

Senate File 2231 - Introduced

SENATE FILE 2231
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2060)

A BILL FOR

1 An Act relating to eligibility and participation requirements
2 for certain education programs, preschool programs, and
3 tax provisions, and including retroactive applicability
4 provisions.

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

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1 Section 1. Section 256C.3, subsection 4, paragraph b, Code
2 2026, is amended to read as follows:

3 b. (1) Subject to implementation of chapter 28E agreements
4 between a school district and community-based providers of
5 services to four-year-old children, a four-year-old child who
6 is enrolled in a child care center or child development home
7 licensed or registered under chapter 237A, or in an existing
8 public or private preschool program, shall be eligible for
9 services provided by the school district's local preschool
10 program.

11 (2) Upon the request of a community-based provider, a school
12 district shall enter into a chapter 28E agreement with a
13 community-based provider to allow the community-based provider to
14 provide high-quality instruction as part of the approved local
15 program.

16 (3) A chapter 28E agreement entered into pursuant to this
17 paragraph shall not limit the number of eligible students who may
18 receive high-quality instruction from a community-based provider
19 as part of the approved local program.

20 (4) (a) This paragraph shall not be construed to authorize
21 the state or any political subdivision of the state to exercise
22 authority over any community-based provider or construed to
23 require a community-based provider to modify its academic
24 standards for admission or educational program in order to
25 receive preschool foundation aid pursuant to section 256C.4,
26 subsection 1, paragraph "h".

27 (b) This paragraph shall not be construed to expand the
28 authority of the state or any political subdivision of the state
29 to impose regulations upon any community-based provider that
30 are not necessary to implement the community-based provider's
31 participation in the preschool program.

32 (c) A community-based provider that accepts preschool
33 foundation aid pursuant to section 256C.4, subsection 1,
34 paragraph "h", is not an agent of this state or of a political
35 subdivision of this state.

1 (d) Rules adopted by the state board to implement this
2 chapter that impose an undue burden on a community-based provider
3 are invalid.

4 (e) A community-based provider that accepts preschool
5 foundation aid pursuant to section 256C.4, subsection 1,
6 paragraph "h", shall be given the maximum freedom possible to
7 provide for the educational needs of the children participating
8 in the community-based provider's program, consistent with state
9 and federal law.

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

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

25 Sec. 3. Section 261E.6, subsection 3, Code 2026, is amended
26 to read as follows:

27 3. *Authorization.* To participate in this program, an
28 eligible student shall make application to an eligible
29 postsecondary institution to allow the eligible student to enroll
30 for college credit in a ~~nonsectarian~~ course offered at the
31 institution. A comparable course, as defined in rules adopted
32 by the board of directors of the school district consistent with
33 department administrative rule, must not be offered by the school
34 district or accredited nonpublic school the student attends.
35 A course is ineligible for purposes of this section if the

1 school district has a contractual agreement with the eligible
2 postsecondary institution under section 261E.8 that meets the
3 requirements of section 257.11, subsection 3, and the course
4 may be delivered through such an agreement in accordance with
5 section 257.11, subsection 3. If the postsecondary institution
6 accepts an eligible student for enrollment under this section,
7 the institution shall send written notice to the student, the
8 student's parent or legal guardian in the case of a minor child,
9 and the student's school district or accredited nonpublic school
10 and the school district in the case of a nonpublic school
11 student, or the Iowa school for the deaf. The notice shall
12 list the course, the clock hours the student will be attending
13 the course, and the number of hours of college credit that the
14 eligible student will receive from the eligible postsecondary
15 institution upon successful completion of the course.

16 Sec. 4. Section 261E.8, subsections 1 and 3, Code 2026, are
17 amended to read as follows:

18 1. A district-to-community college sharing or concurrent
19 enrollment program is established to be administered by the
20 department to promote rigorous academic or career and technical
21 pursuits and to provide a wider variety of options to high school
22 students to enroll in eligible ~~nonsectarian~~ courses at or through
23 community colleges established under chapter 260C. The program
24 shall be made available to all resident students in grades nine
25 through twelve. Notice of the availability of the program shall
26 be included in a school district's student registration handbook
27 and the handbook shall identify which courses, if successfully
28 completed, generate college credit under the program. A student
29 and the student's parent or legal guardian shall also be made
30 aware of this program as a part of the development of the
31 student's career and academic plan in accordance with section
32 279.61.

33 3. A student may make application to a community college and
34 the school district to allow the student to enroll for college
35 credit in a ~~nonsectarian~~ course offered by the community college.

1 A comparable course, as defined in rules adopted by the board
2 of directors of the school district, must not be offered by the
3 school district or accredited nonpublic school which the student
4 attends. The school board shall annually approve courses to be
5 made available for high school credit using locally developed
6 criteria that establishes which courses will provide the student
7 with academic rigor and will prepare the student adequately
8 for transition to a postsecondary institution. If a community
9 college accepts a student for enrollment under this section, the
10 school district, in collaboration with the community college,
11 shall send written notice to the student, the student's parent
12 or legal guardian in the case of a minor child, and the student's
13 school district. The notice shall list the course, the clock
14 hours the student will be attending the course, and the number
15 of hours of college credit that the student will receive from the
16 community college upon successful completion of the course.

17 Sec. 5. Section 301.1, subsection 2, Code 2026, is amended to
18 read as follows:

19 2. Textbooks adopted and purchased by a school district
20 shall, to the extent funds are appropriated by the general
21 assembly, be made available to pupils attending accredited
22 nonpublic schools upon request of the pupil or the pupil's
23 parent under comparable terms as made available to pupils
24 attending public schools. If the general assembly appropriates
25 moneys for purposes of making textbooks available to accredited
26 nonpublic school pupils, the department of education shall
27 ascertain the amount available to a school district for the
28 purchase of ~~nonsectarian, nonreligious~~ textbooks for pupils
29 attending accredited nonpublic schools. The amount shall be
30 in the proportion that the basic enrollment of a participating
31 accredited nonpublic school bears to the sum of the basic
32 enrollments of all participating accredited nonpublic schools in
33 the state for the budget year. For purposes of this section, a
34 "participating accredited nonpublic school" means an accredited
35 nonpublic school that submits a written request on behalf of

1 the school's pupils in accordance with this subsection, and that
2 certifies its actual enrollment to the department of education
3 by October 1, annually. By November 1, annually, the department
4 of education shall certify to the director of the department
5 of administrative services the annual amount to be paid to
6 each school district, and the director of the department of
7 administrative services shall draw warrants payable to school
8 districts in accordance with this subsection. For purposes
9 of this subsection, an accredited nonpublic school's enrollment
10 count shall include only students who are residents of Iowa.
11 The costs of providing textbooks to accredited nonpublic school
12 pupils as provided in this subsection shall not be included in
13 the computation of district cost under chapter 257, but shall
14 be shown in the budget as an expense from miscellaneous income.
15 Textbook expenditures made in accordance with this subsection
16 shall be kept on file in the school district. In the event that
17 a participating accredited nonpublic school physically relocates
18 to another school district, textbooks purchased for the nonpublic
19 school with funds appropriated for purposes of this chapter shall
20 be transferred to the school district in which the nonpublic
21 school has relocated and may be made available to the nonpublic
22 school. Funds distributed to a school district for purposes of
23 purchasing textbooks in accordance with this subsection which
24 remain unexpended and available for the purchase of textbooks
25 for the nonpublic school that relocated in the fiscal year in
26 which the funds were distributed shall also be transferred to the
27 school district in which the nonpublic school has relocated.

28 Sec. 6. Section 331.901, subsection 5, Code 2026, is amended
29 by striking the subsection.

30 Sec. 7. Section 331.901, subsection 7, Code 2026, is amended
31 to read as follows:

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

34 Sec. 8. Section 422.12, subsection 1, paragraphs e and f,
35 Code 2026, are amended to read as follows:

1 e. "Textbooks" means books and other instructional materials
2 and equipment used in elementary and secondary schools in
3 teaching only those subjects legally and commonly taught in
4 public elementary and secondary schools in this state and
5 ~~does not include instructional books and materials used in the~~
6 ~~teaching of religious tenets, doctrines, or worship, the purpose~~
7 ~~of which is to inculcate those tenets, doctrines, or worship.~~
8 "Textbooks" includes books or materials used for extracurricular
9 activities including sporting events, musical or dramatic events,
10 speech activities, driver's education, or programs of a similar
11 nature.

12 f. "Tuition" means any charges for the expenses of personnel,
13 buildings, equipment, and materials other than textbooks, and
14 other expenses of elementary or secondary schools which relate
15 to the teaching only of those subjects legally and commonly
16 taught in public elementary and secondary schools in this state
17 ~~and which do not relate to the teaching of religious tenets,~~
18 ~~doctrines, or worship, the purpose of which is to inculcate those~~
19 ~~tenets, doctrines, or worship.~~ "Tuition" includes those expenses
20 which relate to extracurricular activities including sporting
21 events, musical or dramatic events, speech activities, driver's
22 education, or programs of a similar nature.

23 Sec. 9. Section 422.12C, subsection 2, paragraph b,
24 subparagraph (2), Code 2026, is amended by striking the
25 subparagraph.

26 Sec. 10. RETROACTIVE APPLICABILITY. The following sections
27 of this Act apply retroactively to January 1, 2026, for tax years
28 beginning on or after that date:

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

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

33 EXPLANATION

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

1 This bill relates to eligibility and participation
2 requirements for certain education programs, preschool programs,
3 and tax provisions.

4 Under current law, a school district may enter into a Code
5 chapter 28E agreement with a community-based provider with
6 respect to the statewide preschool program for four-year-old
7 children. If a school district does so, pupils enrolled in the
8 school district's approved local program may receive services
9 from the community-based provider, and not less than 95 percent
10 of the per pupil amount paid to the school district under
11 the statewide preschool program must be passed through to the
12 community-based provider. The bill requires a school district,
13 upon the request of a community-based provider, to enter into
14 a Code chapter 28E agreement with the provider to allow the
15 provider to deliver high-quality instruction as part of the
16 district's approved local preschool program. The bill specifies
17 that a Code chapter 28E agreement entered into under the bill
18 shall not limit the number of eligible students who may receive
19 high-quality instruction from a community-based provider.

20 The bill provides limitations on state and political
21 subdivision authority with respect to community-based providers
22 participating in the preschool program. Specifically, the bill
23 provides that a community-based provider's participation in
24 the preschool program shall not be construed to authorize the
25 state or a political subdivision to exercise authority over
26 a community-based provider or to require a provider to modify
27 its academic standards, admissions, or educational program as
28 a condition of receiving preschool foundation aid. The bill
29 provides that a community-based provider's participation in the
30 preschool program shall not be construed to expand the authority
31 of the state or a political subdivision to impose regulations on
32 a community-based provider that are not necessary to implement
33 the provider's participation in the preschool program.

34 The bill provides that a community-based provider that accepts
35 preschool foundation aid is not an agent of the state or of a

1 political subdivision of the state. Rules adopted by the state
2 board that impose an undue burden on a community-based provider
3 are invalid. The bill also provides that a community-based
4 provider accepting preschool foundation aid shall be given
5 the maximum freedom possible to meet the educational needs of
6 participating children, consistent with state and federal law.

7 The bill amends the higher education facilities program by
8 removing the exclusion of property used for sectarian study from
9 the definition of eligible property.

10 The bill amends the postsecondary enrollment options
11 program and the district-to-community college sharing or
12 concurrent enrollment program by removing the nonsectarian course
13 requirement.

14 The bill amends textbook assistance for accredited nonpublic
15 schools by removing religious limitations on the type of
16 textbooks that may be purchased.

17 The bill strikes duties of county officers that prohibit
18 the appropriation, grant, or loan of public funds to certain
19 institutions or entities under ecclesiastical or sectarian
20 management or control and makes a conforming change as result of
21 the strike.

22 The bill removes exclusions of sectarian books and expenses
23 that relate to the teaching of religion from the definitions of
24 textbooks and tuition for purposes of the tuition and textbook
25 tax credit. This provision of the bill applies retroactively to
26 January 1, 2026, for tax years beginning on or after that date.

27 Lastly, the bill strikes exclusions of certain religious
28 services, materials, or activities from the definition of
29 "early childhood development expenses" for purposes of the early
30 childhood development tax credit. This provision of the bill
31 applies retroactively to January 1, 2026, for tax years beginning
32 on or after that date.