accordance  
7 with state law, ~~standardized.~~

8 (h) Standardized test fees, ~~and advanced.~~

9 (i) Advanced placement examinations or examinations related  
10 to postsecondary education admission or credentialing.

11 (j) Tuition for an approved nonpublic program.

12 Sec. 5. Section 257.11B, subsection 2, paragraph a,  
13 subparagraph (2), Code 2024, is amended by adding the following  
14 new subparagraph division:

15 NEW SUBPARAGRAPH DIVISION. (e) A resident pupil who is  
16 eligible to enroll in an approved nonpublic program.

17 Sec. 6. Section 257.11B, subsection 2, paragraph a,  
18 subparagraph (3), Code 2024, is amended to read as follows:

19 (3) For school budget years beginning on or after July  
20 1, 2025, resident pupils eligible to enroll in kindergarten  
21 through grade twelve or an approved nonpublic program, and who  
22 attend a nonpublic school for the applicable school budget  
23 year shall be eligible to receive an education savings account  
24 payment.

25 Sec. 7. Section 257.11B, subsection 4, Code 2024, is amended  
26 to read as follows:

27 4. Each education savings account payment shall be equal to  
28 either of the following:

29 a. For a student enrolled in kindergarten through grade  
30 twelve, the regular program state cost per pupil for the same  
31 school budget year.

32 b. For a pupil enrolled in an approved nonpublic program,  
33 the regular program state cost per pupil for the same school  
34 budget year multiplied by fifty percent.

35 Sec. 8. EMERGENCY RULES. The state board of education

1 may adopt emergency rules under section 17A.4, subsection 3,  
2 and section 17A.5, subsection 2, paragraph "b", to implement  
3 the provisions of this Act and the rules shall be effective  
4 immediately upon filing unless a later date is specified in the  
5 rules. Any rules adopted in accordance with this section shall  
6 also be published as a notice of intended action as provided  
7 in section 17A.4.

8 Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate  
9 importance, takes effect upon enactment.

10

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

13

This bill relates to education savings account (ESA) program  
14 eligibility and payments for children enrolled in an accredited  
15 nonpublic school's program for four-year-old children.

16

The ESA program is a program established to assist pupils who  
17 attend nonpublic schools in paying for qualified educational  
18 expenses including but not limited to tuition, tutoring or  
19 cognitive skill training fees, educational therapy costs,  
20 software expenses, and expenses related to course materials.  
21 Under current law, students enrolled in a preschool program are  
22 not eligible for the ESA program.

23

The bill defines "approved nonpublic program" as an  
24 accredited nonpublic school's program for four-year-old  
25 children approved by the department of education to provide  
26 high-quality preschool instruction.

27

The bill requires the state board of education to adopt rules  
28 to define the requirements for an accredited nonpublic school  
29 preschool program to be approved for the purposes of qualifying  
30 for payments from an ESA. The bill prohibits such rules from  
31 requiring an approved nonpublic program to retain the services  
32 of a licensed teacher for the approved nonpublic program,  
33 partner or collaborate with a school district, or partner or  
34 collaborate with community stakeholders.

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The bill provides that all children eligible to participate

1 in preschool programming provided by a school district through  
2 the statewide voluntary preschool program are eligible to  
3 participate in an approved nonpublic program.

4 The bill makes tuition for an approved nonpublic program a  
5 qualified expense for the purposes of the ESA program.

6 The bill makes resident pupils who are eligible to enroll in  
7 an approved nonpublic program eligible for the ESA program for  
8 school budget years beginning on or after July 1, 2024.

9 The bill sets ESA payments for pupils enrolled in an approved  
10 nonpublic school in an amount equal to the regular program  
11 state cost per pupil for the school budget year multiplied  
12 by 50 percent, which is the same amount per pupil a school  
13 district receives for preschool students.

14 The bill allows the state board of education to adopt  
15 emergency rules to implement the provisions of the bill.

16 The bill takes effect upon enactment.