



Open
Enrollment Handbook
2018-2019
School Year

Contact:

Eric Heitz
Iowa Department of Education
Division of Learning and Results
Des Moines, Iowa 50319-0146
(515) 281-4726 or Eric.Heitz@iowa.gov

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Procedural Questions

1. Question: What is open enrollment?

Answer: It is a cost free option by which parents/guardians residing in an IOWA district may enroll their children into another Iowa school district under the terms and conditions of Iowa Code section 282.18 and the administrative rules of the Iowa Department of Education, 281 Iowa Administrative Code Chapter 17.

2. Question: How does a parent / guardian file for open enrollment?

Answer: The parent / guardian must complete an application form that is available in the central office of Iowa school districts. The open form is also available via the [Department's web site](#). The completed form must be filed with both the resident and receiving district by March 1 of the year preceding the school year for which open enrollment is desired for students entering grades 1 through 12. The deadline for kindergarten students is September 1.

3. Question: Who approves or denies open enrollment requests?

Answer: Please see chart below. In the cases where the resident district acts the receiving district will act after the resident district.

New Open Enrollment Request	Receiving District	Resident District
OE filed by March 1	X	
OE filed <u>after</u> March 1 with good cause	X	
Resident district has a voluntary diversity plan (Davenport, Des Moines, Postville, Waterloo, West Liberty)	Act if resident district approves	X
Applicant alleges pervasive harassment or serious health need.	Act if resident district approves	X
Applicant alleges serious health need.	Act if resident district approves	X
Application filed after deadline with no good cause. (See question #4)	Act if resident district approves	X

4. Questions: If a parent/guardian misses the open enrollment deadline and does not have good cause may they apply for open enrollment?

Answer: Yes. Iowa Code Section 282.18(14) states, “An application for open enrollment may be granted at any time with approval of the resident and receiving districts.” This is a local decision requiring approval by both districts. The resident district acts first.

5. Question: May a student who is presently open enrolled into one receiving district change enrollment to a different receiving district?

Answer: Yes. In such a case, the parent / guardian files an OE application with the district the student is currently attending (receiving district) and the district the student wants to attend (alternate receiving district). The new district (alternate receiving district) will notify the parent/guardian, original district of residence, and resident district of acceptance or denial. The application deadline is March 1. 281-IAC 17.8(4)

6. Question: May an open enrolled student return to the district of residence?

Answer: Yes. A pupil that is open enrolled may return to the district of residence, and enroll, at any time (unless under suspension or expulsion). The parent or guardian must notify the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence. This will terminate open enrollment. 281-IAC 17.8(10)

7. Question: Must the sending and receiving districts be contiguous to each other?

Answer: No. However, transportation assistance is only applicable when open enrollment is to a contiguous receiving district. 281-IAC 17.9(2)

8. Question: Who is responsible for school transportation for an open enrolled student?

Answer: The parent or guardian is responsible for transporting the student to and from the receiving district unless the family qualifies for transportation assistance. See the requirements on page 17. 281- IAC 17.9(1) This applies even if the student has an IEP and transportation is listed on the IEP.

9. Question: May a district limit the number of students open enrolling into the district?

Answer: Yes. Iowa Code 282.18(2)(c)

10. Question: May a parent / guardian designate a particular attendance center for enrollment within the receiving district?

Answer: No. Open enrollment is to another district, not to a specified attendance center. The receiving district has discretion to determine which attendance center an open enrolled student shall attend. 281-IAC 17.6(4)

11. Question: How long should a district maintain open enrollment records?

Answer: According to the Uniform Administrative Procedures Manual, general correspondence should be maintained for 3 years. Open enrollment records should be maintained for 3 years after the student graduates or stops attending the receiving district.

12. Question: Is a student on a Visa eligible for open enrollment?

Answer: The most important thing to know about students with visas is that the governing law is not education law. This area is regulated by the federal Department of Homeland Security (DHS). You are strongly encouraged to contact [DHS](#) or review the [Department of Education website](#).

Timelines / Deadlines / Good Cause

13. Question: Are there any exceptions to the March 1 deadline?

Answer: Yes. An open enrollment request for a prospective **kindergarten** student must be filed with the resident and receiving district by September 1 of the school year of enrollment into kindergarten. 281-IAC 17.7

The following circumstances are considered "good cause" and are acceptable conditions for a timeline waiver IF the change occurred / began AFTER March 1. 281-IAC 17.4

- Change in family district of residence
- Change in the marital status of the student's parents resulting in a change in resident district
- Placement of the child in foster care resulting in a change of residence
- Adoption
- Participation in a foreign exchange program
- Participation in a substance abuse or mental health treatment program resulting in a change of residence
- Serious health need (see #15)
- Pervasive Harassment (see #14)
- Failure of district negotiations to reorganization or rejection of a proposed reorganization plan after March 1. *Open enrollment request must be filed within 45 days of the last board action or within 30 days of certification of an election, whichever is applicable. This is only applicable to affected students.*
- Failure of district negotiations for whole grade sharing or rejection of a whole grade sharing agreement after March 1. *Open enrollment request must be filed within 45 days of last board action or within 30 days of certification of an election, whichever is applicable. This is only applicable to affected students.*
- Loss of accreditation or permanent closure of a private school after March 1.

14. Question: What constitutes pervasive harassment?

Answer: The resident district determines if the applicant qualifies under the criteria of repeated and pervasive harassment. The following guidelines are used to determine if an applicant qualifies under the "good cause" provision. A parent or guardian who files an application for open enrollment after the March 1 deadline and alleges repeated acts of harassment is entitled to a hearing before the resident school board to prove the application should be granted. In re Hannah T., 25 D.o.E. App. Dec. 26 (2007).

- The harassment must have occurred after March 1 or the student or parent is able to demonstrate that the extent of the harassment could not have been known until after March 1.
- The harassment must be specific electronic, written, verbal, or physical acts or conduct toward the student which created an objectively hostile school environment that meets one or more of the following conditions:
 - a. Places the student in reasonable fear of harm to the student's person or property.
 - b. Has a substantially detrimental effect on the student's physical or mental health.
 - c. Has the effect of substantially interfering with a student's academic performance.
 - d. Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- The evidence must show that the harassment is likely to continue despite the efforts of school officials to resolve the situation.

- It can be reasonable anticipated that the changing the student's school district will alleviate the situation.
- The school board must be provided with the facts and circumstances of the case before making a decision. In re 27 D.o.E. App. Dec. 960 (2016)

15. Question: What constitutes a severe health need?

Answer: An applicant may qualify under the severe health need provision if all of the following exists. An official in the **resident** district determines if the applicant qualifies under the criteria of severe health need. In re Anna C., 24 D.o.E. App Dec 5

- The serious health condition of the child is one that has been diagnosed by an appropriate healthcare provider, and the diagnosis has been provided to the district of residence.
- The serious health condition is neither short-term nor temporary.
- The district has been provided with the specifics of the child's health needs caused by the serious health condition and knows, or should know, what specific steps its staff must take to meet the child's needs.
- School officials, upon notification of the serious health condition and the steps to be taken to meet the child's needs, must have failed to implement such steps or, despite the district's efforts, its implementation of the steps was unsuccessful.
- A reasonable person could not have known before March 1 that the district could not, or would not, adequately address the child's health needs.
- It can be reasonably anticipated that a change in the child's school district will improve the situation.

Each case is to be decided on its own merits, keeping in mind that 282.18(5) is the one subsection of the Iowa Code in which the Legislature has specifically admonished districts and the State Board to act "in the best interest of the affected child." Where there is doubt, the benefit of that doubt is to be accorded to the child.

16. If a building in the district is closed after March 1, do the students in that building qualify for "good cause" under open enrollment?

Answer. No. Students do not become eligible for late-filed open enrollment if one of the attendance centers is closed or if there is a change in the school program (curriculum, courses, etc.). However, if an accredited non-public school closes after March 1st, parents of students in the school have the option to open enroll. 281-IAC 17.4(2)

17. Question: When does a student's open enrollment end?

Answer: Open enrollment terminates when the student graduates, moves into the receiving district, moves out of state, moves into another Iowa district and chooses to attend the new resident district, attends an accredited nonpublic school, or drops out of school. If a student is placed temporarily in foster care, a juvenile detention center, a treatment facility, or similar placement, the open enrollment status will automatically be reinstated when the student returns. 281-IAC 17.8(10) Open enrollment is terminated when the student attends the resident district.

18. Question: Does an open enrollment request have to be renewed annually?

Answer: No, as long as the receiving district remains the same, open enrollment to that district continues until the student graduates, drops out of school, or until the parent/guardian notify the district that they desire to terminate open enrollment. 281-IAC 17.8(5)

19. Question: What options are available to an open enrolled student whose parent / guardian moves, which changes the district of residence?

Answer: If the parent / guardian moves and the move changes the district of residence, the options are to have the student stay in the current receiving district, open enroll the student to another district, or enroll the student in the new district of residence as long the new district of residence is within Iowa, they remain a resident of Iowa. 281-IAC 17.4(1)

20. Question: What is the “Junior/Senior rule?”

Answer: The Junior/Senior Rule allows 11th and 12th grade students who move out of a district to return to the Iowa resident district that he/she attended during the preceding school year, until they graduate even though they are no longer residents of the district. These students do not have to file open enrollment. This does not apply to students who move out of state. Iowa Code 257.6(4)

If the student has an IEP, special law requires the new district to pay tuition. Parents do not complete open enrollment forms but the new resident district is required to pay tuition. For district coding purposes, the student is coded as being tuition in and select Jr/Sr rule indicator.

21. Question: What happens if the application for open enrollment is denied?

Answer: Unless the application for open enrollment claims harassment or if the child has a serious health condition that the resident district cannot adequately address, all appeals are filed as an original court action in Iowa District Court. **District Court Appeals** should be filed in district court in the county in which the primary business office of the resident district is located. 281-IAC 17.3(2)

Appeals regarding harassment or serious health condition may be filed with the Iowa Department of Education within 30 days of the board decision. 281-IAC 17.5(2) See page 12 for more information.

22. Question: Are open enrollment forms public documents?

Answer: Yes, as soon as the district has it in its possession, it is public information. However, districts must remove certain confidential information before releasing the form under the open records law in Iowa. Iowa Code section 22.7(1)

Eligibility / Qualification Questions

23. Question: May a student who requires special education programs or services take advantage of open enrollment?

Answer: Yes. The same rules apply to open enrollment for special education as general education students. The proposed receiving district must have an appropriate special education instructional program for the student and must have adequate classroom space. 281-IAC 17.11

24. Question: May a student who receives private instruction take advantage of open enrollment?

Answer: Yes. Parents must complete an application form that is available in the central office of Iowa school districts. The form is also available via the [Iowa Department of Education website](#). The completed form must be filed with both the resident and receiving

district by March 1 of the year preceding the school year for which open enrollment is desired.

25. Question: At what age is a student eligible for open enrollment?

Answer: Regular education students are eligible [to open enroll] for grades K – 12, if the student is 5 years of age on or before September 15. [Kindergarten does not include preschool.] In re Colby Miller, 20 D.o.E. App. Dec. 001. Students that are younger than 5 years old do not qualify for open enrollment unless the student has an instructional Individualized Education Program (IEP), where the student is eligible to be counted for certified enrollment.

- Students cannot open enroll into [Statewide Voluntary Four Year Old Preschool](#) programs. Parents can enroll a student into any district that offers Statewide Voluntary Four Year Old Preschool program whether or not it is their resident district without the need to open enroll.
- A special education preschooler with an instructional IEP is eligible for open enrollment if services are provided in an early childhood special education program and if the preschooler is eligible to be included in certified enrollment. Iowa Code section 282.18(8).

26. Question: How does a district’s voluntary diversity plan impact open enrollment?

Answer: Five districts in Iowa have a board-adopted plan to keep the balance of students in the district. Each plan specifies the percentage of students that can open enroll in and out of the district with the goal to maintain balanced diversity factors. A district may deny a timely filed application that would adversely impact the plan. An appeal from a denial must be filed as an original action in the Iowa District Court for the county in which the primary business office of the resident district is located. The following districts have approved voluntary diversity plans: Davenport, Des Moines, Postville, Waterloo, and West Liberty. 281-IAC 17.11

27. Question: May a student use open enrollment to attend a school district in another state?

Answer: No. The open enrollment law in Iowa Code section 282.18 is solely for attendance in Iowa school districts. (Clarke Children, 20 D.o.E. App. Dec. 117)

28. Question: May a student who was suspended or expelled from one district open enroll into another district?

Answer: No, not until the student has been reinstated in the district from which s/he was suspended or expelled. 281-IAC 17.8(1)

29. Question: May a receiving district suspend or expel a student who is open enrolled into the district?

Answer: Yes. The policies and procedures of the receiving district apply to open enrolled students to the same extent as to resident students. If an open enrolled student is suspended or expelled by the receiving district, the student may not transfer back to the resident district or to an alternative receiving district until reinstated for attendance by the receiving district. 281- IAC 17.8(1)(8)

30. Question: What are the interscholastic athletic eligibility rules for high school students who open enroll?

Answer: Students who open enroll in grades 9 through 12 **shall not be eligible** to participate in **varsity** contests and competitions during the first 90 school days of transfer unless an exception applies allowing immediate eligibility. For a list of exceptions to this rule please see Iowa Administrative rule 281---36.15(4). During the 2016 legislative session a new exception was added to this list for open enrolled students that was passed by the legislature and signed by Governor Branstad which allows a student who has open enrolled to be immediately eligible “if the district of residence determines that the pupil was *previously* subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence.” Iowa Code section 282.18 subsection 11. [Guidance on athletic eligibility due to pervasive harassment](#).

For other questions regarding eligibility please contact the Iowa Girls High School Athletic Union at (515) 288-9741 or the Iowa High School Athletic Association at (515) 432-2011.

31. Question: Which district’s rules and policies govern an open enrolled student?

Answer: Those of the receiving district. The receiving district is also responsible for providing Post-Secondary Enrollment Option (PSEO) alternative education options, Iowa Code section 280.19A, and driver education programs. 281-IAC 17.8(8)

Special Education Questions

32. Question: Can a receiving district terminate open enrollment of a student newly staffed into a special education program?

Answer: A receiving district cannot unilaterally terminate the open enrollment of a special education student, or any other student. Open enrollment only terminates under the circumstances listed in rule 17.8(10).

33. Question: Can a receiving district terminate open enrollment if the district cannot provide appropriate programming for a student?

Answer: While a receiving district can deny open enrollment if it asserts it does not have an appropriate program (subject to procedural protections in Rule 17.11); it cannot terminate open enrollment if it determines it does not have an appropriate placement. In that case, the child’s IEP team must meet and select a new placement. See question number 36 for more information.

34. Question: If a sending district has a special education program that can meet the needs of a student with an IEP, can the application for open enrollment be denied?

Answer: No. The appropriateness of the sending district’s placement is not at issue. 281IAC 17.11

35. Question: Can the receiving district make a decision to place a student with an IEP in a special education program in another district?

Answer: If the receiving district’s program is not appropriate, it must convene the child’s IEP team to select a new placement. If a placement is made into another district, open enrollment transfers to the receiving district until such time as the original receiving districts has an appropriate program and the IEP team concurs with the transfer. If a parent disagrees with the decision to place the child in a placement outside of the receiving district, the parent may use any of the special education dispute resolution options. 281-IAC 41.504.

36. Question: If transportation is part of a student's IEP, must the receiving district provide transportation for a special education student?

Answer: If transportation is a related service on a child's IEP and the child's parents open enroll the child to another district, the parents waive transportation as a related service. 281-IAC 41.412(6).

37. Question: Can a parent demand that the receiving district create an appropriate program for an open-enrolled student with an IEP?

Answer: No. A public school district must maintain and have available a continuum of alternate placements (Special Education Rule 41.115); however, the law does not require that the district have all points on the continuum available within district buildings. If the receiving district is not an appropriate placement for the child, the open enrollment request is to be denied.

38. Must the resident district be involved in a child's IEP team and placement team decisions?

Answer: Yes. The resident district is responsible for the actual cost of the child's special education. 281-IAC 17.11. Special education law requires that IEP teams include a representative with knowledge of and the authority to commit district resources. Special Education Rule 41.321(1); *Letter to Cormany*, 34 IDELR 9 (OSEP 2000). The receiving district is to schedule meetings at a time and place convenient to the sending district as well as the child's parents. Please note that the sending district may participate by alternative means, such as video or telephone conference calls. If the sending district does not attend, the receiving district may make educational decisions but cannot commit, to any out-of-district placement only the resident district can commit to an out-of-district placement and the sending district must be given an opportunity to participate.

39. If a student under open enrollment is staffed into a special education program during the school year, how is the tuition calculated?

Answer: The tuition will be prorated. The receiving district will bill the resident district the per diem amount of the prior year's state cost per pupil for the number of days the student was served prior to implementation of the IEP. Beginning with the day the IEP is implemented, the receiving district will bill the resident district for actual costs of the special education program.

40. If a student under open enrollment is placed in a PMIC facility part way through the school year, how is tuition calculated?

Answer: The tuition will be prorated. The receiving district will bill the resident district for the days that the student was being served under open enrollment but will not bill for the days that the student was in PMIC placement. The district in which the PMIC is located will bill the resident district directly for the days that district of location served the student. The open enrollment status will be temporarily suspended during the placement and will reinstate when the student leaves placement and return to enrollment in the receiving district.

41. What kinds of situations will result in open enrollment being suspended?

Answer: The list is included in 281-17.8(10) and covers situations where a child is "placed" in a facility. This would include situations such as a child being placed temporarily in foster

care, a juvenile home (shelter or detention), mental health or substance abuse treatment facility (includes hospitals, MHIs, PMICs), or similar placements. In such cases, the open enrollment status is reinstated automatically when the child returns to the serving district.

42. If a child is open enrolled to the serving district and the child is placed in a PMIC facility which happens to be located in the serving district, will the open enrollment status and tuition continue?

Answer: No. The tuition will be prorated between open enrollment tuition and regular tuition for the period of placement. The open enrollment status will be temporarily suspended during the placement and reinstated when the student leaves placement. If the student has an instructional IEP, actual costs are billed to the resident district, whether the student is under open enrollment or in a PMIC placement.

43. If two districts are whole grade sharing, and a student is open enrolled from one district into the other district; when that student enters the grade level that is served under whole grade sharing in the receiving partner district, does the tuition switch from open enrollment to whole grade sharing?

Answer: No. The student remains under open enrollment and tuition for that student continues to be open enrollment tuition. The student will not be included in the whole grade sharing agreement billing and tuition. Only resident students not under open enrollment are included in the negotiated agreement in a whole grade sharing agreement.

44. If two districts are whole grade sharing, and a student who is open enrolled from one district into the other district; when that student enters the grade level that is served under whole grade sharing in his own resident district, what happens to tuition?

Answer: The open enrollment status for this student will be suspended rather than terminated while he is served within his own resident district. The student is not open enrolled during that time period and no tuition is paid. The open enrollment status is reinstated automatically when the child returns to the serving district.

Online/Virtual School

45. Is there a limit to the number of students that may open enroll to an online school per school district? Statewide?

Answer: No. All caps were removed.

46. What district may students open enroll to for an online program?

Answer: CAM, Clayton Ridge, or any district that provides courses through an approved provider or a district developed online program. Iowa Code 256.7 (32)

47. What district have an approved program?

Answer: Currently the only districts with an approved program are CAM and Clayton Ridge.

48. If a student is enrolled in one of the existing virtual academies can they enroll in one or more co-curricular activities at the home district?

Answer: Yes, for up to two activities. Additional activities are allowed at the discretion of the resident district. Iowa Code 282.18 (7).

49. May a student open enrolled to a district with an approved online program participate in activities in the resident district?

Answer: Yes, for up to two activities. Additional activities are allowed at the discretion of the resident district. Iowa Code 282.18 (7)

50. What activities qualify?

Answer: Qualifying activities include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding \$5,000. Iowa Code 282.18 (7). General fund definition: This fund is the chief operating fund of the school district. It is used to account for all financial resources of the school district except for those required to be accounted for in another fund. A district may have only one general fund. Uniform Financial Accounting for Iowa LEAs and AEAs 2009 edition. Iowa Code 298A.2. (Salaries are included in the general fund.) For questions on a student activity fee, please see the following [guidance](#).

51. My child wants to participate in vocal music at the school of the resident district both semesters. How is this counted for number of activities?

Answer: For co-curricular activities, one semester equals one activity as required by Iowa Code 282.18 (7). Participating in vocal music two semesters equals two activities.

52. Can a student open enrolled to a district not offering an online program participate in the resident district activities?

Answer: No, only students open enrolled for purposes of receiving instruction and course content primarily over the internet can participate in the resident district activities. Iowa Code 282.18 (11A) (Currently only CAM and Clayton Ridge have online programs that qualify.)

53. May a resident student open enrolled out for an online program who does not meet the same eligibility requirements of a resident student still participate in extracurricular and co-curricular activities?

Answer: No, an open enrolled out student must meet the same eligibility requirements as a resident student to participate in activities. Iowa Code 282.18 (11A)

54. Can the resident district deny participation if the receiving district does not provide grade reports as requested?

Answer: No. Districts are required to share grade reports, and a student cannot be determined ineligible because a district does not provide such reports.

55. Does the March 1 deadline for open enrollment still apply?

Answer: Yes. Iowa Code 282.18 (2)

56. If a student withdraws from the activity how is funding determined?

Answer: The \$200 activity cost is prorated based on the number of days the student participated. 281-IAC 17.10(6)

57. If a student open enrolled to an approved online program participating in an activity at the resident district is found to be violating the resident district's rules (good conduct, bullying and harassment, etc.), may the resident district discipline the student, such as by suspending the student from the extracurricular activity or co-curricular activity?

Answer: Yes. The student shall comply with the eligibility, good conduct and other requirements relating to the activity that are established by the district of residence, including expectations for conduct and consequences for not meeting those expectations. Iowa Code 282.18 (11A)

58. If a co-curricular activity requires class attendance, is a student who is open enrolled to an online program required to attend the cocurricular class?

Answer: Yes, based on Iowa Code 282.18 (11A) the student will be required to attend the class (i.e., music class for choir concert, band class for band concert/marching band.)

59. If a student who open enrolled to an online program enrolls in a co-curricular music class in the resident district and drops during the first quarter may the student reenroll during the 2nd quarter?

Answer: This is a local district decision

60. If a student who open enrolled to an online program enrolls in a co-curricular music class in the resident district and drops during the first quarter may the student re enroll during the 2nd quarter?

Answer: This is a local district decision

61. Can a student who is open enrolled to an online program participate in a co-curricular activity or extracurricular activity in both the resident and the receiving districts (Currently CAM or Clayton Ridge)?

Answer: Yes. The Iowa Department of Education will provide proposed rules to the State Board of Education to be posted for public comment.

62. Can a resident district decline to enroll a student open enrolled to an online district in a co-curricular class based on classroom space?

Answer: Yes, if the class is full.

63. Is there a specific age requirement for a student open enrolled to an online program to participate in the resident district extracurricular activities or co-curricular activities?

Answer: A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with Iowa Code 256.7 (32), may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. Iowa Code 282.18 (11A)

Information for Parents / Guardians

Deadline

- March 1 Grades 1-12 (Send a copy to the resident and receiving districts)
- September 1 for Kindergarten (Send a copy to the resident and receiving districts)

Athletic Eligibility

Students who open enroll in grades 9 through 12 **shall not be eligible** to participate in **varsity** contests and competitions during the first 90 school days of transfer. 281-IAC 17.8(2) Please contact the Iowa Girls High School Athletic Union at (515) 288-9741 or the Iowa High School Athletic Association at (515) 432-2011 for questions regarding eligibility. [Guidance on athletic eligibility due to pervasive harassment.](#)

[Guidance](#) on open enrolled students to online schools.

Additional Information

- Approval for one child in a family does not guarantee approval for other children in the same family. A parent/guardian must file an open enrollment request for each child in the family.
- If desiring to change the receiving district, a new open enrollment application must be filed in the receiving district and alternate receiving district by March 1 of the preceding school year.
- Notify in writing the districts concerned if there is any change in the residence of the student during the open enrollment period.
- If terminating the open enrollment, notify both districts involved.
- A parent/guardian may apply to more than one school district at the same time.

Appeal Process

Unless the application for open enrollment claims harassment or if the child has a serious health condition that the resident district cannot adequately address, all appeals are filed as an original court action in [Iowa District Court](#). District Court Appeals should be filed in district court in the county in which the primary business office of the resident district is located. 281-IAC 17.3(2)

Appeals regarding **harassment or serious health condition** may be filed with the Iowa Department of Education within 30 days of the board decision. 281-IAC 17.5(2) If the application is denied by the resident district for either of these reasons, the parent / guardian may appeal to the local board of directors. If an application is denied by the local board of directors, the applicant may appeal to the State Board of Education. The appeal should be addressed to: Administrative Law Judge, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, IA 50319-0146. The letter of appeal must be postmarked within 30 days of the board decision. The appeal letter must contain the following information:

1. Name, address, and daytime phone number of the person appealing
2. Name and grade level of child/children involved in the appeal (in case of expulsion, open enrollment, suspension, etc.)

3. Name of the school district making the board decision that is being appealed
4. Date the local board decision was made
5. Brief statement of reasons why the decision is being appealed
6. Notarized signature of the person appealing the decision
7. Other information may be included if desired

Instructions for School Districts

Notification – Districts must notify parents of open enrollment deadlines, transportation assistance, and possible loss of athletic eligibility for open enrollment of students by September 30 of each school year. Notification shall also be provided to any parent/guardian who transfers into the district during the school year. 281-17.3(2)

Board / Superintendent Action Application filed prior to March 1st or September 1st deadline - The board of the **receiving** district shall act on an open enrollment request **no later than June 1** of the school year proceeding the school year for which the request is made. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within **five days** of board action.

The Board may give superintendents the authority to approve, but not to deny, applications.

- If the applicant files under good cause, the board must act within thirty (30) days of receiving the request. The receiving district will notify the resident district and the parent within 15 days of board action to approve or deny an application.
- **Denial** - In order to deny open enrollment based on class size of general or special education classrooms, the district must adopt an "insufficient classroom space" policy and review this policy annually. A district can deny an application based on insufficient classroom space, lack of appropriate program, or the student is under suspension or expulsion.
- **Late filed applications** – The **receiving** district has an obligation to **deny** applications filed after March 1 unless the application meets good cause (see question # 13) or if the resident district is in an agreement to approve.
- The resident district does not have authority to act on an application unless the applicant claims pervasive harassment, severe health need or has a voluntary diversity plan.

Board / Superintendent Action Application filed for good cause after March 1st – 17.4(5)

The board of the receiving district shall act on the request within 30 days of its receipt. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action

Board / Superintendent Action Application filed for serious medical condition, pervasive harassment after March 1st – 17.5(1)

The board of the resident district shall act on the request within 30 days of its receipt. If the request is denied, the parent/guardian shall be notified by the district superintendent within 3 days following board action. If the request is approved, the district superintendent shall forward the approved application form to the receiving district within 5 days following board action and shall notify the parent/guardian within 3 days of this action. The board of the receiving district shall act to approve or deny an open enrollment request within 30 days following receipt of the notice of approval from the resident district. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within 15 days of board action.

17.5(2) A denial by either board of a request made under this rule involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address may be appealed by a parent/guardian to the state board of

education pursuant to Iowa Code section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

What if the receiving district approves an application (inappropriately) after March 1?

17.4(6) A resident district may appeal a decision of a receiving district's board to approve a late-filed enrollment without good cause request to the Director of the Iowa Department of Education within 15 days of the receiving district's board approval. Process:

- Submit an appeal to the director of the Department of Education.
- The director or director's designee shall attempt to mediate the dispute to reach approval by both parties.
- Director or designee shall conduct a hearing and hear testimony from both boards (and designees).
- The director shall render a decision within ten days following the hearing.
- The board may appeal the decision to the Director of the Department of Education within five days of the decision.

Students with an IEP: If the child open enrolling has an IEP the request shall be granted if the receiving district is able to provide within the district the appropriate special education. This determination shall be made by the receiving in consultation with the resident district and the appropriate area education agency before approval of the application. 281-IAC-17.11

The receiving district shall provide notice to the resident district of all staffings scheduled for each open enrollment pupil. 281-IAC-17.11

Billing Instructions for School Districts

2018-2019 Open Enrollment Billing Chart

	Tuition (Previous year state cost per pupil) \$6664	Teacher Leadership and Compensation (TLC) : \$323.27	Non-English speaking supplementary weighting, if the student was included in the resident district's October 2017 LEP supplementary weighting calculation	Eligible concurrent enrollment and Project Lead the Way (PLTW) courses 281 IAC 17.10(8)
Regular Ed 281 IAC 17.10(1)	\$6664	\$323.27	0.22 x \$6664	Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year's cost per pupil.
Special Education 281 IAC 17.11	Actual cost of the program through TIB	\$323.27	0.22 x \$6664	Course weighting factor x percent of time the student is enrolled in the course x resident district's

	Tuition (Previous year state cost per pupil) \$6664	Teacher Leadership and Compensation (TLC) : \$323.27	Non-English speaking supplementary weighting, if the student was included in the resident district's October 2017 LEP supplementary weighting calculation	Eligible concurrent enrollment and Project Lead the Way (PLTW) courses 281 IAC 17.10(8)
				current school year's cost per pupil
Home school dual enrollment K-8 281 IAC 17.10(2)	0.1 x \$6664	\$323.27	0.22 x \$6664	Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year's cost per pupil
Home school dual enrollment for grades 9-12 extra curricular activities. 281 IAC 17.10(2)	0.1 x \$6664	0.1 x \$323.27	0.22 x \$6664	Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year's cost per pupil
Home school grades 9-12 dual enrollment for academics 281-IAC 17.10(2)	Do not bill. Academic classes are included in the serving district's certified enrollment	Do not bill.	Do not bill	Do not bill
Home school assistance program 281 IAC 17.10(3)	0.3 x \$6664	0.3 X\$323.27	N/A	N/A
Regular education student attending CAM, Clayton Ridge, or any district in Iowa with an approved online provider. Iowa Code 282.18(7)	\$6664 Resident district may deduct up to \$200 per activity up to 2 activities per year as applicable.	\$323.27	0.22 x \$6664	Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year cost per pupil

	Tuition (Previous year state cost per pupil) \$6664	Teacher Leadership and Compensation (TLC) : \$323.27	Non-English speaking supplementary weighting , if the student was included in the resident district's October 2017 LEP supplementary weighting calculation	Eligible concurrent enrollment and Project Lead the Way (PLTW) courses 281 IAC 17.10(8)
Special Education student attending CAM, Clayton Ridge, or any district in Iowa with an approved online provider. Iowa Code 282.18(7)	Actual cost of the program Resident district may deduct up to \$200 per activity up to 2 activities per year as applicable.	\$323.27	0.22 x \$6664	Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year cost per pupil

General Items:

- Supplemental weighting: Eligible concurrent enrollment and Project Lead the Way (PLTW) courses in which the student will be enrolled and included in the generation of supplementary weighting on October 1, 2018
- Open enrollment tuition is billed and paid on a semester basis, (on or before February 15 and July 15) per Iowa Code 282.20 (3).
- Under special circumstances that terminate or suspend open enrollment status, it is necessary to prorate tuition on a per diem basis.
- For students under Competent Private Instruction for dual enrollment and the open enrolled district's home school assistance program, combine the appropriate rows of the above billing chart.
- Partial semesters should be based on a per diem rate, prorated for days served under open enrollment.
- Transportation expenses incurred by the resident district may be deducted from district cost per pupil tuition sent to the receiving district for students who qualify for transportation assistance. For students with an IEP that qualifies for transportation assistance, the cost of transportation is not deducted from the special education tuition
- For concurrent enrollment supplementary weighting calculations;
 - The serving district will use the fall and spring Student Reporting in Iowa (SRI) application to generate the billings.
 - The resident district will use the certified enrollment and non-fall supplementary weighting applications to verify the amounts being billed.

Billing Timeline

Situation	Payment
Open enrollment approved prior to October 1	Tuition is paid to receiving district. This <u>includes</u> applications filed: <ul style="list-style-type: none"> • after March 1 with good cause • kindergarten students • Early childhood special education program for children with an IEP • CPI or students from a private school that were not enrolled the previous year in a public school • CPI students who are dual enrolled (partial payment based on enrollment) • Student under open enrollment moves to a new district after October 1st but continues open enrollment
Open enrollment filed after October 1	Tuition is <u>not</u> paid to receiving district even if the application was approved with good cause. The resident district is not obligated to pay tuition or additional costs such as special education weighting and transportation assistance if an application was filed after October 1 (count date).

Students in Foster Care

Chart of authorized applicant and responsibility for tuition.

Student in Foster Care	Parental Rights	Permission to OE	Cost of Tuition/Expenses
IEP	Parents have rights	Parent	Parent's Resident District
	Parents do not have rights (severed)	DHS or designee	State of IA via TIB claim, unless a district counted the student for special education count
Non IEP	Parents have rights	Parent	Foster Care District
	Parents do not have rights (severed)	DHS or designee	Foster Care District

The Every Student Succeeds Act (ESSA) requires that children in foster care remain in their school of origin (the school they were attending when entering foster care) unless their best interests require otherwise. The ESSA also requires the children in foster care be transported to their school of origin unless best-interest determination requires a school change. If a child is participating in open enrollment when they enter foster care, the receiving school district is the school of origin. Transportation for those students is governed by ESSA. For more information click [here](#).

If a student is attending school in his or her resident district, is placed into foster care outside the student's resident district, and remains enrolled in the same school (school of origin), the student continues to be identified as a resident student of the district where the student is attending. Open enrollment is not utilized in the foster care situation to keep a student enrolled in his or her school of origin. This situation is similar to the Junior/Senior rule because a student continues to be counted as a resident student even when the student is not living in the district. Iowa Code 282.19, subsection 2, Iowa Code 282.31, subsection 1, paragraph "b", subparagraph (1)

RECORD KEEPING:

The following suggestions are made to assist the district in keeping an accurate count of open enrollment students. These are not requirements, but can reduce confusion about the status of students and inaccurate billing between districts.

1. Have registration personnel check carefully for any change of address for an open enrolled pupil.
2. Ask teachers, bus drivers, and other personnel to alert administrative staff to any change of address of an open enrollment pupil that occurs during the school year.
3. Exchange lists of open enrollment pupils with other districts prior to count day.
4. Have a process in place for notifying other districts of any movement of an open enrollment pupil either out of the district or into the district.
5. Check incoming kindergarten students to ensure they are residents. If not, they must file open enrollment forms by September 1st or they will be responsible for tuition.

The district of residence can be verified at the following [link](#) for two-thirds of the counties in Iowa.

Transportation Assistance Guidelines

The parent/guardian of a pupil who has been accepted for open enrollment shall be responsible to transport the pupil without reimbursement, except for those pupils that meet the eligibility requirement listed below. 281 IAC 17.9

Household Size	Yearly	Monthly	Twice Per Month	Every Two Weeks	Weekly
1	25,251	2,106	1,053	971	486
2	34,237	2,854	1,427	1,317	659
3	43,222	3,603	1,802	1,662	832
4	52,220	4,352	2,176	2,008	1,005
5	61,194	5,101	2,550	2,354	1,178

Household Size	Yearly	Monthly	Twice Per Month	Every Two Weeks	Weekly
6	70,179	5,850	2,925	2,699	1,350
7	79,165	6,598	3,299	3,045	1,523
8	88,150	7,347	3,674	3,390	1,696
Additional family member	8,986	749	374	346	173

These guidelines reflect the revisions made in the Federal Poverty Guidelines that is effective for July 1, 2018 through June 30, 2019. **These guidelines are NOT the same as the guidelines for Free and Reduced Fees**

Definition of Income: "Income" means income before any deductions such as income taxes, social security taxes, insurance premiums, charitable contributions and bonds. Income includes the following:

1. Monetary compensations for services, including wages, salary, commissions or fees
2. Net income from non-farm self-employment
3. Social Security
4. Dividends or interest on savings or bonds or income from estates or trusts
5. Net rental income
6. Public assistance or welfare payments
7. Unemployment compensation
8. Government civilian employee or military retirement, pensions, or veterans payments
9. Private pensions or annuities
10. Alimony or child support payments
11. Regular contributions from persons not living in the household
12. Net royalties
13. Other cash income including income from farming. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources. Income does not include any income or benefits received under federal programs that are excluded from consideration as income by any legislation prohibition.

Process to apply for Transportation Assistance

If a parent/guardian qualifies for transportation assistance, the request assistance is filed with the resident district. Verification of income should be attached to the open enrollment application. Parents should be reminded that the district must be notified if the family income changes by \$50 or more per month. Parents may apply for transportation assistance by indicating on the application and attaching verification of income. It is recommended that the parent complete a free and reduced lunch application if one has not been filed.

Transportation assistance is only available to families who open enroll between contiguous districts. The cost of transportation reimbursement incurred by the resident district should be deducted from the tuition sent to the receiving district. For students with an IEP eligible for transportation assistance, resident district pays as special education cost and is not deducted from the actual tuition costs.

Transportation required on the IEP is waived when a student is open enrolled so that has nothing to do with this. It is only for transportation assistance under Open Enrollment that the resident district becomes involved again.

A parent of a child with a disability who open enrolls waives special transportation only to/from the receiving district. That "waiver" does not apply to transportation to the receiving district's off-site programs or out-of-district activities.

Types of Transportation Assistance

The resident district has the right to determine which option will apply. This is not a parent / guardian choice. Transportation assistance for those who qualify according to income guidelines (see chart above) is available only **between contiguous districts** and shall be deducted from the amount sent to the receiving district. In case of road construction or road relocation, a receiving district may drive into another district to pick up open enrollment students if, and only if, there was road construction or road relocation that makes this necessary.

The resident district may discharge this obligation in one of three ways:

1. The resident district may actually provide transportation for the pupil(s) to a stop on the bus route of the receiving district.
2. The resident district may allow the receiving district to enter the resident district to pick up the open enrolled pupil(s). (Failure of the receiving district to decide to do this will not discharge the resident district's obligation for transportation assistance.)
 - o The resident district may provide a parent / guardian reimbursement. If this option is selected by the resident district, the amount to be paid to the parent is determined as follows:
 - o The transportation reimbursement amount shall be the state calculated average as determined in 285.1(3) or the local cost per pupil for the previous year as specified on the resident districts Annual Transportation Report, whichever is lower. The amount for 2017-2018 was \$497 (annual). The 18-19 amount will be released in January 2019.
 - o This amount is limited to reimbursement for three elementary (K-8) students and one secondary (grades 9 -12) students.
 - o The amount of transportation assistance can be prorated according to the date of application submission.
 - o Transportation assistance costs incurred by the resident district may be deducted from the cost per pupil amount it is required to send to the receiving district for an open enrollment regular education pupil. This may be prorated after the start of the year. Transportation assistance costs on students with IEPs cannot be deducted from special education tuition.

Residency

Residency information on the Iowa Department of Education may be found [here](#) or contact Nicole Proesch Nicole.proesch@iowa.gov or (515)281-5295

Iowa Code 282.1 School age — nonresidents.

1. Persons between five and twenty-one years of age are of school age. Nonresident children shall be charged the maximum tuition rate as determined in [section 282.24, subsection 1](#), with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board. A school district discontinuing grades under [section 282.7, subsection 1](#) or [3](#), shall be charged tuition as provided in [section 282.24, subsection 1](#).
2. For purposes of [this section](#), “resident” means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:
 - a. Is in the district for the purpose of making a home and not solely for school purposes.
 - b. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).
 - c. Lives in a juvenile detention center or residential facility in the district.

Residency Matrix

Situation	Resident? Enroll?	Other remarks
Student lives with someone other than parent/guardian b/c of family problems or personal problems – not for school reasons	Yes – student is a resident and must be enrolled tuition-free, without requiring guardianship papers.	Emergency contact – must be someone who can make a decision about the student (parent or court-appointed guardian, e.g.) OR who can quickly contact the decision-maker. Report cards, communiqués from school still go to parent, unless parent gives written permission to school to send documents to person with whom student resides.
Same as above, BUT – student is in district for school purposes (athletics, other extracurriculars, not doing well in former school)	Not a resident; per Iowa Code § 282.6 the district MUST charge tuition and MAY NOT include student on certified enrollment.	Same comments as above.
Same as first row, BUT – student is in district neither for school purposes nor because of personal or family problems (e.g., student is playing in a hockey league)	DEPENDS. Factors to consider include: 1. Does student intend to return to parent’s home in near future? How frequently does child return to parental home to visit?	Same comments as previously. Creating a legal guardianship does NOT affect whether the student is a resident. It merely clarifies who gets information from the district and who can make decisions for a minor child.

Situation	Resident? Enroll?	Other remarks
	<p>2. Does parent furnish significant financial support for child?</p> <p>3. Does parent still have authority over child?</p> <p>MOST of the time, these students are NOT going to be residents and must be charged tuition. An exception may exist for a student who is 18 or older and who sets up his/her own household (all above questions would have to be answered in the negative).</p>	
<p>Student lives with parent(s) in District A, but is with a relative (not a parent) before and/or after school in District B.</p>	<p>This does not establish residency in District B.</p>	<p>If parents want student to attend District B, they must file an open enrollment request.</p>
<p>Student resides with court-appointed guardian</p>	<p>Doesn't automatically make the student a resident for purposes of 282.6; still need to determine WHY the student is in the district.</p>	<p>The rights of a court-appointed guardian are superior to those of the parents; guardian is emergency contact and is the recipient of all documents from school.</p> <p>Therefore, make sure this is a legal guardianship (as evidenced by a court order signed by a judge or by "letters of appointment" signed by clerk of court with seal of court).</p>
<p>Student splits time equally between parents who live in different districts</p>	<p>Student is a resident of both districts, but only one district gets to include the student in its September count. It's permissible for the districts to determine which one will count the student and that district can reimburse the other.</p>	<p>This really gets fun when the child needs special education.</p>

Situation	Resident? Enroll?	Other remarks
Family moves into district from another country	Children in the family are residents of district, regardless of whether they are aliens and even regardless of whether the family's presence in the U.S. is legal	<p>U.S. Supreme Court ruled in 1972 that a free education must be provided to <u>resident</u> children, even if they are illegal aliens.</p> <p>A district CANNOT require any documents from this family that it would/could not request from any other family. That is, you may ask for proofs of birthdates and relevant health information. Period.</p>
Student with dual citizenship (of which US citizenship is included) moves into district	Whether this student is a "resident" depends on why the student is in the district. If living with a parent for purposes of making a home, the student is a resident. If living with another relative or even a guardian for purposes of going to school, the student is not a resident.	This student will not have a visa, because the student is a citizen. But remember that citizenship is not relevant to the issue of who is a resident.
Family refuses to give street address, just gives P.O. box	282.6 requires district to charge tuition; without proof of residency (P.O. Box is NOT proof of residency in district), charge tuition and hope that gets the parents' attention	There are legitimate reasons why a family would want its street address kept confidential; however, districts must have proof of residency and can still take measures to protect this information.
Student lives with a foster family	Is a resident of the district for purposes of receiving a tuition-free education.	Under Iowa law, foster parents are not guardians (unless there is a separate order). DHS is custodian for placement in foster care; unless parental rights have been terminated by a court, the natural parents still have right to participate in meetings and receive reports.

Situation	Resident? Enroll?	Other remarks
		Call local DHS office (the one that made the placement) and get some guidance in writing from them.

Student VISAs

Student VISA information on the Iowa Department of Education may be found [here](#) or contact Nicole Proesch Nicole.proesch@iowa.gov or (515)281-5295

The most important thing to know about students with visas is that the governing law is not education law. This area is regulated by the federal Department of Homeland Security (DHS) <https://studyinthestates.dhs.gov/students>. If there is an issue you are strongly encouraged to contact DHS. That being said here is a short explanation of the different visa categories and how what that means for enrollment of the student.

Students with J-1 Visas – These are foreign exchange students who are sponsored by a rotary club, youth for understanding or some other sponsor. Since foreign exchange, students are not residents of the district they can attend school in any district without regard to where the host family lives and they do not fill out open enrollment papers. Districts do not receive any state funding for enrolling these students and districts do not charge tuition to these students. Under state law, these students are immediately eligible to participate in interscholastic athletics. Although, districts are not required to enroll a student with a J-1 visa, the Department strongly encourages that districts consider doing so.

Students with F-1 Visas - Students with F1 visas are NOT considered foreign "exchange" students. For F1 students, the school becomes the sponsor. This means that the school must be registered with the federal SEVIS, which stands for Student Exchange Visitor Information System. There is a cost to register. Federal law also requires that the school fill out a new I20 form so that DHS will know that a new school is willing to take on this student and be his or her sponsor. Federal law requires the school to charge tuition of F1 students. One little state law quirk is that while J1 students are immediately eligible for sports, F1 students are considered transfer students, so if the student plays athletics the student must sit out 90 days.

Students with B-2 or Similar Dependent Visas (those that end in the number 2) – These students MAY NOT be enrolled in school without changing their VISA status. Under 8 CFR 214.2(b)(7) an individual on a B-1 or B-2 visa is specifically prohibited from study in the United States while on that visa. It does not matter if the student is here in Iowa with a parent or guardian and residing in your school district. That student must obtain another VISA status before they can enroll or their current visa could be revoked. Here is a link regarding how to obtain a different visa status: [VISA STATUS CHANGE](#).

Immigrant Students (non-visa holders) - The first three categories above deal with non-immigrant students; that is, students who do not intend to make the U.S. their permanent home. It is perfectly legal to ask for the visa status of a **non-immigrant student**. On the other hand, immigrant students are those who reside in the U.S. with the intention that the residency be permanent. Districts are to consider ONLY whether such students and their families reside in the district. If yes, districts are absolutely forbidden to ask about whether the student and family

are in the U.S. legally. Pursuant to the U.S. Supreme Court's ruling in *Plyler v. Doe*, districts provide a tuition-free education and all educational programming and services that are provided to other resident students.

For more information on the Student Exchange and Visitor Program click here:

<http://www.ice.gov/sevis/>

Open Enrollment - Iowa Code Section 282.18

1. a. It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that this section be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.

b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

2.a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent intends to enroll the parent's or guardian's child in a public school in another district by the deadline specified in this subsection, the procedures of subsection 4 apply.

b. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district has insufficient classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year. A denial of a request by the board of a receiving district is not subject to appeal.

c. Every school district shall adopt a policy which defines the term "*insufficient classroom space*" for that district.

3.a. The superintendent of a district subject to a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education, may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order or diversity plan, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to the adoption of a desegregation plan by the district. If a transfer request would facilitate a voluntary diversity or court-ordered desegregation plan, the district shall give priority to granting the request over other requests.

b. A parent or guardian, whose request has been denied because of a desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. The state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary diversity plans. The guidelines shall include criteria and

standards that school districts must follow when developing a voluntary diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary diversity plan. A school district implementing a voluntary diversity plan prior to July 1, 2008, shall have until July 1, 2009, to comply with guidelines adopted by the state board pursuant to this section.

c. The board of directors of a school district subject to voluntary diversity or court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order or voluntary diversity plan and criteria for prioritizing requests that do not have an adverse impact on the order or plan.

4.a. After March 1 of the preceding school year and until the date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause, as defined in paragraph “b”, exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. For purposes of this section, “good cause” means a change in a child’s residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child’s parents’ marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, a change in the status of a child’s resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256F.8, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement or the rejection of a current whole grade sharing agreement, or reorganization plan. If the good cause relates to a change in status of a child’s school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

c. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

d. The director, or the director’s designee, shall attempt to mediate the dispute to reach approval by both boards as provided in subsection 14. If approval is not reached under mediation, the director or the director’s designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving district. Within five days of the director’s decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent’s or guardian’s child in the receiving district. A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately

address is subject to appeal under section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

6. A request under this section is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect the court-ordered or voluntary desegregation plan of the district. A denial of a request to change district enrollment within the approved period is not subject to appeal. However, a pupil who has been in attendance in another district under this section may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

7.a. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1.

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9 or the teacher leadership supplement foundation aid for the previous fiscal year as provided in section 284.13, subsection 1, paragraph "d", if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

(2) If a pupil participates in cocurricular or extracurricular activities in accordance with subsection 11A, the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in subparagraph (1). For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

8. If a request filed under this section is for a child requiring special education under chapter 256B, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

9.a. If a parent or guardian of a child, who is participating in open enrollment under this section, moves to a different school district during the course of either district's academic year, the child's first district of residence shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 until the start of the first full year of enrollment of the child.

c. The receiving district shall bill the first resident district according to the timeline in section 282.20, subsection 3. Payments shall be made to the receiving district in a timely manner.

c. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

d. A district of residence may apply to the school budget review committee if a student was not included in the resident district's enrollment count during the fall of the year preceding the student's transfer under open enrollment.

10.a, Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of this subsection, "*a point on a regular school bus route of the receiving district*" includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b.A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.

c.If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold, from the district cost per pupil amount that is to be

paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

11.A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district except that the pupil may participate immediately in a varsity interscholastic sport if the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade, if the district of residence and the other school district jointly participate in the sport, if the sport in which the pupil wishes to participate is not offered in the district of residence, if the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12, if the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade, or if the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services, or if the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended. For purposes of this subsection, "*school days of enrollment*" does not include enrollment in summer school. For purposes of this subsection, "*varsity*" means the same as defined in section 256.46.

11A. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with section 256.7, subsection 32, may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student's participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

12.If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under this section if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

13.If a request under this section is for transfer to a laboratory school, as described in chapter 265, the student, who is the subject of the request, shall not be included in the basic enrollment of the student's district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment

under this section, exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under this subsection is not subject to appeal under section 290.1.

14. An application for open enrollment may be granted at any time with approval of the resident and receiving districts.

15.a. If a request under this section is for transfer to the research and development school, as described in chapter 256G, the student who is the subject of the request shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to the research and development school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending the research and development school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

16.a. The total enrollment of the research and development school shall be limited to six hundred fifty students.

b. Open enrollment requests accepted by the research and development school shall be limited to a five percent increase per year of students from each of the Cedar Falls community school district and the Waterloo school district over the previous year's enrollment at the research and development school.

c. The total number of students enrolled in the research and development school from the Cedar Falls community school district shall be limited to not more than ten percent of the total district enrollment of the Cedar Falls community school district.

d. Open enrollment requests accepted by the research and development school from a school district shall be limited to not more than two percent of a school district's previous year's total enrollment count. This subsection does not apply to the Cedar Falls community and Waterloo school districts.

17. The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

Open Enrollment - Iowa Administrative Rules 281-17

281—17.1(282) Intent and purpose. It is the intent of Iowa Code section 282.18 to maximize parental choice

in providing a wide range of educational opportunities which are not available for pupils because of where they live. It is the purpose of this chapter to give guidance and direction to parents/guardians, public school district administrators and boards in making quality decisions regarding school district choice for the education of pupils.

281—17.2(282) Definitions. For the purpose of this chapter the indicated terms are defined as follows:

“Alternative receiving district” means a district to which a parent/guardian petitions for the open enrollment of a pupil from a receiving district. An alternative receiving district could be the district of residence of the parents/guardians.

“Attendance center” means a public school building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

“Court-ordered desegregation plan” means a plan that is under direct court order to avoid racial isolation in the district.

“Department” means the department of education.

“Director” means the director of the department of education or the director’s designee.

“Diversity plan” or *“voluntary diversity plan”* means a plan that is voluntarily adopted by a local school board to promote diversity and to avoid minority student isolation in the district.

“Eligible district” means a school district whose board had adopted a voluntary desegregation plan under this chapter prior to June 28, 2007.

“Minority student” shall be defined by a local school board in its diversity plan, and may include consideration of any one characteristic or a combination of any of the following characteristics except that race may not be either the sole or the determinative characteristic: socioeconomic status, ethnicity/national origin, English language learner status, or race.

“Open enrollment” is the procedure allowing a parent/guardian to enroll one or more pupils in a public school district other than the district of residence at no tuition cost.

“Receiving district” is the public school district in which a parent/guardian desires to have the pupil enrolled or the district accepting the application for enrollment of a pupil under the provisions of Iowa Code section 282.18.

“Resident district” is the district of residence for school purposes of the parent/guardian and the district in which an open enrollment pupil shall be counted for the purpose of generating state aid regardless of the district in which the pupil is enrolled.

“Sending district” is synonymous with the term resident district.

“Sibling” means a child residing primarily in the same household as the child for whom an open enrollment request is filed and who is related by adoption, blood or marriage to the child for whom an open enrollment request is filed. “Sibling” also includes a foster child who is placed in the same household as the child for whom an open enrollment request is filed.

“Socioeconomic status” means the income level of a student or the student’s family, and shall be measured by whether a student or the student’s family meets the financial eligibility criteria for free meals or reduced price meals offered under the Child Nutrition Program.

281—17.3(282) Application process. The following procedure shall be used by parents/guardians and school districts in processing open enrollment applications.

17.3(1) Parent/guardian responsibilities. On or before March 1 of the school year preceding the school year for which open enrollment is requested, a parent/guardian shall formally notify both the district of residence and the receiving district of the request for open enrollment. The request for open enrollment shall be made on forms provided by the department of education. Failure by the parent to send the form to the resident district and receiving district by the deadline may cause the application to be considered untimely. The parent/guardian is required to indicate on the form if the request is for a pupil requiring special education, as provided by Iowa Code chapter 256B. The forms for open enrollment application are available from each public school district and area education agency and from the state department of education.

17.3(2) School district responsibilities.

a. The board of the resident district shall take no action on an open enrollment request except for a request

made under rule 281—17.5(282) or 281—17.14(282).

b. The board of the receiving district shall act on an open enrollment request no later than June 1 of the school year preceding the school year for which the request is made.

(1) The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action.

(2) As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, applications filed on or before March 1. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline, but the board of the receiving district shall take action to approve the request if good cause exists. The board shall have the discretion to determine the scope of the authorization. The authorization may be for regular applications filed on or before March 1, good cause applications, and kindergarten applications filed on or before September 1, or any combination that the board determines. The same timelines for approval, forwarding, and notification shall apply.

c. The parent/guardian may withdraw an open enrollment request anytime prior to the first day of school in the resident district. After the first day of school, an open enrollment request can only be changed during the term of the approval by the procedures of subrules 17.8(4), 17.8(5), 17.8(6), and 17.8(7).

d. The board of the receiving district shall comply with the provisions of rule 281—17.11(282) if the application for open enrollment is for a pupil requiring special education as provided by Iowa Code chapter 256B.

e. Notification to parents.

(1) By September 30 of each school year, all districts shall notify parents of the following:

1. Open enrollment deadlines;

2. Transportation assistance;

3. That within 30 days of a denial of an open enrollment request by a district board of education, the parent/guardian may file an appeal with the state board of education only if the open enrollment request was based on repeated acts of harassment or a serious health condition of the pupil that the district cannot adequately address; and that all other denials must be appealed to the district court in the county in which the primary business office of the district is located; and

4. Possible loss of athletic eligibility for open enrollment pupils.

(2) This notification may be published in a school newsletter, a newspaper of general circulation, a Web site, or a parent handbook provided to all patrons of the district. This information shall also be provided to any parent/guardian of a pupil who enrolls in the district during the school year.

17.3(3) Exception to process when resident district is under voluntary or court-ordered desegregation. If the resident district has a voluntary or court-ordered desegregation plan requiring the district to maintain minority and nonminority student ratios, the request for open enrollment shall be filed solely with the district of residence on or before March 1 of the school year preceding the school year for which open enrollment is requested. The superintendent of the resident district may deny a request under this subrule unless the request is made on behalf of a student whose sibling already actively participates in open enrollment to the same receiving district to which open enrollment is sought for this student. A denial by the superintendent may be appealed to the board of the district in which the request was denied. A decision of the local board to uphold the denial may only be appealed to the district court in the county in which is located the primary business office of the district that upheld the denial of the open enrollment request.

281—17.4(282) Filing after the March 1 deadline—good cause. A parent/guardian may apply for open enrollment after the filing deadline of March 1 of the school year preceding the school year for which open enrollment is requested and before the date specified in Iowa Code section 257.6, subsection 1, of that calendar year if good cause exists for the failure to meet the deadline. Good cause is a change in the status of the pupil's residence or a change in the status of the pupil's resident district taking place after March 1, or the closing or loss of accreditation of a nonpublic school of attendance after March 1 resulting in the desire of the parent/guardian to obtain open enrollment for the following school year. If good cause can be established, the parent/guardian shall be permitted to apply for open enrollment in the same manner as if the deadline had been

met pursuant to rule 17.3(282).

Consideration of an open enrollment request filed under the provision of good cause does not preclude the authority, as appropriate, for the resident or receiving district to administer board policy related to insufficient classroom space or the requirements of a desegregation plan or order in acting to approve or deny the request. (See subrules 17.6(2) and 17.6(3).)

17.4(1) Good cause related to change in the pupil's residence shall include:

- a. A change in the family residence due to the family's moving from the district of residence anytime after March 1 of the school year preceding the school year for which open enrollment is requested.
- b. A change in the state of residence allowing a parent/guardian moving into an Iowa school district from out of state to obtain open enrollment to a different district from their new district of residence.
- c. A change in the marital status of the pupil's parents.
- d. A guardianship or custody proceeding.
- e. Placement of the child in foster care.
- f. Adoption.
- g. Participation in a foreign exchange program.
- h. Participation in a substance abuse or mental health treatment program.

17.4(2) Good cause related to change in status of the pupil's resident district or nonpublic school of attendance shall include:

- a. Reorganization action.
 - (1) Failure of the area education board to vote in favor of a reorganization proposal,
 - (2) Failure of the area education board to act on objections to exclude territory from a reorganization proposal,
 - (3) Failure of a reorganization election,
 - (4) Rescinded IAB 3/8/00, effective 4/12/00.
- b. Dissolution action.
 - (1) Failure of a dissolution commission to make a recommendation to the board of directors,
 - (2) Failure of the board to take positive action on objections filed by residents of the district to a dissolution proposal,
 - (3) Failure of contiguous districts to accept a dissolution proposal,
 - (4) Failure of an election on a dissolution proposal.
- c. Whole grade sharing action.
 - (1) Failure of the board to pursue negotiations for a whole grade sharing proposal for which it has given public notice by board action of its intent to pursue,
 - (2) Failure of the board to approve a request by a parent/guardian to send an affected pupil to a contiguous district rather than to the district party to the agreement,
 - (3) Failure of the board to extend or renew a whole grade sharing agreement,
 - (4) Unilateral rejection by one board of a whole grade sharing agreement prior to expiration of the term of the agreement.
- d. Loss of accreditation.
 - (1) Removal of accreditation by the state board after March 1.
 - (2) Surrender of accreditation after March 1.
 - (3) Permanent closure of a nonpublic school after March 1.
- e. Rescinded IAB 8/21/02, effective 9/25/02.

On open enrollment requests for good cause related to a change in status of the pupil's school district of residence, action by a parent/guardian must be taken to file notification within 45 days of the last board action or within 30 days of the certification of an election, whichever circumstance is applicable.

17.4(3) Good cause shall not include:

- a. Actions of a board of education in the designation of attendance centers within a school corporation and in the assignment of pupils to such centers as provided by Iowa Code section 279.11.
- b. Actions of a board of education in making its own rules of government for the internal organization and operation of the school corporation as provided by Iowa Code section 279.8.

17.4(4) Rescinded IAB 8/21/02, effective 9/25/02.

17.4(5) Timelines for board action on applications filed after March 1 for good cause. The board of the receiving district shall act on the request within 30 days of its receipt. The same timelines for approval, forwarding, and notification shall apply.

The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action.

17.4(6) If the resident district believes that the board of the receiving district approved a late-filed open enrollment request that does not meet the definition of “good cause” under Iowa Code section 282.18(4) “b,” the resident district may appeal to the director.

a. Upon affirmative vote of a majority of its board to do so, the resident district shall file a written appeal to the director within 30 days of receipt by the resident district of notification by the board of the receiving district of the approval by the receiving district of a late-filed open enrollment request. The written appeal shall state the name and grade level of the affected student, the name of the receiving district, the date of approval by the board of the receiving district, the date the resident district was notified of the approval, and a brief statement explaining why the resident district board believes there is no good cause for the request to have been filed and approved after March 1. The appeal shall be signed by the president of the board of the resident district and shall have attached to it a copy of the disputed open enrollment request and the minutes of the board meeting at which the resident district board voted to appeal. An appeal is timely filed if it is postmarked or delivered personally or via facsimile transmission to the director within the 30-day time period.

b. The director shall, upon receipt of an appeal, first attempt to mediate the dispute. If mediation is unsuccessful, the director shall schedule a telephonic hearing for the purpose of hearing testimony from both boards.

c. If a hearing is necessary, the boards may stipulate to any or all facts to be considered by the director. At the sole discretion of the director, an in-person hearing may be scheduled. The director shall issue a written decision within ten days of the hearing, upholding or reversing the decision of the board of the receiving district.

d. Within five days of the issuance of the decision of the director, the aggrieved board may appeal the decision to the state board of education under the procedures in Iowa Code chapter 290.

281—17.5(282) Filing after the March 1 deadline—harassment or serious health condition. A parent/guardian may apply for open enrollment after the filing deadline of March 1 of the school year preceding the school year for which open enrollment is requested if the parent’s/guardian’s child is the victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. If either of these conditions exists, the parent/guardian shall be permitted to apply for open enrollment by sending notification to both the resident and receiving districts.

17.5(1) The board of the resident district shall act on the request within 30 days of its receipt. If the request is denied, the parent/guardian shall be notified by the district superintendent within 3 days following board action. If the request is approved, the district superintendent shall forward the approved application form to the receiving district within 5 days following board action and shall notify the parent/guardian within 3 days of this action. The board of the receiving district shall act to approve or deny an open enrollment request within 30 days following receipt of the notice of approval from the resident district. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within 15 days of board action.

17.5(2) A denial by either board of a request made under this rule involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address may be appealed by a parent/guardian to the state board of education pursuant to Iowa Code section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

281—17.6(282) Restrictions to open enrollment requests. A district board may exercise the following restrictions related to open enrollment requests.

17.6(1) *Enrollment loss caps.* Rescinded IAB 12/8/93, effective 1/12/94.

17.6(2) *Voluntary diversity plans or court-ordered desegregation plans.* In districts with court-ordered desegregation or voluntary diversity plans where there is a requirement to maintain minority and nonminority student ratios according to the plan, the superintendent of the district may deny a request for open enrollment if it is found that the enrollment or release of a pupil will adversely affect the district’s court-ordered desegregation plan or voluntary diversity plan. Open enrollment requests that would facilitate the court-ordered desegregation plan or voluntary diversity plan shall be given priority over other open enrollment requests received by the district. A parent/guardian whose request for open enrollment is denied by the superintendent of the district on the basis of its adverse effect on the district’s court-ordered desegregation plan or voluntary diversity plan may appeal that decision to the district board.

17.6(3) *Policy on insufficient classroom space.* No receiving district shall be required to accept an open enrollment request if it has insufficient classroom space to accommodate the pupil(s). Each district board shall adopt a policy which defines the term “insufficient classroom space” for that district. This policy shall establish a basis for the district to make determinations on the acceptance or denial, as a receiving district, of an open enrollment request. This policy may include, but shall not be limited to, one or more of the following: nature of the educational program, grade level, available instructional staff, instructional method, physical space, pupil-teacher ratio, equipment and materials, facilities either being planned or under construction, facilities planned to be closed, finances available, sharing agreement in force or planned, bargaining agreement in force, law or rules governing special education class size, or board-adopted district educational goals and objectives. This policy shall be reviewed annually by the district board.

17.6(4) *Designation of attendance center.* The right of a parent/guardian to request open enrollment is to a district other than the district of residence, not to an attendance center within the nonresident district. In accepting an open enrollment pupil, the receiving district board has the same authority it has in regard to its resident pupils as provided by Iowa Code section 279.11, to “determine the particular school which each child shall attend.” In the application process, however, the parent or guardian may request an attendance center of preference.

281—17.7(282) *Open enrollment for kindergarten.* While the regular time frame in requesting open enrollment is that an application should be made no later than March 1 of the school year preceding the school year for which the enrollment is requested, a parent/guardian requesting to enroll a kindergarten pupil in a district other than the district of residence may make such application on or before September 1 of that school year. In considering an application for a kindergarten pupil, the resident and the receiving district are not precluded from administering board-adopted policies related to insufficient classroom space or the requirements of a desegregation plan or order.

As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, applications filed on or before September 1 under this rule. The timelines established in rule 17.4(282) shall apply to applications for a kindergarten pupil.

281—17.8(282) *Requirements applicable to parents/guardians and students.*

17.8(1) *Expelled or suspended students.* A pupil who has been suspended or expelled by action of the administration or board of the resident district shall not be permitted to enroll if an open enrollment request is filed until the pupil is reinstated for school attendance in the resident district. Once reinstated, the application for open enrollment shall be considered in the same manner as any other open enrollment request. If a pupil for whom an open enrollment request has been filed is subsequently expelled by action of the resident district board, the pupil may be denied enrollment by the receiving district board until the pupil is reinstated for school attendance by the resident district. The provisions of this subrule shall also apply to a pupil who has been suspended or expelled in a receiving district and is requesting open enrollment to an alternative receiving district or is seeking to return to the resident district as outlined in subrule 17.8(4).

17.8(2) *Restrictions on participation in interscholastic athletic contests and competitions.* A pupil who changes school districts under open enrollment in any of the grades 9 through 12 shall not be eligible to participate in varsity interscholastic athletic contests and competitions during the first 90 school days of enrollment. This restriction also shall apply to enrollments resulting from an approved petition filed by a parent/guardian to open enroll to an alternative receiving district and when the pupil returns to the district of

residence using the process outlined in subrule 17.8(4). This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

- a. Participates in an athletic activity in the receiving district that is not available in the district of residence.
- b. Participates in an athletic activity for which the resident district and the receiving district have a “cooperative student participation agreement” in place as provided by rule 281—36.20(280).
- c. Has paid tuition for one or more years to the receiving school district prior to making application and being approved for open enrollment.
- d. Has attended the receiving district for one or more years, prior to making application and being approved for open enrollment, under a sharing or mutual agreement between the resident district and the receiving district.
- e. Has been participating in open enrollment and whose parents/guardians move out of their district of residence but exercise the option of maintaining the open enrollment agreement as provided in subrule 17.8(6) except that the period of 90 school days of ineligibility shall apply to a pupil who open enrolls to another school district. If the pupil has established athletic eligibility under open enrollment, it is continued despite the parent’s or guardian’s change in residence.
- f. Obtains open enrollment as provided in subrule 17.8(7) except that the period of 90 school days of ineligibility shall apply to a pupil who open enrolls to another school district.
- g. Obtains open enrollment due to the dissolution and merger of the former district of residence under Iowa Code subsection 256.11(12).
- h. Obtains open enrollment due to the pupil’s district of residence entering into a whole-grade sharing agreement on or after July 1, 1990, including the grade in which the pupil would be enrolled at the start of the whole-grade sharing agreement.
- i. Participates in open enrollment and the parent/guardian is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.
- j. Open enrolls from a district of residence that has determined that the pupil was previously subject to a founded incident of harassment or bullying as defined in Iowa Code section 280.28 while attending school in the district of residence.

17.8(3) *Term of enrollment.* Rescinded IAB 10/9/96, effective 11/13/96.

17.8(4) *Petition for attendance in an alternative receiving district.* Once the pupil of a parent/guardian has been accepted for open enrollment, attendance in an alternative receiving district under open enrollment can be initiated by filing a petition for change with the receiving district. The petition shall be filed by the parent/guardian with the receiving district on or before March 1 of the year preceding the school year for which the change is requested. The timelines and notification requirements for such a request shall be the same as outlined in subrule 17.3(2). If the request is approved, the alternative district shall send notice of this action to the parent/guardian, to the original receiving district, and to the resident district of the pupil. Petitions for change shall be effectuated at the start of the next school year.

As an alternative procedure, the receiving and alternative receiving district boards by mutual agreement may effectuate the change in enrollment of an open enrollment pupil at any time following receipt of a written request for such change which is approved by the two boards. The parent/guardian and the resident district board shall be notified of the approval and the date for change in open enrollment within 15 days of the mutual agreement action of the receiving and alternative receiving boards.

A pupil in good standing may return to the district of residence at any time following written notice from the parent/guardian to both the resident district and the receiving district.

17.8(5) *Renewal of an open enrollment agreement.* An open enrollment agreement shall remain in place unless canceled by the parent/guardian or terminated as outlined in the provisions of subrule 17.8(10).

17.8(6) *Change in residence when participating in open enrollment.* If the parent/guardian of a pupil who is participating in open enrollment changes the school district of residence during the term of the agreement, the parent/guardian shall have the option to leave the pupil in the receiving district under open enrollment, to open enroll to another school district, or to enroll the pupil in the new district of residence, thus terminating the open enrollment agreement. If the choice is to leave the pupil under open enrollment or to open enroll to another school district, the original district of residence shall be responsible for payment of the cost per pupil plus any

applicable weightings or special education costs for the balance of the school year, if any, in which the move took place, providing the move took place on or after the date specified in Iowa Code section 257.6, subsection 1. The new district of residence shall be responsible for these payments during succeeding years of the agreement.

If the move takes place between the end of one school year and the date specified in Iowa Code section 257.6, subsection 1, of the following school year, the new district of residence shall be responsible for that year's payment as well as succeeding years.

If the pupil is to remain under open enrollment or to open enroll to another school district, the parent/guardian shall write a letter, delivered by mail or by hand on or before the date specified in Iowa Code section 257.6, subsection 1, to notify the original resident district, the new resident district, and the receiving district of this decision.

Timely requests under this rule shall not be denied. If the request is for a high school pupil, the pupil shall not be subject to the initial 90-school-day ineligibility period of subrule 17.8(2).

17.8(7) *Change in residence when not participating in open enrollment.* If a parent/guardian moves out of the school district of residence, and the pupil is not currently under open enrollment, the parent/guardian has the option for the pupil to remain in the original district of residence as an open enrollment pupil with no interruption in the education program or to open enroll to another school district. This option is not available to the parent/guardian of a student who is entering kindergarten for the first time. The parent/guardian exercising this option shall file an open enrollment request form with the new district of residence for processing and record purposes. This request shall be made on or before the date specified in Iowa Code section 257.6, subsection 1. Timely requests under this subrule shall not be denied. If the request is for a high school pupil, the pupil shall not be subject to the initial 90-school-day ineligibility period of subrule 17.8(2). If the move is on or after the date specified in Iowa Code section 257.6, subsection 1, the new district of residence is not required to pay per-pupil costs or applicable weighting or special education costs to the receiving district until the first full year of the open enrollment.

17.8(8) *Pupil governance.* An open enrollment pupil, and where applicable the pupil's parent/guardian, shall be governed by the rules and policies established by the board of directors of the receiving district. Any complaint or appeal by the parent/guardian concerning the educational system, its process, or administration in the receiving district shall be initially directed to the board of directors of that district in compliance with the policy of that district.

17.8(9) *Appeal procedure.* A parent/guardian may appeal the decision of the board of directors of a school district (resident or receiving) only on an application for open enrollment under Iowa Code section 282.18(5) as amended by 2002 Iowa Acts, House File 2515. This appeal is to the state board of education and shall comply with the provisions of Iowa Code section 290.1. The appeal shall be filed within 30 days of the decision of the district board and shall be in the form of an affidavit signed by the parent/guardian. It shall state in a plain and concise manner what the parent/guardian feels to be the basis for appeal.

17.8(10) *Open enrollment termination.* Open enrollment ends when:

a. The pupil graduates, moves into the receiving district, moves into a third district and does not elect to continue attending in the receiving district, moves out of state, elects to attend a nonpublic school instead of the receiving district, or any other circumstance not excepted below that results in the pupil no longer attending the receiving district.

EXCEPTIONS: This rule shall not apply if the pupil is placed temporarily in foster care, a juvenile detention center, mental health or substance abuse treatment facility, or other similar placement. In such cases, the open enrollment status will automatically be reinstated when the pupil returns.

b. The pupil drops out of school. In this instance, if the pupil desires to return to the resident district during the term of the original open enrollment, notice must be given as outlined in the provisions of subrule 17.8(4).

281—17.9(282) Transportation.

17.9(1) *Parent responsibilities.* The parent/guardian of a pupil who has been accepted for open enrollment shall be responsible to transport the pupil without reimbursement, except as provided in subrule 17.9(2), to and from a point on a regular school bus route of the receiving district. This point shall be a designated stop on the

bus route of the receiving district. If this point—designated stop— is within the distances established by Iowa Code section 285.1 from the school designated for attendance by the receiving district, that district may, but is not required to, provide transportation for an open enrollment pupil. A receiving district may send buses into a resident district solely for the purpose of transporting an open enrollment pupil if the boards of both the sending and receiving districts agree to this arrangement. Bus routes that are outside the boundary of the receiving district that have been authorized by an area education agency board of directors, as provided by Iowa Code subsection 285.9(3), may be used to transport open enrollment pupils if boards of directors of the resident and receiving districts have both taken action to approve such an arrangement. Bus routes that have been established by the receiving district for the purpose of transporting nonpublic school or special education pupils that operate in the resident district of an open enrollment pupil shall not be utilized for the transportation of such pupil for the portion of the route that is within the resident district unless the boards of directors of the resident and receiving districts have both taken action to approve such an arrangement. Bus routes transporting pupils for the purpose of whole-grade sharing shall not be used to transport open enrollment pupils for the portion of the route that is within the resident district unless the boards of directors of the resident and receiving districts have both taken action to approve such an arrangement.

17.9(2) *Qualifications and provisions for transportation assistance.* Open enrollment pupils that meet the economic eligibility requirements established by the department of education shall receive transportation assistance from their resident district under the following conditions. The resident district is not required to provide any transportation assistance for a pupil involved in open enrollment with a district that is not contiguous with the pupil's resident district. The resident district shall provide transportation for the pupil to a point that is a designated stop on a regular bus route of a contiguous receiving district, or as an alternative, the resident district shall pay the parent/guardian for providing this transportation. In either situation the resident district is not obligated to expend more than the average cost per pupil transported amount established for that district for the previous school year. If the resident district provides the transportation, it shall determine that it is able to perform this function at a cost not in excess of the average cost per pupil transported for the resident district as established the previous year. It shall not assess any additional cost to the parent/guardian for providing transportation. If the district chooses to reimburse the parent/guardian for providing transportation, to determine the amount to be reimbursed, the district shall use the provisions of Iowa Code subsection 285.1(3). This reimbursement shall not exceed the average cost per pupil transported for the resident district as established the previous year. The resident district may withhold from the amount it is required to pay to a receiving district for an open enrollment pupil the actual amount or the average cost per pupil transported amount it pays for transportation assistance, whichever is the lesser amount.

17.9(3) *Economic eligibility requirements for transportation.* A parent/guardian shall be eligible for transportation assistance from the resident district if the household income of the parent/guardian is at or below 160 percent of the federal income poverty guidelines as stated by household size. Since the federal income poverty guidelines are adjusted each year, the department of education shall provide revised eligibility guidelines to school districts each year.

281—17.10(282) Method of finance. Open enrollment options shall be made available for pupils at no instructional cost to their parents/guardians. Open enrollment pupils shall be considered enrolled resident pupils in the resident district and shall be included in the certified enrollment count of that district for the purposes of generating school foundation aid.

17.10(1) *Full-time pupils.* Unless otherwise agreed to in the mediation under paragraph 17.4(6)“b,” for full-time pupils, the resident district shall pay each year to the receiving district an amount equal to the sum of the state cost per pupil for the previous year; plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4; plus either the teacher leadership supplement state cost per pupil for the previous year as provided in Iowa Code section 257.9(11) or the teacher leadership supplement foundation aid allocation for fiscal year 2017 as provided in Iowa Code section 284.13(1)“e,” whichever the district received, if both the district of residence and the receiving district received either of the supplements. If the pupil participating in open enrollment is also an eligible pupil under Iowa Code section 261E.6 (postsecondary enrollment options program), the receiving district shall pay the tuition reimbursement

amount to an eligible postsecondary institution as provided in Iowa Code section 261E.7.

17.10(2) *Dual enrolled pupils.* Unless otherwise agreed to in the mediation under paragraph 17.4(6) “b,” for pupils who receive competent private instruction and are dual enrolled, the resident district shall pay each year to the receiving district an amount equal to .1 times the state cost per pupil for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4. However, a pupil dual enrolled in grades nine through twelve shall be counted by the receiving district in the same manner as a shared-time pupil under Iowa Code section 257.6(1) “c.”

17.10(3) *Home school assistance program pupils.* Unless otherwise agreed to in the mediation under paragraph 17.4(6) “b,” for pupils who receive competent private instruction and are registered for a home school assistance program, the resident district shall pay each year to the receiving district an amount equal to .3 times the state cost per pupil under Iowa Code chapter 257 for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4.

17.10(4) *Transportation assistance.* The resident district may deduct any transportation assistance funds for which the pupil is eligible as provided by subrule 17.9(2).

17.10(5) *Method of payment.* These moneys shall be paid to the receiving district by the first resident district according to the timeline in Iowa Code section 282.20(3) (on or before February 15 and July 15 of each year). Payments shall be made to the receiving district in a timely manner. The district cost per pupil for nonspecial education students shall be the cost calculated each year for the school year preceding the school year for which the open enrollment takes place. Costs for special education students shall be as outlined in rule 281—17.11(282).

17.10(6) *Partial-year situations.* In the event that the pupil who is under open enrollment withdraws from school, moves into the district of attendance, moves out of state, moves to another district in the state of Iowa and elects to attend that district, graduates at midyear, is allowed to return to the district of residence during the school year, or other similar set of circumstances that result in the pupil no longer attending in the receiving district, payment of cost per pupil will be prorated.

17.10(7) *Late changes of open enrollment.* The resident district and the receiving district boards by mutual agreement may effectuate the change in enrollment of an open enrollment pupil at any time following receipt of a petition for such change which is approved by the two boards. A change due to good cause is a late change in enrollment. If any change in enrollment is made on or after the date specified in Iowa Code section 257.6, subsection 1, the resident district is not required to pay per-pupil costs or applicable weighting or special education costs to the receiving district until the first full year of the open enrollment.

17.10(8) A student under open enrollment is eligible to be counted for supplementary weighting pursuant to 281—subrule 97.2(5) for qualifying concurrent enrollment classes in which the student is enrolled, including concurrent enrollment classes provided via the ICN, or supplementary weighting for project lead the way (PLTW) enrollment through sharing with a community college pursuant to 281—subrule 97.2(6). An open enrolled student who is under competent private instruction (CPI) shall be weighted in the student’s receiving district, and no tuition shall be billed to the resident district. An open enrolled student who is not under CPI shall be weighted in the resident district, and the funding shall be sent to the receiving district in addition to open enrollment tuition.

a. If the open enrolled student is present in the resident district on October 1 of the school year, the resident district shall count the student, excluding a student under CPI, for supplementary weighting.

b. The concurrent enrollment course must qualify for supplementary weighting in the receiving district pursuant to 281—subrule 97.2(5), and the PLTW course must qualify for supplementary weighting in the receiving district pursuant to 281—subrule 97.2(6).

c. The resident district shall forward the weighting generated for the concurrent or PLTW enrollment for that student using the district cost per pupil of the school year. The amount generated is calculated as the supplementary weighting full-time-equivalency for that one student for each qualified concurrent or PLTW enrollment course multiplied by the current school year’s district cost per pupil in the resident district.

d. The receiving district shall pay the community college the tuition negotiated for the course. The tuition negotiated may cost the receiving district a different amount than that received from the resident district. No additional amount may be charged to the resident district, the student, or the parent, guardian, or legal custodian.

e. If the student was not present in the resident district on October 1 of the school year and is a late transfer, the receiving district bears all the tuition cost and shall not bill the resident district in the first year pursuant to subrule 17.10(7).

281—17.11(282) Special education students. If a parent/guardian requests open enrollment for a pupil requiring special education, as provided by Iowa Code chapter 256B, this request shall receive consideration under the following conditions. The request shall be granted only if the receiving district is able to provide within that district the appropriate special education program for that student in accordance with Iowa rules of special education, 281—Chapter 41. This determination shall be made by the receiving district in consultation with the resident district and the appropriate area education agency(ies) before approval of the application. In a situation where the appropriateness of the program is in question, the pupil shall remain enrolled in the program of the resident district until a final determination is made. If the appropriateness of the special education program in the resident district is questioned by the parent, then the parent may request a due process hearing as provided by 281—41.507(256B,34CFR300) or a mediation conference as provided by 281—41.506(256B,34CFR300). If the appropriateness of the special education program in the receiving district is at issue, the final determination of the appropriateness of a special education instructional program shall be the responsibility of the director of special education of the area education agency in which the receiving district is located, based upon the decision of the child’s individualized education program team, which shall include a representative from the resident district that has the authority to commit district resources, and which decision is subject to the parent’s procedural safeguards.

District transportation requirements, parent/guardian responsibilities and, where applicable, financial assistance for an open enrollment special education pupil shall be as provided by rule 281—17.9(282).

The district of residence shall pay to the receiving district on the schedule set forth in subrule 17.10(5) the actual costs incurred by the receiving district in providing the appropriate special education program. These costs shall be based on the current year expenditures with needed adjustments made in the final payment. The responsibility for ensuring that an appropriate program is maintained for an open enrollment special education pupil shall rest with the resident district. The receiving district and the receiving area education agency director shall provide, at least on an annual basis, evaluation reports and information to the resident district on each special education open enrollment pupil. The receiving district shall provide notice to the resident district of all staffings scheduled for each open enrollment pupil. For an open enrolled special education pupil where the receiving district is located in an area education agency other than the area education agency within which the resident district is located, the resident district and the receiving district are required to forward a copy of any approved open enrollment request to the director of special education of their respective area education agencies. Any moneys received by the area education agency of the resident district for an approved open enrollment special education pupil shall be forwarded to the receiving district’s area education agency.

[ARC 3181C, IAB 7/5/17, effective 8/9/17]

281—17.12(282) Laboratory school provisions. Rescinded ARC 2746C, IAB 10/12/16, effective 11/16/16.

281—17.13(282) Applicability. For implementing the open enrollment provisions of Iowa Code section 282.18, the provisions of this chapter shall be retroactively applicable to June 5, 1989.

281—17.14(282) Voluntary diversity plans or court-ordered desegregation plans.

17.14(1) Applicability. These rules govern only the components of a voluntary diversity plan or court-ordered desegregation plan as the plan affects open enrollments. Nothing herein shall prohibit a district from implementing a lawful voluntary diversity plan or court-ordered desegregation plan or components thereof for transfers other than open enrollment.

17.14(2) Eligibility to adopt and implement a plan applicable to open enrollments.

a. *Adoption.* The board of an eligible school district may adopt a voluntary diversity plan with a component that applies to open enrollments if either of the following conditions exists: (1) The percentage of minority students in the district exceeds the percentage of minority students in the state by at least 20 percentage points; or (2) the percentage of minority students in one or more attendance centers in the district exceeds the percentage

of minority students in the district as a whole by at least 20 percentage points.

b. Implementation. The open enrollment component of the plan adopted by the district board shall only be implemented by the district if other components of the diversity plan describe the steps the district is taking internally to avoid or reduce minority student isolation, and the district demonstrates the extent to which it has implemented those steps. For districts with multiple attendance centers at the same grade level, such steps may include intradistrict student transfer policies, pairing of attendance centers, revision of boundaries of attendance centers, selecting school sites, realignment of feeder systems, magnet schools, and the placement of specialized programs and services. In a district without multiple attendance centers at the same grade level, such steps may include pupil assignments to classrooms, classroom pairing, community and family outreach programs, student-to-student mentoring or grouping designed to promote understanding and acceptance of and positive interactions with all groups of minority students, and professional development activities designed to promote understanding and acceptance of and positive interactions with all groups of minority students. The open enrollment component of the plan adopted by the district board may remain in effect for so long as the district's total minority student population exceeds 15 percent, and shall remain in effect for so long as the district demonstrates is necessary to avoid minority student isolation in the district.

17.14(3) Open enrollment elements of a diversity plan.

a. All applicable deadlines for the filing and determination of open enrollment requests, including the exceptions for good cause under rule 17.4(282), apply to open enrollment requests filed in a district that has adopted an open enrollment component in its voluntary diversity plan.

b. The plan shall establish a districtwide ratio of minority-to-nonminority students to be maintained, consistent with subrule 17.14(2). All open enrollment requests, both those into and out of the district, shall be acted on according to whether the request will adversely affect or will positively affect the implementation of the plan. Under Iowa Code section 282.18, if an open enrollment request would positively affect the plan, the district shall give priority to granting the request over other requests.

c. A district with multiple attendance centers at the same grade level shall specify in the open enrollment component of its diversity plan which attendance centers are affected by the open enrollment component. For each of those attendance centers, the district shall establish and specify the individual attendance center ratios of minority-to-nonminority students, consistent with subrule 17.14(2). The plan may provide for an initial determination of whether a requested open enrollment will negatively affect the specific attendance center ratio. With respect to a request to open enroll out of the district, if such enrollment will negatively affect the ratio established for the student's current attendance center, the request may be denied by the district with no further determination of the impact of the request on the districtwide ratio. For a request to open enroll either into or out of the district, if the open enrollment will not negatively affect the attendance center ratio, the request shall be denied only if there would be a negative impact on the districtwide ratio. As of July 1, 2003, if a district's plan sets a threshold lower than allowed in paragraph 17.14(2) "a" and that plan has not been disapproved by a court of competent jurisdiction, the district may implement its individual attendance center ratios in addition to its districtwide ratio.

d. The plan shall include provision for the formation and operation of a waiting list for those requests that could not be granted immediately. A parent/guardian of a child on the waiting list must be informed by the district of the details of the operation of the list and whether the parent/guardian must refile a timely request for open enrollment in order to remain on the waiting list.

e. The plan shall specify a district contact person to whom questions may be directed from parents/guardians.

f. The plan shall include a provision whereby a parent/guardian has a means to request that the district determine whether a hardship exists for granting a request that may not otherwise be granted under the plan.

17.14(4) Exceptions. The following exceptions shall apply:

a. If an open enrollment request is filed on behalf of a student whose sibling is already participating in open enrollment to the same district to which the student desires open enrollment, the request shall be granted.

b. If an open enrollment request is filed on behalf of a student whose parent/guardian moves out of the school district of residence and who wishes to remain in the district of residence as an open enrolled student without interruption in the student's educational program under subrule 17.8(7), the request shall be granted.

This option is not available to the parent/guardian of a student who is entering kindergarten for the first time.

c. A request for open enrollment based on repeated acts of harassment of the student shall not be denied on the basis that such request would have an adverse impact on the district's ratio of minority-to-nonminority students.

d. A request for open enrollment based on a serious health condition of the student that the district cannot adequately address shall not be denied on the basis that such request would have an adverse impact on the district's ratio of minority-to-nonminority students.

17.14(5) Review by department. All voluntary desegregation plans adopted under this rule prior to June 28, 2007, are no longer valid. An eligible district whose board desires to adopt a voluntary diversity plan for open enrollment must do so by March 1, 2008. The district shall submit a copy of its plan to the department for review within 10 days of the adoption of the plan. Open enrollment requests received prior to March 1, 2008, by a district that has a voluntary diversity plan may be held by the district for action pursuant to the district's new voluntary diversity plan.

The department shall inform the district within 10 days of receipt of the district's voluntary diversity plan whether the plan complies with this rule. All changes to voluntary diversity plans for open enrollment shall be submitted to the department within 60 days of local board action.

These rules are intended to implement Iowa Code Supplement section 282.18.

Enrollment - Iowa Code Section 257.6

1. Actual enrollment.

a. Actual enrollment is determined annually on October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, and includes all of the following:

- (1) Resident pupils who were enrolled in public schools within the district in grades kindergarten through twelve and including prekindergarten pupils enrolled in special education programs.
- (2) Full-time equivalent resident pupils of high school age for which the district pays tuition to attend an Iowa community college.
- (3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil.
- (4) Eleventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year and are enrolled in the district until the pupils graduate. Tuition for those pupils shall not be charged by the district in which the pupils are enrolled and the requirements of [section 282.18](#) do not apply.

Special Education - Iowa Code Section 256B.2

1. As used in [this chapter](#):

- a. "Children requiring special education" means persons under twenty-one years of age, including children under five years of age, who have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication, or learning disability, as defined by the rules of the department of education. If a child

requiring special education reaches the age of twenty-one during an academic year, the child may elect to receive special education services until the end of the academic year.

- b. *“Special education”* means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in [this subsection](#); transportation and corrective and supporting services required to assist children requiring special education, as defined in [this subsection](#), in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the state board of education.
2. It is the policy of this state to require school districts and state-operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. [This chapter](#) is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education. Special classes, separate schooling, or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under [chapters 263, 269, and 270](#), upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by [this chapter](#).
 3. Special aids and services shall be provided to children requiring special education who are less than five years of age if the aids and services will reasonably permit the child to enter the educational process or school environment when the child attains school age.
 4. Every child requiring special education shall, if reasonably possible, receive a level of education commensurate with the level provided each child who does not require special education. The cost of providing such an education shall be paid as provided in [section 273.9, this chapter](#), and [chapter 257](#). It shall be the primary responsibility of each school district to provide special education to children who reside in that district if the children requiring special education are properly identified, the educational program or service has been approved, the teacher or instructor has been licensed, the number of children requiring special education needing that educational program or service is sufficient to make offering the program or service feasible, and the program or service cannot more economically and equably be obtained from the area education agency, another school district, another group of school districts, a qualified private agency, or in cooperation with one or more other districts.
 5. Moneys received by the school district of the child’s residence for the child’s education, derived from moneys received through [chapter 257, this chapter](#), and [section 273.9](#) shall be paid by the school district of the child’s residence to the appropriate education agency,

private agency, or other school district providing special education for the child pursuant to contractual arrangements as provided in [section 273.3, subsections 5 and 6](#).

Confidential Records - Iowa Code Section 22.7

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. [This subsection](#) shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records. [This subsection](#) shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with [section 256.9, subsection 48](#).

Tuition - Iowa Code Section 282.6

1. For purposes of [this section](#), “resident” means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:
 - a. Is in the district for the purpose of making a home and not solely for school purposes.
 - b. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. § 11302(a) and (c).
 - c. Lives in a residential correctional facility in the district.
2. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to resident veterans as defined in [section 35.1](#), as many months after becoming twenty-one years of age as they have spent in the armed forces of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school or driver education program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person.
3. [This section](#) shall not apply to tuition authorized by [chapter 260C](#).

Open Enrollment Quick Chart

Topic	Situation	Resident	Receiving
1.General	Parent/guardian files for student in grades 1-12 on or before March 1 st /September 1 st for students entering kindergarten.	Receive a copy of the paper no action needed unless the resident district has a diversity plan. Iowa Code section 282.18 (2)(3)	Must approve if filed by March 1 st . Unless the receiving district has an insufficient classroom space policy or resident district has a diversity plan. The deadline for the receiving district to act on timely filed applications is June 1 st . Iowa Code section 282.18 (2)(3)
2.General	Parent/guardian files after the March 1 st deadline with good cause.	Receive a copy of the paper no action needed unless the resident district has a diversity plan. Iowa Code section 282.18 (4)	Must approve unless the receiving district has an insufficient classroom space policy or resident district has a diversity plan. Iowa Code section 282.18 (4)
3.General	Parent/guardian files after the March 1 st deadline due to serious harassment or serious medical condition.	Resident district acts first. If the application is denied the parent may appeal to the Department of Education. Iowa Code section 282.18(5)	Receiving district only acts if the resident district approves or the decision is appealed to the Department of Education and the district decision is overturned. Iowa Code section 282.18(5)
4.General	Parent/guardian files for open enrollment after the deadline without good cause, serious harassment or serious medical condition.	Application starts with the resident district. The resident district is not required to approve. If the application is denied the parent/guardian may appeal to district court. Iowa Code section 282.18(14)	If resident district approves the receiving district is not required to approve the application. If the receiving district denies the application the parent/guardian may appeal to district court. Iowa Code section 282.18(14)
5.General	Student is under open enrollment, moves to a new resident district and plans to continue to remain open enrolled in the same district.	Parent/guardian must send a letter to the old district of residence, new district of residence, and the district the child is open enrolling to stating the open enrollment will continue but they are living in a new district. 281-IAC 17.8(6). The district of	Parent/guardian must send a letter to the old district of residence, new district of residence, and the district the child is open enrolling to stating the open enrollment will continue but they are living in a new district. 281-IAC 17.8(6). If

Topic	Situation	Resident	Receiving
		residence on 10/1 continues to pay tuition to the serving district for the remainder of the school year.	the move occurred after 10/1, the district continues to bill the district where the student resided on 10/1 for the remainder of the school year.
6.General	Student is under open enrollment and moves into the attending district after 10/1.	Open enrollment is terminated. Resident district only pays for the days the student was under open enrollment (per diem rate).	Open enrollment is terminated as of the date of the move. Attending district can only bill for the days the student was under open enrollment.
7.General	Student is under open enrollment, moves to a new resident district and wants to open enroll to a new district.	Receive a copy of the paper no action needed unless the resident district has a diversity plan. 281-IAC 17.8(7). The district of residence on 10/1 continues to pay tuition to the serving district on a per diem basis.	Must approve if filed in a timely manner. Unless the receiving district has an insufficient classroom space policy or resident district has a diversity plan. 281-IAC 17.8(7). If the move occurred after 10/1, the district continues to bill the district where the student resided on 10/1 for the remainder of the year.
8.General	Parent/guardian files open enrollment for a student in grades 1-12 prior to the deadline but starts the school year in the resident district.	Open enrollment has been terminated. If the students wants to open enroll the parent/guardian will need to start the process over and do not have good cause. 281-IAC 17.8(10)	Open enrollment has been terminated. If the students wants to open enroll the parent/guardian will need to start the process over and do not have good cause. 281-IAC 17.8(10)
9.General	Student was open enrolled out of the district, returns to the district during the school year, and now wants to open enroll out of the district again after the deadline with no good cause.	Open enrollment has been terminated. Application starts with the resident district. The resident district is not required to approve. If the application is denied the parent/guardian may appeal to district court. Iowa Code section 282.18(14), 281-IAC 17.8(10)	Open enrollment has been terminated. If resident district approves the receiving district is not required to approve the application. If the receiving district denies the application the parent/guardian may appeal to district court. Iowa Code section 282.18(14), 281-IAC 17.8(10)
10.General	Parent/guardian files open enrollment for a student in grade K prior to	Open enrollment has been terminated. If the students wants to open enroll the	Open enrollment has been terminated. If the students wants to open enroll the

Topic	Situation	Resident	Receiving
	the deadline but starts the school year in the resident district.	parent/guardian will need to start the process over and do not have good cause. If the parent/guardian files a form prior to the September 1 st deadline they may open enroll out of the district. 281-IAC 17.8(10)	parent/guardian will need to start the process over and do not have good cause. If the parent/guardian files a form prior to the September 1 st deadline they may open enroll out of the district. 281-IAC 17.8(10)
11.General	Family moves to a new district of residence after October 1 st and open enrolls to a third district.	Receive a copy of the paper no action needed unless the new resident district has a diversity plan. New resident district does not pay until the next school year.	Must approve if filed timely. Unless the receiving district has an insufficient classroom space policy or resident district has a diversity plan. May not charge the district of residence until the next school year.
12.General	Family moves from the resident district during the school year, remains enrolled in the district, but does not complete open enrollment papers in a timely manner. The districts involved catch this at the start of the school year and make several attempts to notify the family to complete open enrollment paperwork.	The family has until 10/1 to complete the form. Iowa Code section 282.18(2)(a)	The family has until 10/1 to complete the form. Iowa Code section 282.18(2)(a)
13.PreK	Preschool student with an IEP filed before September 1 st . (Special education program is appropriate to meet the student's educational needs)	Receive a copy of the paper no action needed unless the resident district has a diversity plan. Iowa Code section 282.18 (8) and 281-IAC 17.11	Must approve if filed by September 1 st . Unless the receiving district has an insufficient classroom space policy or resident district has a diversity plan. Iowa Code section 282.18(8) and 281-IAC 17.11
14.PreK	Preschool student without an IEP filed before September 1 st .	Open enrollment does not cover open enrollment for a student below K unless the student has an instructional	Open enrollment does not cover open enrollment for a student below K unless the student has an instructional IEP. Iowa Code section 282.18(2).

Topic	Situation	Resident	Receiving
		IEP. Iowa Code section 282.18(2)	The attending district counts a 4-year old attending a SWVPP in certified enrollment. Parents/guardians pays tuition for all other preschool students without instructional IEPs.
15.General	Student lives in another state and wants to attend a public school in Iowa.	Open enrollment is only for Iowa resident students that want to attend another public school in Iowa. Iowa Code section 282.18(1)	Open enrollment is only for Iowa resident students that want to attend another public school in Iowa. Iowa Code section 282.18(1). Parent must pay tuition for the student to attend an Iowa public school.
16.Virtual School	Parent/guardian file open enroll to CAM or Clayton Ridge for the online school by March 1 for students in grade 1-12 and September 1 st for students in Kindergarten.	Receive a copy of the paper no action needed unless the resident district has a diversity plan or application exceeds the cap. Iowa Code section 282.18 (2)(3) .	Must approve if filed by deadline or has good cause. Unless the receiving district has an insufficient classroom space policy, resident district has a diversity plan or application exceeds the cap. The deadline for the receiving district to act on timely filed applications is June 1 st . Iowa Code section 282.18 (2)(3)
17.Virtual School	Student open enrolled to CAM or Clayton Ridge for an online school wants to participate in an academic or extracurricular activity in the resident school	The student is open enrolled to the receiving district and if he or she wants to participate in a academic or an extracurricular activity will need to participate in the receiving district. March 2012 School Leader Update Legal section	The student is open enrolled to the receiving district and if he or she wants to participate in an academic or an extracurricular activity will need to participate in the receiving district. March 2012 School Leader Update Legal section
18.General	Open enrolled student is placed in a juvenile detention center, mental health or substance abuse treatment facility, or other similar placement.	The open enrollment status will automatically be reinstated when the pupil returns. 17.8(10)	The open enrollment status will automatically be reinstated when the pupil returns. 17.8(10)

Topic	Situation	Resident	Receiving
19.Special Education	Student with an IEP seeks open enrollment to a district without an adequate program	Resident district and AEA consult with the proposed receiving district to determine if an adequate program can be provided. If the receiving district's program appropriateness is questioned, the student remains enrolled in the resident district until a final determination is made.	Receiving district must be able to provide an adequate program within that district or deny the open enrollment. 281-IAC 17.11
20.Special Ed	Student is under open enrollment and is later staffed into special education.	Open enrollment continues. Resident district pays the open enrolled regular ed daily rate for days served under regular education. After that, district pays for the full cost of the student's education <i>BUT DOES NOT CONTINUE to pay the regular ed open enrollment rate.</i>	Open enrollment continues. The receiving district bills at the regular education open enrollment rate for the number of days served as a regular education student and then bills actual cost for the days served as a special education student.
21.Whole Grade Sharing	Student is open enrolled to District A. District A whole grade shares to District B for the student's grade level.	Open enrollment status transfers from District A to District B. Resident district pays District B, since District B is the serving district. District A can only negotiate tuition rates for District A resident students. Resident district pays open enrollment tuition rather than the whole grade sharing tuition rate negotiated between Districts A and B.	District B becomes the receiving district, since District A does not have a school program to serve the student. District B bills the resident district open enrollment tuition rather than the whole grade sharing tuition rate negotiated between Districts A and B.
22.Whole Grade Sharing	Student is a resident of District A which whole grade shares with District B.	Open enrollment overrules whole grade sharing. District A pays the open enrollment rate and not the whole grade sharing negotiated rate.	When attending in District B, District B bills District A at the open enrollment rate rather than the whole grade sharing negotiated rate.
23.Whole Grade Sharing	Student is a resident of District A and attends District B for elementary school under open enrollment. District A and District B are in a whole grade sharing arrangement with each	If student returns to District A for middle school, the open enrollment is on hold until the student returns to District B for high school. If the student open enrolls to another district for middle school, then the student would need to re-	When attending in any other district but District A, the student is under open enrollment and receiving district bills at the open enrollment rate.

Topic	Situation	Resident	Receiving
	district offering elementary school, District A provides the middle school, and District B has the high school.	apply for open enrollment to return to District B for high school.	
24.Placement	Open enrolled student is placed in a juvenile detention center, mental health or substance abuse treatment facility, or other similar placement.	The open enrollment status is suspended during placement and will automatically be reinstated when the pupil returns. 281-IAC 17.8(10) The resident district will pay the per diem open enrollment. If the placement is by DHS or courts into PMIC, the resident district will pay tuition to the district of location of the PMIC for instruction on days served in the PMIC.	The open enrollment status is suspended during placement and will automatically be reinstated when the pupil returns. 281-IAC 17.8(10) The receiving district will bill the per diem open enrollment amount for the days served under open enrollment but will not bill for the days during the placement.