

**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:

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

16 (3) A chapter 28E agreement entered into pursuant to this  
17 paragraph shall not limit the number of eligible students who  
18 may receive high-quality instruction from a community-based  
19 provider 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  
29 state to impose regulations upon any community-based provider  
30 that are not necessary to implement the community-based  
31 provider's 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  
3 provider 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  
9 state 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  
13 is or will be located, including equipment, machinery, and  
14 other similar items necessary or convenient for the operation  
15 of the project in the manner for which its use is intended,  
16 but not including such items as fuel, supplies, or other items  
17 that are customarily deemed to result in a current operation  
18 charge. ~~Property does not include property used or to be used~~  
19 ~~primarily for sectarian instruction or study, or as a place for~~  
20 ~~devotional activities or religious worship, or any property~~  
21 ~~which is used or to be used primarily in connection with any~~  
22 ~~part of the program of a school or department of divinity~~  
23 ~~for any religious denomination or the training of ministers,~~  
24 ~~priests, rabbis, or other professional persons in the field of~~  
25 ~~religion.~~

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

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

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

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

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

35 3. A student may make application to a community college and

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

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

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

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

33 Sec. 6. Section 331.901, subsection 5, Code 2026, is amended  
34 by striking the subsection.

35 Sec. 7. Section 331.901, subsection 7, Code 2026, is amended

1 to read as follows:

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

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

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

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

29 Sec. 9. Section 422.12C, subsection 2, paragraph b,  
30 subparagraph (2), Code 2026, is amended by striking the  
31 subparagraph.

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

35 1. The section of this Act amending section 422.12,

1 subsection 1, paragraphs "e" and "f".

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

4 EXPLANATION

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

7 This bill relates to eligibility and participation  
8 requirements for certain education programs, preschool  
9 programs, and tax provisions.

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

27 The bill provides limitations on state and political  
28 subdivision authority with respect to community-based providers  
29 participating in the preschool program. Specifically, the bill  
30 provides that a community-based provider's participation in  
31 the preschool program shall not be construed to authorize the  
32 state or a political subdivision to exercise authority over a  
33 community-based provider or to require a provider to modify  
34 its academic standards, admissions, or educational program  
35 as a condition of receiving preschool foundation aid. The

1 bill provides that a community-based provider's participation  
2 in the preschool program shall not be construed to expand  
3 the authority of the state or a political subdivision to  
4 impose regulations on a community-based provider that are not  
5 necessary to implement the provider's participation in the  
6 preschool program.

7 The bill provides that a community-based provider that  
8 accepts preschool foundation aid is not an agent of the  
9 state or of a political subdivision of the state. Rules  
10 adopted by the state board that impose an undue burden on a  
11 community-based provider are invalid. The bill also provides  
12 that a community-based provider accepting preschool foundation  
13 aid shall be given the maximum freedom possible to meet the  
14 educational needs of participating children, consistent with  
15 state and federal law.

16 The bill amends the higher education facilities program by  
17 removing the exclusion of property used for sectarian study  
18 from the definition of eligible property.

19 The bill amends the postsecondary enrollment options program  
20 and the district-to-community college sharing or concurrent  
21 enrollment program by removing the nonsectarian course  
22 requirement.

23 The bill amends textbook assistance for accredited nonpublic  
24 schools by removing religious limitations on the type of  
25 textbooks that may be purchased.

26 The bill strikes duties of county officers that prohibit  
27 the appropriation, grant, or loan of public funds to certain  
28 institutions or entities under ecclesiastical or sectarian  
29 management or control and makes a conforming change as result  
30 of the strike.

31 The bill removes exclusions of sectarian books and expenses  
32 that relate to the teaching of religion from the definitions of  
33 textbooks and tuition for purposes of the tuition and textbook  
34 tax credit. This provision of the bill applies retroactively  
35 to January 1, 2026, for tax years beginning on or after that

1 date.

2 Lastly, the bill strikes exclusions of certain religious  
3 services, materials, or activities from the definition of  
4 "early childhood development expenses" for purposes of the  
5 early childhood development tax credit. This provision of the  
6 bill applies retroactively to January 1, 2026, for tax years  
7 beginning on or after that date.