

Senate File 2060 - Introduced

SENATE FILE 2060
BY SINCLAIR

A BILL FOR

1 An Act relating to eligibility standards for certain education
2 programs and tax provisions based on religious or sectarian
3 use or purpose, and including retroactive applicability
4 provisions.

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

unofficial

1 Section 1. Section 261A.34, subsection 4, Code 2026, is
2 amended to read as follows:

3 4. "Property" means the real estate upon which a project is
4 or will be located, including equipment, machinery, and other
5 similar items necessary or convenient for the operation of the
6 project in the manner for which its use is intended, but not
7 including such items as fuel, supplies, or other items that
8 are customarily deemed to result in a current operation charge.
9 ~~Property does not include property used or to be used primarily~~
10 ~~for sectarian instruction or study, or as a place for devotional~~
11 ~~activities or religious worship, or any property which is used~~
12 ~~or to be used primarily in connection with any part of the~~
13 ~~program of a school or department of divinity for any religious~~
14 ~~denomination or the training of ministers, priests, rabbis, or~~
15 ~~other professional persons in the field of religion.~~

16 Sec. 2. Section 261E.6, subsection 3, Code 2026, is amended
17 to read as follows:

18 3. *Authorization.* To participate in this program, an
19 eligible student shall make application to an eligible
20 postsecondary institution to allow the eligible student to enroll
21 for college credit in a ~~nonsectarian~~ course offered at the
22 institution. A comparable course, as defined in rules adopted
23 by the board of directors of the school district consistent with
24 department administrative rule, must not be offered by the school
25 district or accredited nonpublic school the student attends.
26 A course is ineligible for purposes of this section if the
27 school district has a contractual agreement with the eligible
28 postsecondary institution under section 261E.8 that meets the
29 requirements of section 257.11, subsection 3, and the course
30 may be delivered through such an agreement in accordance with
31 section 257.11, subsection 3. If the postsecondary institution
32 accepts an eligible student for enrollment under this section,
33 the institution shall send written notice to the student, the
34 student's parent or legal guardian in the case of a minor child,
35 and the student's school district or accredited nonpublic school

1 and the school district in the case of a nonpublic school
2 student, or the Iowa school for the deaf. The notice shall
3 list the course, the clock hours the student will be attending
4 the course, and the number of hours of college credit that the
5 eligible student will receive from the eligible postsecondary
6 institution upon successful completion of the course.

7 Sec. 3. Section 261E.8, subsections 1 and 3, Code 2026, are
8 amended to read as follows:

9 1. A district-to-community college sharing or concurrent
10 enrollment program is established to be administered by the
11 department to promote rigorous academic or career and technical
12 pursuits and to provide a wider variety of options to high school
13 students to enroll in eligible ~~nonsectarian~~ courses at or through
14 community colleges established under chapter 260C. The program
15 shall be made available to all resident students in grades nine
16 through twelve. Notice of the availability of the program shall
17 be included in a school district's student registration handbook
18 and the handbook shall identify which courses, if successfully
19 completed, generate college credit under the program. A student
20 and the student's parent or legal guardian shall also be made
21 aware of this program as a part of the development of the
22 student's career and academic plan in accordance with section
23 279.61.

24 3. A student may make application to a community college and
25 the school district to allow the student to enroll for college
26 credit in a ~~nonsectarian~~ course offered by the community college.
27 A comparable course, as defined in rules adopted by the board
28 of directors of the school district, must not be offered by the
29 school district or accredited nonpublic school which the student
30 attends. The school board shall annually approve courses to be
31 made available for high school credit using locally developed
32 criteria that establishes which courses will provide the student
33 with academic rigor and will prepare the student adequately
34 for transition to a postsecondary institution. If a community
35 college accepts a student for enrollment under this section, the

1 school district, in collaboration with the community college,
2 shall send written notice to the student, the student's parent
3 or legal guardian in the case of a minor child, and the student's
4 school district. The notice shall list the course, the clock
5 hours the student will be attending the course, and the number
6 of hours of college credit that the student will receive from the
7 community college upon successful completion of the course.

8 Sec. 4. Section 301.1, subsection 2, Code 2026, is amended to
9 read as follows:

10 2. Textbooks adopted and purchased by a school district
11 shall, to the extent funds are appropriated by the general
12 assembly, be made available to pupils attending accredited
13 nonpublic schools upon request of the pupil or the pupil's
14 parent under comparable terms as made available to pupils
15 attending public schools. If the general assembly appropriates
16 moneys for purposes of making textbooks available to accredited
17 nonpublic school pupils, the department of education shall
18 ascertain the amount available to a school district for the
19 purchase of ~~nonsectarian, nonreligious~~ textbooks for pupils
20 attending accredited nonpublic schools. The amount shall be
21 in the proportion that the basic enrollment of a participating
22 accredited nonpublic school bears to the sum of the basic
23 enrollments of all participating accredited nonpublic schools in
24 the state for the budget year. For purposes of this section, a
25 "participating accredited nonpublic school" means an accredited
26 nonpublic school that submits a written request on behalf of
27 the school's pupils in accordance with this subsection, and that
28 certifies its actual enrollment to the department of education
29 by October 1, annually. By November 1, annually, the department
30 of education shall certify to the director of the department
31 of administrative services the annual amount to be paid to
32 each school district, and the director of the department of
33 administrative services shall draw warrants payable to school
34 districts in accordance with this subsection. For purposes
35 of this subsection, an accredited nonpublic school's enrollment

1 count shall include only students who are residents of Iowa.
2 The costs of providing textbooks to accredited nonpublic school
3 pupils as provided in this subsection shall not be included in
4 the computation of district cost under chapter 257, but shall
5 be shown in the budget as an expense from miscellaneous income.
6 Textbook expenditures made in accordance with this subsection
7 shall be kept on file in the school district. In the event that
8 a participating accredited nonpublic school physically relocates
9 to another school district, textbooks purchased for the nonpublic
10 school with funds appropriated for purposes of this chapter shall
11 be transferred to the school district in which the nonpublic
12 school has relocated and may be made available to the nonpublic
13 school. Funds distributed to a school district for purposes of
14 purchasing textbooks in accordance with this subsection which
15 remain unexpended and available for the purchase of textbooks
16 for the nonpublic school that relocated in the fiscal year in
17 which the funds were distributed shall also be transferred to the
18 school district in which the nonpublic school has relocated.

19 Sec. 5. Section 331.901, subsection 5, Code 2026, is amended
20 by striking the subsection.

21 Sec. 6. Section 331.901, subsection 7, Code 2026, is amended
22 to read as follows:

23 7. A county officer, deputy officer, or employee who violates
24 subsection 4 ~~or 5~~ is guilty of a simple misdemeanor.

25 Sec. 7. Section 422.12, subsection 1, paragraphs e and f,
26 Code 2026, are amended to read as follows:

27 e. "Textbooks" means books and other instructional materials
28 and equipment used in elementary and secondary schools in
29 teaching only those subjects legally and commonly taught in
30 public elementary and secondary schools in this state ~~and~~
31 ~~does not include instructional books and materials used in the~~
32 ~~teaching of religious tenets, doctrines, or worship, the purpose~~
33 ~~of which is to inculcate those tenets, doctrines, or worship.~~

34 "Textbooks" includes books or materials used for extracurricular
35 activities including sporting events, musical or dramatic events,

1 speech activities, driver's education, or programs of a similar
2 nature.

3 *f.* "Tuition" means any charges for the expenses of personnel,
4 buildings, equipment, and materials other than textbooks, and
5 other expenses of elementary or secondary schools which relate
6 to the teaching only of those subjects legally and commonly
7 taught in public elementary and secondary schools in this state
8 ~~and which do not relate to the teaching of religious tenets,~~
9 ~~doctrines, or worship, the purpose of which is to inculcate those~~
10 ~~tenets, doctrines, or worship.~~ "Tuition" includes those expenses
11 which relate to extracurricular activities including sporting
12 events, musical or dramatic events, speech activities, driver's
13 education, or programs of a similar nature.

14 Sec. 8. Section 422.12C, subsection 2, paragraph b,
15 subparagraph (2), Code 2026, is amended by striking the
16 subparagraph.

17 Sec. 9. RETROACTIVE APPLICABILITY. The following sections of
18 this Act apply retroactively to January 1, 2026, for tax years
19 beginning on or after that date:

20 1. The section of this Act amending section 422.12,
21 subsection 1, paragraphs "e" and "f".

22 2. The section of this Act amending section 422.12C,
23 subsection 2, paragraph "b", subparagraph (2).

24 EXPLANATION

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

27 This bill amends and strikes statutory language to remove
28 exclusions and limitations based on religious or sectarian use
29 from multiple state programs and tax provisions.

30 The bill amends the higher education facilities program by
31 removing the exclusion of property used for sectarian study from
32 the definition of eligible property.

33 The bill amends the postsecondary enrollment options
34 program and the district-to-community college sharing or
35 concurrent enrollment program by removing the nonsectarian course

1 requirement.

2 The bill amends textbook assistance for accredited nonpublic
3 schools by removing religious limitations on the type of
4 textbooks that may be purchased.

5 The bill strikes duties of county officers that prohibit
6 the appropriation, grant, or loan of public funds to certain
7 institutions or entities under ecclesiastical or sectarian
8 management or control and makes a conforming change as result of
9 the strike.

10 The bill removes exclusions of sectarian books and expenses
11 that relate to the teaching of religion from the definitions of
12 textbooks and tuition for purposes of the tuition and textbook
13 tax credit. This provision of the bill applies retroactively to
14 January 1, 2026, for tax years beginning on or after that date.

15 Lastly, the bill strikes exclusions of certain religious
16 services, materials, or activities from the definition of
17 "early childhood development expenses" for purposes of the early
18 childhood development tax credit. This provision of the bill
19 applies retroactively to January 1, 2026, for tax years beginning
20 on or after that date.