



Open Enrollment Handbook

2013-2014 School Year

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Questions and Answers

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 form is also available via the Department’s web site under Open Enrollment, http://www.educateiowa.gov/index.php?option=com_content&view=article&id=649&Itemid=1336 . 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.

	Receiving District	Resident District
New open enrollment		
OE filed by March 1	X	
OE filed <u>after</u> March 1	X	
Resident district has a voluntary diversity plan (Davenport, Des Moines, Postville, Waterloo, West Liberty)		X
Applicant alleges pervasive harassment or serious health need.		X
Applicant alleges serious health need.		X

4. Question: 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 district decision.

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 parents 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.

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 15.

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

Answer: Yes. Iowa Code section 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.

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.

Timelines / Deadlines / Good Cause

12. 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

In addition, the following circumstances are considered "good cause" and are acceptable conditions for a timeline waiver **IF** the change occurred / began **AFTER** March 1.

- 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 #12)
- Pervasive Harassment (see #11)
- Failure of district negotiations to reorganization or rejection of proposed reorganization plan after March 1
- Failure of district negotiations for whole grade sharing or rejection of whole grade sharing agreement after March 1*
- Loss of accreditation or revocation of a private school or public charter school contract after March 1

**If good cause is related to change in status of child's resident district, open enrollment request must be filed within 45 days of last board action or 30 days of certification of an election, whichever is applicable. This is only applicable to affected students. 281-IAC 17.4*

13. Question: What constitutes pervasive harassment?

Answer: The resident district determines if the applicant qualifies under the criteria of 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 try to prove that 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.
 - Changing the student's school district will alleviate the situation.

14. Question: What constitutes a severe health need?

Answer: An applicant may qualify under the severe health need provision if one 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 anticipate 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.

15. 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, parents of students in the school have the option to open enroll. 281-IAC 17.4(2)

16. 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)

17. 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 or until the parents/guardians notifies the district that they desire to terminate open enrollment. 281-IAC 17.8(5)

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

Answer: If the parent / guardian 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 as they remain a resident of Iowa. 281-IAC 17.4(1)

19. Question: What is the "Junior/Senior rule?"

Answer: The Junior/Senior Rule allows 11th and 12th grade students that move out of a district to return to the district that he/she attended during the preceding school year, tuition-free, 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 that move out of state. Iowa Code section 257.6(4)

20. 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 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 district is located. 281-IAC17.3(2)

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

21. 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

22. 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

23. Question: May a student who receives competent private instruction (CPI) 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 Department's web site at http://www.educateiowa.gov/index.php?option=com_content&view=article&id=649&Itemid=1336 . 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.

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

Answer: Regular education students are eligible for grades K – 12, as well as for pre-Kindergarten programs if the student is 5 years of age on or before September 15. In re Colby Miller, 20 D.o.E. App. Dec. 001. In most cases, students that are younger than 5 years old do not qualify for open 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.
- Students who require special education programs or services are eligible from birth to age 21. This includes early childhood special education programs. Iowa Code section 282.18 (8)

25. 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 determined to balance 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 district is located. The following districts have approved voluntary diversity plans: Davenport, Des Moines, Postville, Waterloo, and West Liberty. 281-IAC 17.11

26. 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. In re Clarke Children, 20 D.o.E. App. Dec. 117.

27. 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)

28. 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)

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

Answer: Students that 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.

30. 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, and driver education programs. 281-IAC 17.8(8)

31. Question: What criteria determine residency for a student?

Answer: The residency of a student is determined by physical presence **for a primary purpose unrelated to school**. The home in which the student is living determines the residence even if the parent / guardian is not living in the same home with the child. Iowa Code sections 282.1 and 282.6 (See matrix on page 46)

- A mailing address does not constitute residency.
- An apartment rented for the purpose of attending school does not establish residency.
- In the case of shared custody, parents/guardian must designate ONE district of residence.
- The rule of thumb is that residency is determined by where the child sleeps most nights for the week.

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. Open enrollment would continue.

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. 281-IAC 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: Yes, if the receiving district's program is not appropriate. If a placement is made into another district, open enrollment continues with the receiving district contracting with the new placement and billing actual costs to the sending district. 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. Special Education Rule 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. Districts may elect to provide it, but are not required to provide it. Special Education Rule 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 sending district be involved in a child's IEP team and placement team decisions?

Answer: Yes. The sending district, because it 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 decisions; however, the sending district must be given an opportunity to participate.

Parent Information / Guidelines

Deadline

- March 1 Grades 1-12
- September 1 for Kindergarten

Transport Student to Receiving District.

Parents are responsible for transporting children that are open enrolled to another district. This applies to all students including those with an IEP. If the need for transportation as a related service is stated in the IEP, as a general rule the parent is responsible for this obligation under open enrollment. If a child open enrolls to a district that is contiguous (borders) to the home district, and the parents' income meets economic eligibility requirements, the family may receive a stipend for transportation or be provided transportation by the district.

Athletic Eligibility

Students that 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.

Additional Information

- Approval for one child in a family does not guarantee approval for other children in the same family. Each child in a family must have an open enrollment request filed individually.
- If desiring to change the receiving district, file petition with receiving and alternative receiving district by March 1 of the preceding school year.
- Notify 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.

- If open enrollment is denied, the parent / guardian may appeal to Iowa District Court. If the application meets good cause due to alleged repeated acts of harassment or if the child is alleged to have a serious health condition that the resident district cannot adequately address, an appeal may be filed with the Iowa State Board of Education within 30 days of the school board decision.
- Form must be sent to the resident and receiving district. If the district has a voluntary diversity plan, file the application with **resident** district by March 1. The following districts have approved voluntary diversity plans: Davenport, Des Moines, Postville, Waterloo, and West Liberty.
- May apply to more than one school district.

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 must be made to an Iowa District Court. Appeals should be filed in district court in the county in which the district's administrative office is located.

The State Board of Education does not hear appeals unless one of the follow claims was made as a basis for good cause.

- Child has serious health condition (see page 5 or description).
- Child has experienced pervasive harassment (see page 5 for description).

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 Resident AND Receiving 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

Board / Superintendent Action - 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 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 OE 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 or lack of appropriate program, or if a student will be under suspension or expulsion at the time of enrollment.
- **Late filed applications** – The **receiving** district has an obligation to **deny** applications filed after March 1 unless the application meets good cause (see question # 10).
- 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.

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

Effective July 1, 2006, a resident district may appeal a decision of a receiving district's board to approve a late-filed enrollment request to the Director of the Iowa Department of Education.

If the resident district believes that a receiving district has approved a late-filed open enrollment request without good cause, the resident district may, within fifteen days after the board action by the receiving district follow these procedures:

- Submit an appeal to the director of the Department of Education.
- The director, or director's designee, shall attempt to mediate (telephonic) the dispute to reach approval by both parties.
- Director, or designee, shall conduct a hearing and hear testimony from both boards (and designees).

- Director shall render a decision within ten days following the hearing.
- The board may appeal the decision to the Director of the State Board within five days of the decision.

Billing Instructions for School Districts

The receiving district should bill quarterly for tuition based on a per diem rate.

Partial quarters should be based on a per diem rate.

Tuition for students with an IEP should be based on actual costs.

Transportation expenses incurred by the resident district may be deducted tuition sent to the receiving district.

Situation	Payment
Open enrollment approved prior to October 1	Full 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 and IEP • CPI or students from a private school that were not enrolled the previous year in a public school • CPI students that are dual enrolled (partial payment based on 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 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 Resident District
	Parents do not have rights	DHS or designee	State of IA via DE
Non IEP	Parents have rights	Parent	Foster Care District
	Parents do not have rights	DHS or designee	Foster Care District

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 might happen during the school year.
3. Exchange lists of open enrollment pupils with other districts just 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 may file open enrollment forms by September 1st.

CERTIFIED ENROLLMENT CODING

Did the student physically reside in your district last year?	Have parental rights been severed?	Does the student currently have an IEP?	Code the student's resident district as...	The student's entry code is...
No	No	No	Yours	1
No	Yes	No	Yours	1
No	No	Yes	Resident district of parents	4
No	Yes	Yes	9098 (State)	15
Yes	No	No	Yours	1
Yes	Yes	No	Yours	1
Yes	No	Yes	Yours	1
Yes	Yes	Yes	Yours	1

Transportation Assistance Guidelines

Transportation assistance for those who qualify according to income guidelines (see chart below) 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 district may drive into another district to pick up OE 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:

- i. The resident district may actually provide transportation for the pupil(s) to a stop on the bus line of the receiving district.
- ii. The resident district may allow the receiving district to enter the resident district to pick up the pupil(s) if the receiving district wishes to. (Failure of the receiving

district to decide to do this will not discharge the resident district's obligation for transportation assistance.)

3. The resident district may provide a parent / guardian reimbursement.

IMPORTANT: The resident district has the right to determine which option will apply. This is not a parent / guardian choice. If option 3 is chosen, the amount to be paid to the parent is determined as follows:

- A. 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 Annual Transportation Report prepared, whichever is lower. The amount for 2012-2013 was \$470 (annual).
- B. This amount is limited to reimbursement for three elementary (K-8) and one secondary (grades 9 -12).
- C. The amount of transportation assistance can be prorated according to the date of application submission.
- D. Transportation expenses 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 pupil. This may be prorated after the start of the year.

If a parent / guardian qualifies for transportation assistance, application for that assistance should be filed with the resident district. Verification of income should be attached to the OE 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.

These guidelines reflect the revisions made in the Federal Poverty Guidelines that is effective for July 1, 2013 through June 30, 2014. **These guidelines are NOT the same as the guidelines for Free and Reduced Fees.**

TRANSPORTATION ASSISTANCE

<u>Household Size</u>	<u>Yearly</u>	<u>Monthly</u>	<u>Twice Per Month</u>	<u>Every Two Weeks</u>	<u>Weekly</u>
1	\$19,418	\$1,619	\$810	\$748	\$374
2	\$26,212	\$2,185	\$1,093	\$1,009	\$504
3	\$33,006	\$2,751	\$1,375	\$1,270	\$636
4	\$39,780	\$3,318	\$1,659	\$1,531	\$766
5	\$46,593	\$3,883	\$1,942	\$1,793	\$897
6	\$53,387	\$4,450	\$2,226	\$2,054	\$1,027
7	\$60,181	\$5,015	\$2,508	\$2,315	\$1,158
8	\$66,975	\$5,582	\$2,791	\$2,577	\$1,288
Additional family member	\$6,794	\$567	\$283	\$261	\$131

Definition of Income: "Income" means income before any deductions such as income taxes, social security taxes, insurance premiums, charitable contributions and bonds. It 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, or 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; and
- (13) Other cash income including income off of a farm. 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 any federal programs that are excluded from consideration as income by any legislation prohibition.

Iowa Code Section 282.18 Open Enrollment

282.18 Open enrollment.

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 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](#). The board of directors of the district of residence shall pay to the receiving district 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. 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](#).

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. Quarterly payments shall be made to the receiving district.

d. 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.

e. 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. 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](#).

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](#).

88 Acts, ch 1113, §1; 89 Acts, ch 12, §1; 89 Acts, ch 319, §81; 90 Acts, ch 1182, §1, 5; 90 Acts, ch 1233, §10; 91 Acts, ch 97, §62; 91 Acts, ch 202, §1; 92 Acts, ch 1135, §3 – 5; 92 Acts, ch 1163, §64; 93 Acts, ch [149, §1](#); 94 Acts, ch [1091, §24](#); 94 Acts, ch [1131, §8](#); 94 Acts, ch [1175, §10](#); 96 Acts, ch [1157, §1 – 3](#); 97 Acts, ch [23, §31, §32](#); 2002 Acts, ch [1129, §4](#); 2002 Acts, ch [1140, §17 – 23](#); 2002 Acts, ch [1124, §13, §16](#); 2003 Acts, ch [79, §5, §7, §8](#); 2003 Acts, ch [180, §35, §36, §72](#); 2005 Acts, ch [79, §2](#); 2005 Acts, ch [179, §93 – 95](#); 2006 Acts, ch [1152, §41 – 43](#); 2008 Acts, ch [1071, §1](#); 2008 Acts, ch [1181, §64](#); 2009 Acts, ch [18, §1](#); 2009 Acts, ch [133, §104](#); 2009 Acts, ch [177, §54, §57](#); 2010 Acts, ch [1069, §39, §40](#); 2012 Acts, ch [1021, §63](#)

Referred to in [§85.20](#), [85.61](#), [256.7](#), [256.41](#), [256.46](#), [256F.4](#), [256F.9](#), [256G.3](#), [257.6](#), [261E.7](#), [275.15](#), [282.9](#), [290.1](#), [321.178](#), [321.194](#)

Subsection 15 amended

Iowa Administrative Rules 281-17 Open Enrollment

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. 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, area education agency, and the state department of education.

17.3(2) School district responsibilities. The board of the resident district shall take no action on an open enrollment request except for a request made under rule 17.5(282) or 17.14(282). 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.

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.

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, kindergarten applications and continuation applications filed on or before September 1, or any combination that the board determines. The same timelines for approval, forwarding, and notification shall apply.

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(3) and 17.8(4).

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

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

- a. Open enrollment deadlines;
- b. Transportation assistance;
- c. 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 student 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

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

This notification may be published in a school newsletter, a newspaper of general circulation, 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 student 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 student 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. Rescinded [IAB 5/15/02](#), effective 6/19/02.

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 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.

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 on a quarterly basis. 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 [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\(7\)](#).

[ARC [9261B](#), IAB 12/15/10, effective 1/19/11]

[ARC [0521C](#), IAB 12/12/12, effective 1/16/13]

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—41.84\(256B,273,34CFR300\)](#). 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 should request a due process hearing as provided by [281—41.113\(1\)](#). 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 a diagnostic-education team from the receiving district which shall include a representative from the resident district that has the authority to commit district resources.

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

The district of residence shall pay to the receiving district on a quarterly basis 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 fourth quarter 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.

281—17.12 (282) Laboratory school provisions.

A parent/guardian may make a request for open enrollment transfer to a laboratory school operated by the state board of regents. The regents institution operating a laboratory school and the board of directors of the public school district in which the laboratory school is located shall develop a transfer policy. This policy shall include:

1. A provision that the total number of pupils enrolled in a laboratory school in any one year shall not exceed 670 pupils.
2. Provisions to protect and promote the quality and integrity of the teacher education program of the laboratory school.
3. Provisions to protect and promote the viability of the education program of the public school district.
4. The order in which and the reasons why requests to transfer to the laboratory school shall be considered.

The denial of a request to transfer to a laboratory school is not subject to appeal by a parent/guardian under Iowa Code section [290.1](#).

A pupil that is accepted for open enrollment transfer to a laboratory school shall not be included in the basic enrollment of the resident district with the laboratory school reporting the enrollment directly to the department of education with the following exception. If the number of pupils enrolled in the laboratory school from a school district during the current year exceeds the number enrolled from that district during the 1989-1990 school year, the pupils representing the difference between the current and the 1988-1989 school year enrollment for the district shall be included in the basic enrollment of the resident district with the district retaining the money generated through the foundation aid formula.

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](#).

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Iowa Code Section 257.6 Enrollment

257.6 Enrollment.

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.

Iowa Code Section 256B.2 Special Education

256B.2 Definitions — policies — funds.

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](#).

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §281.2]

83 Acts, ch 3, §1; 83 Acts, ch 96, §157, 159; 85 Acts, ch 24, §1; 89 Acts, ch 135, §82; 89 Acts, ch 265, §41; 92 Acts, ch 1022, §1; 92 Acts, ch 1163, §63

C93, §256B.2

96 Acts, ch [1129](#), [§68](#), [113](#); 97 Acts, ch [23](#), [§24](#); 2009 Acts, ch [133](#), [§224](#); 2010 Acts, ch [1016](#), [§1](#)

Referred to in [§234.1](#), [237.3](#), [256.7](#), [256B.8](#), [273.1](#), [273.2](#), [273.7](#), [598.21B](#)

Iowa Code Section 22.7 Confidential Records

22.7 Confidential records.

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:

1. 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](#).

Iowa Code Section 282 Residency

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.

[C73, §1795; C97, §2804; C24, 27, 31, 35, 39, §4268; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.1]

83 Acts, ch 31, §3; 88 Acts, ch 1263, §6; 89 Acts, ch 210, §8; 92 Acts, ch 1130, §1; 2006 Acts, ch [1152, §38](#); 2009 Acts, ch [120, §6](#); 2010 Acts, ch [1061, §48](#); 2012 Acts, ch [1021, §61](#)

Referred to in [§282.8, 282.18](#)

Subsection 1 amended

282.6 Tuition.

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](#).

[C73, §1724, 1727; C97, §2773; S13, §2773; C24, 27, 31, 35, 39, §4273; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.6]

89 Acts, ch 210, §11; 92 Acts, ch 1135, §2; 99 Acts, ch [180, §14](#); 2010 Acts, ch [1069, §80](#); 2011 Acts, ch [25, §23](#)

Referred to in [§282.4](#)

Residency

Residency Issues (September 2011 School Leader Update)

Notwithstanding open enrollment, every Iowa resident between the ages of 5 and 21 who has not yet met high school graduation requirements may access a tuition-free education from one and only one school district, that being the school district in which the student is a resident. Iowa Code sections 282.1 and 282.6 provide a definition of resident.

"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 is in the district for the purpose of making a home and not solely for school purposes, or is homeless or lives in a juvenile detention center or correctional facility in the district.

The majority of the time, decisions regarding residency depend on the phrase "is in the district for the purpose of making a home and not solely for school purposes." With that in mind, here is a matrix regarding common residency issues that face districts. The purpose of the matrix is to assist districts in making residency determinations.

NOTE: Section 282.1 gives local school boards authority to declare students "temporary residents" of the district. This does NOT allow a district to count the "temporary" resident for state aid. But if a local board uses the option to declare one or more students "temporary residents," the Department does not mandate that the district charge tuition of the students.

Situation	Resident? Enroll?	Other remarks
Student lives with someone other than parent/guardian because 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? 2. Does parent furnish significant financial support for child? 3. Does parent still have authority over child? 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).	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.
Student lives with parent(s) in District A, but is with a relative (not a parent) before and/or after school in District B.	This does not establish residency in District B.	If parents want student to attend District B, they must file an open enrollment request.
Student resides with court-appointed guardian.	Doesn't automatically make the student a resident for purposes of 282.6; still need to determine WHY the student is in the district.	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. 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).
Student splits time equally between parents who live in different districts.	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	This really gets fun when the child needs special education.

	to determine which one will count the student and that district can reimburse the other.	
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.	U.S. Supreme Court ruled in 1972 that a free education must be provided to resident children, even if they are illegal aliens. 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.
Student with dual citizenship (of which U.S. 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. Call local DHS office (the one that made the placement) to get some guidance in writing.