

House File 2369 - Introduced

HOUSE FILE 2369

BY ANDREWS

A BILL FOR

1 An Act relating to state funding for children receiving
2 competent private instruction or independent private
3 instruction, making penalties applicable, making
4 appropriations, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 299A.13 Home school support
2 distribution program.

3 1. For the purposes of this section:

4 a. "Eligible child" means a child of compulsory attendance
5 age who is receiving competent private instruction or
6 independent private instruction.

7 b. "Home school support distribution" means a distribution of
8 funds equal to twenty percent of the regular program state cost
9 per pupil as described in section 257.9 for the same budget
10 year.

11 c. "School year" means a period from July 1 of a year to
12 June 30 of the following year.

13 2. A home school support distribution fund is created
14 in the state treasury under the control of the department of
15 education consisting of moneys appropriated to the department
16 of education for the purpose of providing home school support
17 distributions under this section. For the fiscal year
18 commencing July 1, 2024, and each succeeding fiscal year, there
19 is appropriated from the general fund of the state to the
20 department of education to be credited to the fund the amount
21 necessary to pay all home school support distributions approved
22 for that fiscal year. The director of the department of
23 education has all powers necessary to carry out and effectuate
24 the purposes, objectives, and provisions of this section
25 pertaining to the fund, including the power to do all of the
26 following:

27 a. Make and enter into contracts with a third-party entity
28 necessary for the administration of the home school support
29 distribution program.

30 b. Procure insurance against any loss in connection with the
31 assets of the fund or require a surety bond.

32 c. Reduce the possibility of waste, fraud, and abuse,
33 and ensure that any technology platform used for the program
34 meets the state's highest security requirements, including
35 compliance.

1 *d.* Conduct audits or other reviews necessary to properly
2 administer the program.

3 *e.* Adopt rules for the administration of the fund and
4 accounts within the fund.

5 3. *a.* On or after January 1, but on or before June 30, of
6 each school year, a parent or guardian of an eligible child may
7 request a home school support distribution by submitting an
8 application to the department of education.

9 *b.* Within thirty calendar days following submission of
10 an application, the department of education or a third-party
11 entity shall notify the parent or guardian of each child
12 approved for the following school year and specify the amount
13 of the home school support distribution for the child, if known
14 at the time of the notice. As soon as practical following the
15 processing of all applications, the department of education or
16 a third-party entity shall determine the number of children
17 approved for a home school support distribution for a school
18 year and provide such information to the department of
19 management.

20 *c.* Home school support distributions shall only be approved
21 for one school year and applications must be submitted annually
22 for payments in subsequent school years.

23 4. On or before September 15 of each school year, the
24 department of education or a third-party entity shall make a
25 home school support distribution for each child approved for
26 a home school support distribution for that school year. The
27 home school support distribution shall be made to the parent or
28 guardian of an eligible child.

29 5. A person who makes a false claim for the purpose of
30 obtaining a home school support distribution or who knowingly
31 receives a home school support distribution without being
32 legally entitled to do so is guilty of a fraudulent practice
33 under chapter 714.

34 6. *a.* A parent or guardian may appeal to the state board
35 of education any administrative decision the department of

1 education or a third-party entity makes pursuant to this
2 section, including but not limited to determinations of
3 eligibility and removal from the program. The department or
4 the third-party entity shall notify the parent or guardian in
5 writing of the appeal process at the same time the department
6 notifies the parent or guardian of the administrative decision.
7 The state board of education shall establish the appeals
8 process consistent with chapter 17A and shall post the appeal
9 process information on the state board of education's internet
10 site.

11 b. The state board of education shall refer cases of
12 substantial misuse of home school support distribution program
13 funds to the attorney general for the purpose of collection or
14 for the purpose of a criminal investigation if the state board
15 of education obtains evidence of fraudulent use of an account.

16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
17 importance, takes effect upon enactment.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to state funding for children receiving
22 competent private instruction or independent private
23 instruction.

24 The bill defines "eligible child" as a child of compulsory
25 attendance age who is receiving competent private instruction
26 or independent private instruction.

27 The bill defines "home school support distribution" as
28 a distribution of funds equal to 20 percent of the regular
29 program state cost per pupil for the current budget year.

30 The bill defines "school year" as a period from July 1 of a
31 year to June 30 of the following year.

32 The bill creates a home school support distribution fund
33 in the state treasury under the control of the department of
34 education (DOE) consisting of moneys appropriated to DOE for
35 the purpose of providing home school support distributions.

1 For the fiscal year commencing July 1, 2024, and each
2 succeeding fiscal year, the bill appropriates from the general
3 fund of the state to DOE to be credited to the fund the amount
4 necessary to pay all home school support distributions approved
5 for that fiscal year. The director of DOE has powers necessary
6 to carry out and effectuate the purposes, objectives, and
7 provisions of the home school support distribution program
8 pertaining to the fund that are outlined in the bill.

9 The bill allows, on or after January 1, but on or before
10 June 30, of each school year, a parent or guardian of an
11 eligible child to request a home school support distribution
12 by submitting an application to DOE. Within 30 calendar days
13 following submission of an application, DOE or a third-party
14 entity shall notify the parent or guardian of each child
15 approved for the following school year and specify the amount
16 of the home school support distribution for the child, if known
17 at the time of the notice. As soon as practical following the
18 processing of all applications, DOE or a third-party entity
19 shall determine the number of children approved for a home
20 school support distribution for a school year and provide such
21 information to the department of management. The bill limits
22 approval of home school support distributions to a period of
23 one school year and applications must be submitted annually for
24 payments in subsequent school years.

25 The bill requires DOE, on or before September 15 of each
26 school year, to make a home school support distribution for
27 each child approved for a home school support distribution for
28 that school year. The home school support distribution must be
29 made to the parent or guardian of an eligible child.

30 The bill makes it a fraudulent practice to make a false claim
31 for the purpose of obtaining a home school support distribution
32 or knowingly receive a home school support distribution without
33 being legally entitled to do so. A fraudulent practice's
34 penalties depend on the value subject to the fraudulent
35 practice, ranging from a simple misdemeanor punishable by a

1 fine up to \$300 to a class "C" felony punishable by confinement
2 for no more than 10 years and a fine of at least \$1,370 but not
3 more than \$13,660.

4 The bill allows a parent or guardian to appeal to the
5 state board of education any administrative decision DOE
6 or a third-party entity makes relating to the home school
7 support distribution program, including but not limited to
8 determinations of eligibility and removal from the program.
9 DOE or the third-party entity shall notify the parent or
10 guardian in writing of the appeal process at the same time
11 the DOE notifies the parent or guardian of the administrative
12 decision. The bill requires the state board of education to
13 establish an appeals process and shall post the appeal process
14 information on the state board of education's internet site.

15 The bill requires the state board of education to refer
16 cases of substantial misuse of home school support distribution
17 program funds to the attorney general for the purpose of
18 collection or for the purpose of a criminal investigation if
19 the state board of education obtains evidence of fraudulent use
20 of an account.

21 The bill takes effect upon enactment.