

House File 535 - Reprinted

HOUSE FILE 535
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 145)

(As Amended and Passed by the House March 8, 2011)

A BILL FOR

1 An Act creating an Iowa preschool scholarship program for
2 four-year-old children, repealing the statewide preschool
3 program for four-year-old children, and including effective
4 date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STATEWIDE PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN

Section 1. Section 237A.21, subsection 3, paragraph p, Code 2011, is amended to read as follows:

p. One person who is part of a local program implementing the statewide preschool program for four-year-old children under chapter ~~256E~~ 256J.

Sec. 2. Section 237A.22, subsection 1, paragraph f, Code 2011, is amended to read as follows:

f. Make recommendations for improving collaborations between the child care programs involving the department and programs supporting the education and development of young children including but not limited to the federal head start program, ~~the statewide preschool program for four-year-old children~~ and the early childhood, at-risk, and other early education programs administered by the department of education.

Sec. 3. Section 256.11, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. For the purposes of this subsection, "*prekindergarten program*" includes but is not limited to a school district's implementation of the preschool program established pursuant to chapter ~~256E~~ 256J.

Sec. 4. Section 257.16, subsection 1, Code 2011, is amended to read as follows:

1. There is appropriated each year from the general fund of the state an amount necessary to pay the foundation aid under this chapter, ~~the preschool foundation aid under chapter 256E,~~ supplementary aid under section 257.4, subsection 2, and adjusted additional property tax levy aid under section 257.15, subsection 4.

Sec. 5. Section 272.2, subsection 18, Code 2011, is amended to read as follows:

18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a

1 service to students at any or all levels from prekindergarten
2 through grade twelve for a school district, accredited
3 nonpublic school, area education agency, or preschool program
4 established pursuant to chapter ~~256C~~ 256J.

5 Sec. 6. Section 285.1, subsection 1, paragraph a,
6 subparagraph (3), Code 2011, is amended to read as follows:

7 (3) Children attending prekindergarten programs offered or
8 sponsored by the district or nonpublic school and approved by
9 the department of education or department of human services
10 or children participating in preschool in an approved local
11 program under chapter ~~256C~~ 256J may be provided transportation
12 services. However, transportation services provided to
13 nonpublic school children are not eligible for reimbursement
14 under this chapter.

15 Sec. 7. REPEAL. Chapter 256C, Code 2011, is repealed.

16 Sec. 8. EFFECTIVE DATE AND APPLICABILITY. This division of
17 this Act takes effect July 1, 2011, and applies to budget years
18 beginning on or after July 1, 2011.

19 DIVISION II

20 PRESCHOOL PROGRAM FOR FOUR-YEAR-OLD CHILDREN

21 Sec. 9. NEW SECTION. **256J.1 Definitions.**

22 As used in this chapter:

23 1. "*Department*" means the department of education.

24 2. "*Director*" means the director of the department of
25 education.

26 3. "*Eligible school district*" or "*school district*" means
27 a school corporation organized under chapter 274 that meets
28 the requirements of section 256J.3, subsection 4, and has been
29 approved by the department to implement preschool programs as
30 provided in this chapter.

31 4. "*High-quality preschool program*" means a preschool
32 program that meets the federal head start program performance
33 standards adopted pursuant to the federal Improving Head Start
34 for School Readiness Act of 2007, Pub. L. No. 110-134, the Iowa
35 quality preschool program standards and criteria as determined

1 by the department in accordance with 281 IAC 16.3, and the
2 national association for the education of young children
3 program standards and accreditation criteria.

4 5. "*Preschool scholarship*" means the state funding allocated
5 to school districts to pay tuition for eligible children
6 enrolled in preschool programs implemented pursuant to this
7 chapter.

8 6. "*Private education partner*" means a private preschool
9 provider that may submit claims for reimbursement to a school
10 district for providing high-quality preschool instruction to
11 four-year-old children receiving scholarships in accordance
12 with this chapter.

13 7. "*State board*" means the state board of education.

14 Sec. 10. NEW SECTION. 256J.2 **Preschool program for**
15 **four-year-old children — scholarships — purpose.**

16 1. A preschool program for four-year-old children is
17 established in the department to provide an opportunity for
18 all eligible children, including economically disadvantaged
19 children, to enter school ready to learn. The purpose
20 of the preschool scholarship program shall be to provide
21 scholarships to pay for eligible four-year-old children to
22 attend high-quality preschool provided by school districts or
23 private education partners.

24 2. The state board shall adopt rules pursuant to chapter
25 17A, and may adopt emergency rules under section 17A.4,
26 subsection 3, and section 17A.5, subsection 2, paragraph "b", as
27 necessary to implement this chapter.

28 Sec. 11. NEW SECTION. 256J.3 **Preschool program**
29 **requirements.**

30 1. *Eligible children.* A child who is a resident of Iowa
31 and is four years of age on or before September 15 of a school
32 year is eligible to enroll, based on order of registration, in
33 a preschool program implemented pursuant to this chapter and
34 may be eligible for a preschool scholarship based upon the most
35 current sliding tuition scale determined and published by the

1 department in accordance with subsection 5. A school district
2 approved to participate in the preschool program pursuant to
3 this chapter may enroll a younger child or an older child in
4 the preschool program if space is available; however, the child
5 shall not be counted in the preschool enrollment count for
6 preschool scholarship funding purposes under section 256J.5.

7 *a.* A family may choose to enroll the family's four-year-
8 old child in an approved school district preschool program or a
9 preschool program implemented by a private education partner.
10 Families shall complete all enrollment requirements, including
11 but not limited to income verification.

12 *b.* A school district or a private education partner may
13 charge tuition for children participating in the preschool
14 program, but shall not charge more for tuition than the amount
15 determined and published by the department. All families
16 enrolling eligible children are required to pay tuition based
17 on income and the most current sliding tuition scale determined
18 and published by the department.

19 2. *Teacher requirements.*

20 *a.* An individual serving as a preschool teacher in the
21 preschool program for four-year-old children shall be employed
22 by or under contract with the approved school district or by a
23 private education partner located within the approved school
24 district's boundaries and shall meet one of the following
25 qualifications:

26 (1) The individual is appropriately licensed under chapter
27 272 and meets the requirements of chapter 284.

28 (2) The individual possesses, or is working toward
29 obtaining within two years of starting employment under this
30 subsection, an early childhood certificate of eligibility
31 issued under chapter 272, and meets either of the following
32 conditions:

33 (a) Holds a bachelor's or graduate degree from an accredited
34 college or university.

35 (b) Holds an associate of arts degree and is working

1 toward obtaining a bachelor's degree within three years. This
2 subparagraph division (b) is repealed August 31, 2014.

3 *b.* A preschool teacher in an approved preschool program
4 shall collaborate with other agencies, organizations, and
5 boards in the community to further the program's capacity to
6 meet the diverse needs of the children enrolled in the program
7 and the families of the children, such as needs for early
8 care, health, and human services. In addition, the approved
9 preschool program shall work to maintain relationships with
10 each child's family in order to enhance the child's development
11 in all settings by collaborating with providers of parent
12 education and family support opportunities.

13 3. *Program requirements — program approval.* The state board
14 shall adopt rules to further define the following preschool
15 program requirements, which shall be used to determine whether
16 or not a local program implemented by a school district or
17 private education partner qualifies for approval to implement a
18 preschool program:

19 *a.* Maximum and minimum teacher-to-child ratios and class
20 sizes.

21 *b.* Applicable state and federal program standards, including
22 but not limited to the federal head start program performance
23 standards adopted pursuant to the federal Improving Head Start
24 for School Readiness Act of 2007, Pub. L. No. 110-134, the Iowa
25 quality preschool program standards and criteria as determined
26 by the department in accordance with 281 IAC 16.3, and the
27 national association for the education of young children
28 program standards and accreditation criteria.

29 *c.* Student learning standards.

30 *d.* Applicable comprehensive statewide child assessment
31 determined by the department.

32 *e.* Provisions for the integration of children from other
33 state and federally funded preschools.

34 *f.* Collaboration with participating families, early care
35 providers, and community partners including but not limited

1 to early childhood Iowa area boards, head start programs,
2 shared visions, licensed child care centers, registered child
3 development homes, early childhood special education programs,
4 services funded by Tit. I of the federal Elementary and
5 Secondary Education Act of 1965, and family support programs.

6 *g.* A minimum of ten hours per week, thirty-four weeks per
7 year, of instruction delivered on the skills and knowledge
8 included in the student learning standards developed for the
9 preschool program.

10 *h.* Family involvement in the preschool program.

11 *i.* Provision for ensuring that children receiving care from
12 other child care arrangements can participate in the preschool
13 program with minimal disruption due to transportation and
14 movement from one site to another.

15 4. *School district requirements.* The state board shall
16 adopt rules to further define the following requirements for
17 school districts implementing a preschool program pursuant to
18 this chapter:

19 *a.* Collect documentation of school district and private
20 education partner readiness to meet program requirements. The
21 school district shall submit documentation to the department
22 that demonstrates that the school district contacted all
23 known potential private education partners within the school
24 district, including but not limited to, and only as applicable,
25 accredited nonpublic schools and faith-based preschools,
26 the early childhood Iowa area board, the federal head start
27 program, shared visions and other programs provided under the
28 auspices of the child development coordinating council, and
29 center-based providers of child care services.

30 *b.* Collaborate with all approved high-quality preschool
31 program sites in the district to better serve children enrolled
32 in the preschool program in the following ways:

33 (1) Extending the day, for children eligible for preschool
34 scholarships, through other state funding and federal funding,
35 including but not limited to funding available through early

1 childhood Iowa area boards, federal head start programs, shared
2 visions and other programs provided under the auspices of the
3 child development coordinating council, licensed child care
4 centers, registered child development homes, early childhood
5 special education programs, services funded by Tit. I of the
6 federal Elementary and Secondary Education Act of 1965, and
7 family support programs.

8 (2) Promoting family involvement through family support
9 programs as well as district programs.

10 c. Participate in data collection and performance
11 measurement processes and reporting, including reporting fall
12 and spring applicable comprehensive statewide child assessment
13 data as specified by the department.

14 d. Identify eligible children through targeted outreach to
15 all families in partnership with the early childhood Iowa area
16 board.

17 e. Collect information regarding and verify family income to
18 implement the sliding tuition scale determined and published by
19 the department in accordance with subsection 5.

20 f. Address professional development for school district
21 preschool teachers in the school district's professional
22 development plan implemented in accordance with section 284.6.

23 g. Collaborate with private education partners to provide a
24 coordinated system of appropriate professional development for
25 preschool teachers and staff employed in the preschool program.

26 h. Pay only those claims submitted by the school district's
27 private education partners which are verified by the process
28 set forth in section 279.29.

29 5. *Department requirements.* The department shall do the
30 following:

31 a. Implement an application and approval process for school
32 district participation in the preschool program that includes
33 but is not limited to the enrollment requirements provided
34 under subsection 1.

35 b. Track the progress of all children served by a school

1 district preschool program and by the school district's private
2 education partners and track the children's performance in
3 elementary and secondary education.

4 *c.* Implement procedures to monitor the quality of the
5 programming provided under the preschool program at all school
6 district and private education partner sites.

7 *d.* Determine a statewide comprehensive child assessment to
8 measure child outcomes for all children participating in the
9 preschool program at school districts and private education
10 partner sites.

11 *e.* Submit an annual report to the governor, the general
12 assembly, the early childhood Iowa state board, and the child
13 development coordinating council.

14 (1) The early childhood Iowa state board and the child
15 development coordinating council shall advise the department
16 regarding collaboration of high-quality preschool programs for
17 eligible children.

18 (2) The early childhood Iowa state board shall promote
19 the preschool program in local communities to increase family
20 awareness of quality preschool programs and scholarship
21 opportunities.

22 (3) The early childhood Iowa area boards shall collaborate
23 with school districts and their private education partners to
24 strengthen preschool quality.

25 *f.* Develop a statewide list of approved school district
26 and private education partner preschool programs and publish
27 the list on its website. The list shall include information
28 about preschool scholarships and the sliding tuition scale in
29 addition to other information for families.

30 *g.* Develop and review annually a sliding tuition scale for
31 purposes of granting preschool program scholarships to families
32 whose incomes are at or below three hundred percent of the
33 federal poverty level as defined by the most recently revised
34 poverty income guidelines published by the United States
35 department of health and human services.

1 6. *Private education partner — religious expression.* An
2 approved high-quality preschool program offered by a religious
3 entity or organization shall not be prohibited from the free
4 exercise of religion during the program's hours of instruction
5 if the program meets the program requirements established
6 pursuant to this section.

7 Sec. 12. NEW SECTION. **256J.4 Funding provisions —**
8 **enrollment.**

9 1. *General.*

10 *a.* State funding provided for preschool scholarships shall
11 be allocated to school districts for each school year based
12 upon the amount appropriated and the funding formula set forth
13 in section 256J.5.

14 *b.* Except as otherwise provided in chapter 298A, a school
15 district approved to participate in the preschool program may
16 authorize expenditures for the school district's preschool
17 programming from any of the revenue sources available to the
18 district from the sources listed in chapter 298A, provided the
19 expenditures are within the uses permitted for the revenue
20 source. In addition, the use of the revenue source for
21 preschool programming must have been approved prior to any
22 expenditure from the revenue source for the school district's
23 preschool program.

24 *c.* Funding provided for the preschool program pursuant to
25 this chapter is intended to supplement, not supplant, existing
26 public funding for preschool programming.

27 *d.* Preschool scholarship funding shall not be commingled
28 with the other state aid payments made under section 257.16
29 to a school district and shall be accounted for by the school
30 district separately from the other state aid payments.

31 Preschool scholarship payments made to school districts are
32 miscellaneous income for purposes of chapter 257. A school
33 district shall maintain a separate listing within its budget
34 for preschool scholarship payments received and expenditures
35 made. A school district shall certify to the department that

1 preschool scholarship funding received by the school district
2 was used to supplement, not supplant, moneys otherwise received
3 and used by the school district for preschool programming.

4 e. Preschool scholarship funding shall not be used for the
5 costs of constructing a facility in connection with a school
6 district or private education partner preschool program.

7 f. Preschool scholarship funding received by a school
8 district or private education partner may be used in
9 conjunction with funding from family-paid tuition to support
10 the school district or private education partner in providing
11 the preschool program. Not more than five percent of the
12 scholarship funding received annually by a school district
13 shall be used for the costs of supervising the program.

14 2. *Eligible student enrollment.*

15 a. To be included as an eligible student in the preschool
16 enrollment count by a school district, a child shall meet the
17 requirements of section 256J.3, subsection 1, and shall be
18 enrolled in and attending a preschool program implemented by
19 a school district or a school district's private education
20 partner.

21 b. The enrollment count for the preschool program shall
22 include all eligible children who are enrolled in and attending
23 a preschool program implemented by a school district and the
24 school district's private education partners shall be collected
25 by the school district on the date prescribed in section 257.6
26 and shall be certified to the department by the school district
27 by October 15.

28 Sec. 13. NEW SECTION. 256J.5 State funding allocation —
29 expenditure limitation.

30 1. *State funding.*

31 a. *Allocation formula.* For each fiscal year in which
32 moneys are appropriated by the general assembly for purposes
33 of the preschool program for four-year-old children, preschool
34 scholarship funding shall be allocated to approved school
35 districts on a per pupil basis calculated on the proportion

1 that the number of the approved school district's first grade
 2 children who are eligible for free or reduced price meals under
 3 the federal Healthy, Hungry-Free Kids Act of 2010, Pub. L. No.
 4 111-296, multiplied by the average of the previous three years
 5 of certified kindergarten enrollment, bears to the sum of the
 6 number of first grade children in all approved school districts
 7 who are eligible for free or reduced price meals under the
 8 federal Healthy, Hungry-Free Kids Act of 2010, Pub. L. No.
 9 111-296, multiplied by the average of the previous three years
 10 of certified kindergarten enrollment in all approved school
 11 districts in the state for the base year.

12 *b. Redistribution of state funding.* Based on the October
 13 1 certified preschool enrollment count determined pursuant to
 14 section 256J.4, subsection 2, the department shall evaluate
 15 the needs of approved school districts and approved private
 16 education partners and shall take action to redistribute unused
 17 state funding as appropriate.

18 *c. Limited purpose.* State funds provided for purposes
 19 of this chapter shall not be expended for any purpose not
 20 expressly authorized in this chapter or in administrative rules
 21 adopted to administer this chapter.

22 *2. Program sites — conditional allocation.* A school
 23 district shall not receive preschool scholarship funding
 24 without school district or private education partner preschool
 25 program sites.

26 *3. Program continuation subject to approval.* For subsequent
 27 budget years, continuation of a school district's participation
 28 in the preschool program is subject to the approval of the
 29 department based upon the school district's compliance with
 30 accountability provisions and the department's on-site review
 31 of the school district's implementation of the preschool
 32 program.

33 *4. Insufficient funding.* If the amount appropriated
 34 annually for purposes of this section is not sufficient to
 35 pay the total allocation to approved school districts, the

1 allocation shall be based on the proportion that the total
2 allocation for each approved school district bears to the sum
3 of the total allocations to all approved school districts.

4 5. *Payments to private education partners.* Reimbursements
5 shall be provided to private education partners by approved
6 school districts on a monthly basis, beginning with the month
7 in which the school district receives payment under subsection
8 1, paragraph "a", and ending in July, upon submission and
9 verification of actual instructional costs incurred in the
10 school year.

11 6. *Department administration and oversight.* Except as
12 otherwise provided by law for a fiscal year, of the amount
13 appropriated by the general assembly for a fiscal year for
14 purposes of this chapter, the department may use an amount
15 sufficient to fund up to four full-time equivalent positions
16 which shall be in addition to the number of positions
17 authorized for the department for the fiscal year to provide
18 administration and oversight of the preschool program.
19 Oversight shall include but not be limited to data collection
20 requirements, maintenance of website listings of school
21 district and private education partners providing high-quality
22 preschool programs, and assessment results.

23 7. *Open enrollment not applicable.* Section 282.18 shall not
24 apply to preschool programs implemented under this chapter.
25 However, approved programs shall be open to all eligible Iowa
26 children, regardless of a child's district of residence.

27 8. *Participation in preschool not good cause.* Participation
28 by a child in an approved preschool program under this chapter
29 does not qualify as "good cause", as defined in section
30 282.18, subsection 4, paragraph "b", for purposes of claiming
31 continuous enrollment in a school district other than the
32 district of residence.

33 Sec. 14. Section 272.2, Code 2011, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 19. Adopt rules establishing an early

1 childhood certificate of eligibility for individuals who meet
2 the requirements of section 256J.3, subsection 2, paragraph
3 "a", subparagraph (2), for preschool teachers. The rules for
4 obtaining such a certificate shall require that an applicant
5 successfully complete twelve hours of coursework from an
6 accredited institution of higher education in early childhood
7 education, child development, elementary education, or
8 early childhood special education, and this coursework shall
9 encompass child development and learning of children from birth
10 through kindergarten; family and community relationships;
11 observing, documenting, and assessing young children; teaching
12 and learning; and professional practices and development.