



Open Enrollment Handbook

2021-2022

November 2021

State of Iowa
Department of Education
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319-0146

State Board of Education

Brooke Axiotis, President, Des Moines
Bettie Bolar, Vice President, Marshalltown
Brian J. Kane, Dubuque
Michael L. Knedler, Council Bluffs
Mike May, Spirit Lake
John Robbins, Iowa Falls
Georgia Van Gundy, Waukee
Kimberly Wayne, Des Moines
Hannah Groos, Student Member, Norwalk

Administration

Ann Lebo, Director and Executive Officer
of the State Board of Education

Thomas A. Mayes, Attorney

Office of Operation and Initiatives

Rachel Bosovich, Attorney

Office of Learning and Results

Amy Williamson, Deputy Director
Hannah M. Walsh-West, Consultant

Bureau of School Improvement

Janell Brandhorst, Chief
Janet Boyd, Consultant
Sara Nickel, Consultant
Marietta Rives, Consultant

Bureau of School Business Operations

Thomas Cooley, Chief

It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sexual orientation, gender identity, national origin, sex, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or complaints related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319-0146, telephone number: 515-281-5295, or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, telephone number: 312-730-1560, FAX number: 312-730-1576, TDD number: 877-521-2172, email: OCR.Chicago@ed.gov.

Contents

Introduction	4
What Is Open Enrollment?	4
What Are the Open Enrollment Deadlines?	4
What Qualifies As "Good Cause" to File After the Deadline?	4
What Is the Difference Between a Resident, Receiving, and Serving District?	5
Information for Parents and Guardians	6
Application Information and Deadlines	6
"Good Cause" Exemptions to Deadlines	7
Appeal Process	8
Athletic Eligibility	9
Transportation	9
Additional Open Enrollment Guidance and Questions	10
Instructions for School Districts	11
Board or Superintendent Actions	11
Billing Instructions for School Districts	14
Students in Foster Care	17
Record-Keeping to Maintain an Accurate Count of Open Enrolled Students	17
Frequently Asked Questions	19
Procedural Questions	19
Timelines, Deadlines, and Good Cause	20
Eligibility and Qualifications	24
Special Education	25
Billing and Tuition	26
Online or Virtual School	27
Contacts and Resources	29
Iowa Code and Administrative Rules	30

Introduction

The purpose of the Open Enrollment Handbook is to provide parents, guardians, and school districts with updated information following several changes to Iowa law and rules regarding open enrollment. This handbook is divided into the following sections:

- Information for Parents and Guardians,
- Instructions for School Districts,
- Frequently Asked Questions, and
- Contacts and Resources.

While the Information for Parents and Guardians section is written for families, school districts may find the included information to be useful in communicating with parents and guardians and in carrying out their open enrollment responsibilities.

What Is Open Enrollment?

It is a cost-free option by which a parent or guardian residing in an Iowa district may enroll their child(ren) into another Iowa school district under the terms and conditions of [Iowa Code section 282.18](#) and the rules contained in [Iowa Administrative Code chapter 17](#).

What Are the Open Enrollment Deadlines?

Table 1. 2021-2022 Open Enrollment Deadlines.

Deadline	Explanation
September 1, 2021	Application deadline for <u>incoming preschool students who receive special education services requiring specially designed instruction (SDI)</u> to open enroll for the current school year (2021-2022).
September 1, 2021	Application deadline for <u>incoming kindergarten students</u> to open enroll for the current school year (2021-2022).
September 2, 2021	2021-2022 applications for <u>incoming preschool students requiring SDI</u> and <u>incoming kindergarten students</u> will be denied unless the parent or guardian can demonstrate "good cause."
March 1, 2022	Application deadline for <u>students in grades 1-12</u> to open enroll for the upcoming school year (2022-2023).
March 2, 2022	2022-2023 applications for <u>students grades 1-12</u> will be denied unless the parent or guardian can demonstrate good cause.

What Qualifies As "Good Cause" to File After the Deadline?

The following circumstances are considered good cause and are acceptable conditions for a timeline waiver if the change occurred or began after March 1 (or September 1):

- Good cause related to change in the pupil's residence includes:
 - Change in the family district of residence.
 - Change in child's residence from one parent or guardian to the residence of a different parent or guardian.
 - Change in the state in which the family residence is located.

- Change in the marital status of the student's parents that results in a change in the resident district.
- Change in guardianship or custody proceeding that results in a change in the resident district.
- Placement of the child in foster care that results in a change of residence.
- Adoption.
- Participation in a foreign exchange program.
- Initial placement of a preschool student in a special education program requiring SDI.
- Participation in a substance abuse or mental health treatment program that results in a change of residence (Iowa Admin. Code r. 281—17.4(1)).
- Good cause related to change in status of the pupil's resident district or nonpublic school of attendance includes:
 - Reorganization action, such as failure of district negotiations for reorganization or rejection of a proposed reorganization plan after March 1.*
 - Dissolution action, such as failure of district negotiations for a dissolution agreement after March 1.*
 - Whole grade sharing action, such as failure of district negotiations for whole grade sharing or the rejection of a whole grade sharing agreement after March 1.*
 - Loss of accreditation, such as removal of accreditation by the Iowa State Board of Education (State Board), surrender of accreditation, or permanent closure of a private school after March 1.*
 - Revocation of a charter school contract after March 1 as provided in section 256F.8.*
 - Child's school building is identified in need of significant need for improvement as defined by:
 - The Iowa School Performance Profiles under the priority category for two or more of the immediately preceding school years or
 - The federal Every Student Succeeds Act as in need of comprehensive support and improvement (or an equivalent objective federal standard) for two or more immediately preceding school years (Iowa Admin. Code r. 281—17.4(2)).*

**The request must be filed within 45 days of last board action or within 30 days of certification of an election, whichever is applicable. This requirement is only applicable to affected students.*

Circumstances not previously defined that would be considered good cause (and subject to the approval of the school boards of the resident and receiving districts) include:

- Repeated student harassment that the resident district cannot adequately address (see #14),
- The child has a serious health condition that a school district cannot adequately address (see #15), or
- A school district's consistent failure to reasonably respond to a student's failure to meet basic academic standards after providing a notice to the parent or guardian¹ (see #16; Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, House File [HF] 847 § 15).

What Is the Difference Between a Resident, Receiving, and Serving District?

- The *resident district* (or *sending district*) is the district where the student lives.
- The *receiving district* is the district that the student open enrolls to.
- If the student is already open enrolled in a district but wishes to open enroll in a different district, the new district is the *alternate receiving district*.
- The *serving district* is the district providing education to the open enrolled student.

¹ Note: The State Board will establish rules to implement this provision.

Information for Parents and Guardians

The purpose of this section of the handbook is to provide parents and guardians with updated open enrollment information following several changes to related Iowa law and rules. It is organized around the following topics:

- Application Information and Deadlines,
- "Good Cause" Exemptions to Deadlines,
- Appeal Process,
- Athletic Eligibility, and
- Transportation.

Application Information and Deadlines

If a parent or guardian wishes to open enroll their child(ren), they must:

- Complete an application (available in any Iowa public school district's central office and on the Iowa Department of Education's [\[Department\] website](#)),
- Submit an application for each child in their family, and
- Send the application to both the resident and receiving school districts on or before the established deadline (see Table 2) to be considered for approval (Iowa Code § 282.18(2), as amended by 2021 Iowa Acts, HF 847).

Table 2. Open Enrollment Deadlines.

Date	Deadline
September 1, 2021 (or September 1 of the current school year the student enrolls)	Application deadline for <u>incoming preschool students who receive special education services requiring specially designed instruction (SDI)</u> to open enroll for the current school year.
September 1, 2021 (or September 1 of the current school year the student enrolls)	Application deadline for <u>incoming kindergarten students</u> to open enroll for the current school year.
September 2, 2021 (or September 2 of the current school year the student enrolls)	Applications for <u>incoming preschool students requiring SDI</u> and <u>incoming kindergarten students</u> will be denied unless the parent or guardian can demonstrate "good cause."
March 1, 2022 (or March 1 of the preceding school year)	Application deadline for <u>students in grades 1-12</u> to open enroll for the upcoming school year.
March 2, 2022 (or March 2 of the preceding school year)	Applications for <u>students grades 1-12</u> will be denied unless the parent or guardian can demonstrate good cause.

If the student is currently open enrolled but would like to open enroll to a new school district, see the following Currently Open Enrolled Student Applications to an Alternate Receiving District section.

Important Notes

- Approval for one child in a family does not guarantee approval for other children in the same family. A parent or guardian must file an open enrollment request for each child in the family.
- A parent or guardian may apply to more than one school district at the same time.
- Notify (in writing) the districts concerned if there is any change in the student's residence during the open enrollment period.
- If terminating the open enrollment, notify both districts involved.

Currently Open Enrolled Student Applications to an Alternate Receiving District

If a current open enrolled student would like to open enroll to a new school district, the parent or guardian:

- Files a new application with:
 - The district the student is currently attending and open enrolled into (receiving district),
 - The resident district, and
 - The district the student wants to attend (alternate receiving district) by the March 1 (or September 1) deadline.
- Indicates on the application that the child is currently open enrolled and would like to open enroll to a new school district.

The new district (alternate receiving district) will notify the parent or guardian, original district of residence, and previous receiving district of acceptance or denial (Iowa Admin. Code r. 281—17.8(4)).

"Good Cause" Exemptions to Deadlines

The following circumstances are considered good cause and are acceptable conditions for a timeline waiver if the change occurred or began after March 1 (or September 1):

- Good cause related to change in the pupil's residence includes:
 - Change in the family district of residence.
 - Change in child's residence from one parent or guardian to the residence of a different parent or guardian.
 - Change in the state in which the family residence is located.
 - Change in the marital status of the student's parents that results in a change in the resident district.
 - Change in guardianship or custody proceeding that results in a change in the resident district.
 - Placement of the child in foster care that results in a change of residence.
 - Adoption.
 - Participation in a foreign exchange program.
 - Initial placement of a preschool student in a special education program requiring SDI.
 - Participation in a substance abuse or mental health treatment program that results in a change of residence (Iowa Admin. Code r. 281—17.4(1)).
- Good cause related to change in status of the pupil's resident district or nonpublic school of attendance includes:
 - Reorganization action, such as failure of district negotiations for reorganization or rejection of a proposed reorganization plan after March 1.*
 - Dissolution action, such as failure of district negotiations for a dissolution agreement after March 1.*
 - Whole grade sharing action, such as failure of district negotiations for whole grade sharing or the rejection of a whole grade sharing agreement after March 1.*
 - Loss of accreditation, such as removal of accreditation by the State Board, surrender of accreditation, or permanent closure of a private school after March 1.*
 - Revocation of a charter school contract after March 1 as provided in section 256F.8.*
 - Child's school building is identified in need of significant need for improvement as defined by:
 - The Iowa School Performance Profiles under the priority category for two or more of the immediately preceding school years or
 - The federal Every Student Succeeds Act as in need of comprehensive support and improvement (or an equivalent objective federal standard) for two or more immediately preceding school years (Iowa Admin. Code r. 281—17.4(2)).*

**The request must be filed within 45 days of last board action or within 30 days of certification of an election, whichever is applicable. This requirement is only applicable to affected students.*

Circumstances not previously defined that would be considered good cause (and subject to the approval of the school boards of the resident and receiving districts) include:

- Repeated student harassment that the resident district cannot adequately address (see #14),
- The child has a serious health condition that a school district cannot adequately address (see #15), or
- A school district's consistent failure to reasonably respond to a student's failure to meet basic academic standards after providing a notice to the parent or guardian² (see #16; Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, HF 847).

Appeal Process

As a general rule, appeals of open enrollment decisions should be filed as an original court action in [Iowa District Court](#). Iowa District Court appeals should be filed in district court in the county in which the primary business office of the resident district is located (Iowa Admin. Code r. 281—17.8(9)).

Appeals Regarding Repeated Harassment, a Serious Health Condition, or District Failure to Respond to Student Academic Failure

Appeals should only be filed with the Department for State Board action if the application has already been denied by the local board of directors and involves one of the following:

- Claims of repeated student harassment that the resident district cannot adequately address.
- The child has a serious health condition that the resident district cannot adequately address.
- A district's consistent failure to respond to a student's failure to meet basic academic standards after a notice was provided to the parent or guardian (Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, HF 847).

In these three circumstances, a parent or guardian may file an appeal with the Department (for State Board action) within 30 days of the board decision (Iowa Admin. Code r. 281—17.5(2)). The appeal should be addressed to:

Administrative Law Judge
Iowa Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0146

The letter of appeal must be postmarked within 30 days of the board's decision. The appeal letter must contain the following information:

- Name, address, and daytime phone number of the person appealing
- Name and grade level of the child(ren) involved in the appeal (e.g., in case of expulsion, open enrollment, suspension)
- Name of the school district making the board decision that is being appealed
- Date the local board decision was made
- A brief statement of reasons why the decision is being appealed
- Notarized signature of the person appealing the decision
- Other information may be included (if desired)

² Note: The State Board will establish rules to implement this provision.

Athletic Eligibility

Students who open enroll in grades nine through 12 are not eligible to participate in varsity contests and competitions during the first 90 school days of transfer (not counting summer school) unless an exception applies to allow immediate eligibility. Please see [Iowa Administrative Code subrule 281—36.15\(4\)](#) for a list of exceptions to this rule.

In addition, during the 2021 legislative session, several new exceptions were signed into law (allowing for immediate athletic eligibility). A student is eligible if one of the following applies:

- The open enrollment meets the definition of good cause (see [Iowa Code § 282.18\(4\)"b," as amended by 2021 Iowa Acts, HF 847 § 14](#)).
- If the resident district determines that the pupil was previously the subject of an incident of harassment or bullying, as defined in Iowa Code section 280.28.
- The board of directors or superintendent of the resident district issues or implements a decision that suspends the discontinuation or suspension of varsity interscholastic sports activities in the resident district.
- The boards of directors of the resident and receiving districts agree to waive ineligibility.
- The student is from a district with a voluntary diversity plan (Davenport, Des Moines, Postville, Waterloo, and West Liberty) and is approved for open enrollment for the 2021-2022 school year (this is only valid for the 2021-2022 school year).
- During the 2020-2021 school year, a student was enrolled in District A on the first day of school, enrolled in District B for a portion of the school year, and then re-enrolled in District A prior to July 1, 2021.

A student who is academically ineligible in their resident district remains ineligible in the receiving district for the remaining period of ineligibility declared by the resident district regardless of any of the circumstances above.

Additional Athletic Eligibility Guidance and Contacts

For additional information, see the [HF 847 and Changes to Athletic Eligibility guidance](#). For other questions regarding eligibility, please contact the [Iowa Girls' High School Athletic Union \(IGHSAU\)](#) and/or the [Iowa High School Athletic Association \(IHSAA\)](#).

Transportation

Parents are responsible for transporting children open enrolled to another district. This applies to all students, including those with an individualized educational program (IEP). As a general rule, if the need for transportation is stated in the IEP as a related service, the parent is responsible for this obligation under open enrollment (Iowa Admin. Code r. 281—17.11).

If a child open enrolls to a district contiguous to (or bordering) the resident district and the parents' income meets economic eligibility requirements, the family may receive a stipend for transportation or be provided transportation by the resident district (Iowa Admin. Code r. 281—17.9).

Additional Transportation Assistance Guidance and Contact

For additional information, see the [transportation assistance guidance](#). For questions related to open enrollment transportation assistance billing, contact Max Christensen (max.christensen@iowa.gov or 515-281-4749) or visit the [Open Enrollment Transportation Assistance webpage](#).

Additional Open Enrollment Guidance and Questions

For additional guidance, see the Department's [Parent/Guardian Open Enrollment Information guidance](#) on the [Open Enrollment webpage](#) and read the following frequently asked questions (pages 19-29).

Open Enrolling to an Approved Online School

For questions related to open enrolling to an approved online school, please contact Janet Boyd (janet.boyd@iowa.gov or 515-745-3385) or visit the [Online Learning webpage](#).

General Open Enrollment Questions (and All Other Related Questions)

All other open enrollment questions should be directed to Sara Nickel (sara.nickel@iowa.gov or 515-281-3778) or Marietta Rives (marietta.rives@iowa.gov or 515-281-6038).

Instructions for School Districts

The purpose of this section of the handbook is to provide school districts with updated open enrollment instructions following several changes to Iowa's open enrollment law and rules. It is organized around the following topics:

- Board or Superintendent Actions,
- Billing Instructions for School Districts,
- Students in Foster Care, and
- Record-Keeping to Maintain an Accurate Count of Open Enrolled Students.

Board or Superintendent Actions

Which District Acts on an Open Enrollment Request?

In the cases where the resident district acts, the receiving district will act after the resident district.

Table 3. Receiving and Resident District Responsibilities to Act by Open Enrollment Request.

New Open Enrollment Request	Receiving District	Resident District
Open enrollment filed by September 1 for an incoming preschool student who receives special education services requiring SDI	X	Does not act
Open enrollment filed by September 1 for an incoming kindergarten student	X	Does not act
Open enrollment filed by September 1 for an incoming preschool student receiving SDI and incoming kindergarten student with good cause	X	Does not act
Open enrollment filed by March 1 for students grades 1-12	X	Does not act
Open enrollment filed after March 1 for students grades 1-12 with good cause	X	Does not act
The applicant alleges pervasive harassment	Acts if resident district approves	X
The applicant alleges serious health need	Acts if resident district approves	X
The applicant alleges the district failed to respond to the student's failure to meet basic academic standards ³	Acts if resident district approves	X
Application filed after the deadline with no good cause (see #4)	Acts if resident district approves	X

³Note: The State Board of Education will establish rules to implement this provision.

What Are the Actions?

Table 4. Required Actions for Receiving and Resident Districts.

Action	Receiving District Required Actions	Resident District Required Actions
<p>1. Notification</p>	<p>By September 30 of each school year, the receiving district must notify parents and guardians (including those who transferred in during the school year) of:</p> <ul style="list-style-type: none"> • Open enrollment deadlines, • Transportation assistance, and • Possible loss of athletic eligibility for open enrollment (Iowa Admin. Code r. 281—17.3(2)). 	<p>By September 30 of each school year, the resident district must notify parents and guardians (including those who transferred in during the school year) of:</p> <ul style="list-style-type: none"> • Open enrollment deadlines, • Transportation assistance, and • Possible loss of athletic eligibility for open enrollment (Iowa Admin. Code r. 281—17.3(2)).
<p>2. Application Filed by March 1 (or September 1) Deadline</p>	<p>No later than June 1 of the school year preceding the school year for which the request is made, the receiving district board must act on an open enrollment request. The board may give the superintendent authority to approve but not deny applications.</p> <ul style="list-style-type: none"> • Denial – The board can deny for the following reasons: <ul style="list-style-type: none"> ○ The district is not able to provide the appropriate special education program (see the following Students with IEPs section). ○ The student is under suspension or expulsion. ○ The district has insufficient classroom space (see #9). ○ The application would adversely affect the district's implementation of a court-ordered desegregation plan (does not apply to any districts at this time). ○ The application was filed after the deadline without good cause. <ul style="list-style-type: none"> ▪ The district is obligated to deny unless the applicant has good cause for filing late (see Action 3) or the resident district agrees to approve the request. <p>Within five days of board action (but no later than June 1 of the preceding school year), the superintendent must notify the parent or guardian and the resident district of whether the request was approved or denied.</p>	<p>None, unless the applicant claims:</p> <ul style="list-style-type: none"> • Pervasive harassment, • A severe health need, or • The district has failed to reasonably respond to a student's failure to meet basic academic needs (see Action 4). <ul style="list-style-type: none"> ○ <i>Note:</i> The State Board will establish rules to implement this provision.

Action	Receiving District Required Actions	Resident District Required Actions
3. Application Filed After the Deadline with Good Cause	<p>Within 30 days of receiving the request, the receiving district board must act.</p> <p>Within five days of board action, the superintendent must provide notification to the parent or guardian and the resident district of request approval or denial (Iowa Admin. Code r. 281—17.4(5)).</p>	<p>None, unless the applicant claims:</p> <ul style="list-style-type: none"> • Pervasive harassment, • A severe health need, or • The district has failed to reasonably respond to a student's failure to meet basic academic needs (see Action 4).
4. Application Filed After Deadline for Medical Condition, Pervasive Harassment, or District Failure to Respond to Student Failure	<p>Within 30 days of receiving the approval notice from the resident district (<u>after</u> the resident district forwards the approved application), the district board must act to approve or deny the request (Iowa Admin. Code r. 281— 17.5(1)).</p> <p>Within 15 days of board action, the superintendent must notify the parent or guardian and the resident district of the approval or denial of the request.</p> <ul style="list-style-type: none"> • Denial – A parent or guardian may appeal this decision to the State Board (Iowa Admin. Code r. 17.5(2)). 	<p>Within 30 days of its receipt, the resident district board must act to approve or deny the request (Iowa Admin. Code r. 281— 17.5(1)).</p> <ul style="list-style-type: none"> • Denial – Within three days following board action, the superintendent must notify the parent or guardian that their request was denied. <ul style="list-style-type: none"> ○ A parent or guardian may appeal this decision to the State Board (Iowa Admin. Code r. 17.5(2)). • Approval – The superintendent must: <ul style="list-style-type: none"> ○ Notify the parent or guardian within three days of the board's approval. ○ Forward the approved application to the receiving district within five days following board action.

What if the Receiving District Approves a Late-Filed Application That the Resident District Believes Did Not Meet the Definition of Good Cause?

If the resident district believes that the receiving district's board approved a late-filed open enrollment request that did not meet the definition of good cause, the resident district may appeal the decision to the director of the Department (Iowa Admin. Code r. 17.4(6)). To do so, the majority of the resident district's board must vote in favor of the appeal. If the board votes in favor, the resident district must follow the established appeal process:

1. Within 30 days of being notified of the approval, the resident district files a written appeal to the director of the Department. The appeal must include:
 - The name and grade level of the affected student,
 - The name of the receiving district,
 - The date the district's approval of the request was received,
 - The date the resident district was notified of the approval,
 - A brief explanation of why the board believes there is no good cause for the request,
 - A signature from the president of the resident district board,
 - A copy of the disputed open enrollment request, and
 - The minutes of the board meeting at which the resident district board voted to appeal.
2. The director attempts to mediate the dispute to reach approval by both parties.
3. If mediation is unsuccessful, the director conducts a hearing to hear testimony from both boards.
4. Within 10 days of the hearing, the director issues a written decision.
5. Within five days of a decision being issued by the director, the aggrieved board may appeal the decision to the State Board.

Students with IEPs

If a parent or guardian requests open enrollment for a pupil requiring special education, the receiving district must consider the following:

- Appropriateness of program (Iowa Admin. Code r. 17.11(1)) – The open enrollment request should only be granted if the receiving district can provide the appropriate special education program for the student within the district. This determination must be made by the receiving district (in consultation with the resident district and the appropriate area education agency [AEA] or agencies) before approval of the application.
- Class size and caseload (Iowa Admin. Code r. 17.11(2)) – The provisions of the insufficient classroom space policy also apply to open enrollment requests for a child with a disability. The following conditions apply:
 - The enrollment of the child in the receiving district's program would not cause the size of the class or caseload in receiving district's special education instructional program to exceed the maximum class size or caseload set forth in the district's insufficient classroom space policy.
 - If the child would be assigned to a general education class, there is sufficient classroom space (as established in the insufficient classroom space policy) for the child in the general education class.
- Transportation (Iowa Admin. Code r. 17.11(3)) – District transportation requirements, parent or guardian responsibilities, and financial assistance for transportation (where applicable) as provided by Iowa Administrative Code rules 281—17.9 and 281—41.412.
- Finance (Iowa Admin. Code r. 17.11(4)) – The resident district must pay the receiving district for the actual costs incurred in providing the appropriate special education program.
 - It is the resident district's responsibility to ensure that an appropriate special education program is maintained.
 - The receiving district and the receiving AEA director must provide the resident district with evaluation reports and information for each open enrolled student in special education at least annually.
 - The receiving district must provide notice to the resident district of all staffings scheduled for each open enrolled student.

Billing Instructions for School Districts

Billing Chart

The billing chart (Table 5) contains the following columns by education program:

- Tuition – Open enrollment tuition is based on the state cost per pupil from the previous fiscal year (\$7,048) and is billed and paid on a semester basis (on or before February 15 and July 15) per Iowa Code section 282.20(3).
 - Termination or Suspension of Open Enrollment – Under special circumstances that terminate or suspend open enrollment status, a district must prorate tuition for payment on a per diem basis.
 - Partial Semester – Partial semesters should be based on a per diem rate, prorated for days served under open enrollment.
 - Competent Private Instruction (CPI) – For students under CPI for dual enrollment and who are open enrolled in the district's home school assistance program, combine the appropriate rows in the following billing chart.
 - Transportation – The resident district may deduct transportation expenses incurred from the amount of tuition it sends to the receiving district. However, for a qualifying student with an IEP, the cost of transportation is not deducted from the special education tuition.
- Supplementary Weighting: Teacher Leadership and Compensation (TLC) – Districts will bill and pay for open enrollment for TLC per pupil (\$340.89).
 - Termination or Suspension of Open Enrollment – Under special circumstances that terminate or suspend open enrollment status, the district must prorate the TLC amount for payment on a per diem basis.

- **Supplementary Weighting: Limited English Proficiency (LEP)** – Districts should only use this weighting if the English learner was included in the resident district's October 2020 LEP supplementary weighting calculation.
- **Supplementary Weighting: Eligible Concurrent Enrollment (CE) and Project Lead the Way (PLTW) Courses** – For CE supplementary weighting calculations:
 - The receiving district will use the fall and spring Student Reporting in Iowa (SRI) application data to generate their billings. The list of CE and PLTW courses eligible for inclusion in the generation of supplementary weighting on October 1, 2021 is available under the [Course Coding and Supplementary Weighting heading](#) on the [SRI webpage](#).
 - The resident district will use the CE and non-fall supplementary weighting applications to verify the amounts being billed.

Table 5. Open Enrollment Billing Chart

Program (Citation)	Tuition: \$7,048/pupil	Supplementary Weighting: TLC	Supplementary Weighting: LEP	Supplementary Weighting: Eligible CE & PLTW Courses
Regular Education (Iowa Admin. Code r. 281—17.10(1))	\$7,048	\$340.89	0.22 x \$7,048	Course weighting factor x percent of the time the student is enrolled in the course x resident district's current school year's cost per pupil
Special Education (Iowa Admin. Code r. 281—17.11)	The actual cost of the program through tuition-in billing (TIB)	\$340.89	0.22 x \$7,048	Course weighting factor x percent of the time the student is enrolled in the course x resident district's current school year's cost per pupil
Home School Dual Enrollment for K-8 (Iowa Admin. Code r. 281—17.10(2))	0.1 x \$7,048	0.1 x \$340.89	0.22 x \$7,048	Not applicable
Home School Dual Enrollment for Grades 9-12 Extracurricular Activities (Iowa Admin. Code r. 281—17.10(2))	0.1 x \$7,048	0.1 x \$340.89	Not applicable	Not applicable
Home School Grades 9-12 Dual Enrollment for Academics (Iowa Admin. Code r. 281—17.10(2))	Do not bill. Academic classes are included in the serving district's CE	Do not bill	Do not bill	Do not bill

Program (Citation)	Tuition: \$7,048/pupil	Supplementary Weighting: TLC	Supplementary Weighting: LEP	Supplementary Weighting: Eligible CE & PLTW Courses
Home School Assistance Program (Iowa Admin. Code r. 281—17.10(3))	0.3 x \$7,048	0.3 x \$340.89	Not applicable	Not applicable
Regular Education Student Attending CAM, Clayton Ridge, or Any District in Iowa with an Approved Online School (Iowa Code § 282.18(7))	\$7,048. The resident district may deduct up to \$200 per activity for up to two activities per year (as applicable).	\$340.89	0.22 x \$7,048	Course weighting factor x percent of the time the student is enrolled in the course x resident district's current school year cost per pupil
Special Education Student Attending CAM, Clayton Ridge, or Any District in Iowa with an Approved Online School (Iowa Code § 282.18(7))	The actual cost of the program. The resident district may deduct up to \$200 per activity for up to two activities per year (as applicable).	\$340.89	0.22 x \$7,048	Course weighting factor x percent of the time the student is enrolled in the course x resident district's current school year cost per pupil, as long as the course is not part of the student's IEP requirements.

Billing Timeline

Table 6. Open Enrollment Billing Timeline

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

Students in Foster Care

Table 7. Chart of Authorized Applicant and Responsibility for Tuition

Student in Foster Care	Parental Rights	Who Is Authorized to Open Enroll the Student?	Who Is Responsible for Tuition or Expenses?
IEP	Parents have rights	Parent	Parent's resident district
IEP	Parents do not have rights (rights severed)	Department of Human Services (DHS) or designee	State of Iowa via TIB claim unless a district counted the student for special education count
Non-IEP	Parents have rights	Parent	Foster care district
Non-IEP	Parents do not have rights (rights severed)	DHS or designee	Foster care district

School of Origin and Transportation

The Every Student Succeeds Act (ESSA) requires that children in foster care remain in their school of origin (the school they were attending when entering foster care or when a change in foster care placement occurred) unless it is in the student's best interest to be placed outside of the school of origin. ESSA also requires children in foster care to be transported to their school of origin unless a best-interest determination requires a school change.

If a child is participating in open enrollment when they enter foster care, the receiving school district is the school of origin. Transportation for those students is governed by the ESSA. For more information, see the [ESSA's Provisions for Educational Stability for Children in Foster Care legal lesson](#) and the [Education of Children in Foster Care webpage](#).

The student continues to be identified as a resident student of the district where the student is attending if the student:

- Is attending school in their resident district,
- Is placed into foster care outside their resident district or a change in foster care placement occurs, and
- Remains enrolled in the same school (school of origin).

Open enrollment is not utilized in the foster care situation to keep a student enrolled in their school of origin. This situation is like the Junior/Senior Rule because a student continues to be counted as a resident student even when the student is not living in the district (Iowa Code §§ 282.19(2) & 282.31(1)"b"(1)).

Record-Keeping to Maintain an Accurate Count of Open Enrolled Students

The following suggestions are made to assist the district in keeping an accurate count of open enrollment students. While these are not requirements, the Department highly recommends these practices because they can reduce confusion about the status of students and decrease 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 of any change of address for an open enrollment pupil occurring during the school year.
3. Exchange lists of open enrollment pupils with other districts prior to count day.
4. Have a process in place for notifying other districts of any movement of an open enrollment pupil either out of or into the district.

5. Check incoming kindergarten students to ensure they are residents. If they are not residents, they must file open enrollment forms by September 1, or they will be responsible for tuition.

The district of residence can be verified for two-thirds of Iowa's counties by using the [Beacon](#) search.

Frequently Asked Questions

The following frequently asked questions are grouped around the following areas:

- Procedural Questions;
- Timelines, Deadlines, and Good Cause;
- Eligibility and Qualifications;
- Special Education;
- Billing and Tuition; and
- Online or Virtual School.

Procedural Questions

1. What is open enrollment?

It is a cost-free option by which a parent or guardian that resides in an Iowa district may enroll their child(ren) into another Iowa school district under the terms and conditions of [Iowa Code section 282.18](#) and the rules contained in [Iowa Administrative Code chapter 17](#).

2. How does a parent or guardian file for open enrollment?

If a parent or guardian wishes to open enroll their child(ren), they must follow the procedures outlined in the Application Information and Deadlines section (page 6).

3. Who approves or denies open enrollment requests?

Please see the Which District Acts on an Open Enrollment Request? section (page 11).

4. If a parent or guardian misses the open enrollment deadline and does not have good cause, may they still apply for open enrollment?

Yes. "An application for open enrollment may be granted at any time with approval of the resident and receiving districts" (Iowa Code § 282.18(15)). This is a local decision requiring approval from both districts. The resident district acts first.

5. May a currently open enrolled student change enrollment to a different receiving district?

Yes. See the Currently Open Enrolled Student Applications to an Alternate Receiving District section on page 7.

6. May an open enrolled student return to their resident district?

Yes. A student who is open enrolled may return to the district of residence and enroll at any time (unless under suspension or expulsion in the receiving district). The parent or guardian must notify the resident district and the receiving district in writing of the decision to enroll the pupil in the resident district. This will terminate open enrollment (Iowa Admin. Code r. 281—17.8(10)).

7. Must the sending and receiving districts be contiguous to (or border) each other?

No. However, transportation assistance for income-eligible families is only available when a student open enrolls to a contiguous receiving district (Iowa Admin. Code r. 281—17.9(2)). For income eligibility information, see the requirements in the [transportation assistance guidance](#).

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

The parent or guardian is responsible for transporting the student to and from the receiving district, including if the student has an IEP and transportation is listed on the IEP, unless the family qualifies for transportation assistance (Iowa Admin. Code r. 281—17.9(1)). For income eligibility information, see the requirements in the [transportation assistance guidance](#).

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

Yes. Each district must adopt a board policy that defines "insufficient classroom space" for the district (Iowa Code § 282.18(2)"c"). The board policy must be reviewed annually (Iowa Admin. Code r. 281—17.6(3)).

10. May a parent or guardian designate a particular attendance center (school building) for enrollment within the receiving district?

No. Open enrollment is to another district, not to a specified attendance center. The receiving district has discretion in determining which attendance center an open enrolled student will attend (Iowa Admin. Code r. 281—17.6(4)).

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

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

12. Is a student on a visa eligible for open enrollment?

Visas are not governed by education law. They are regulated by [U.S. Immigration and Customs Enforcement \(ICE\)](#). For questions regarding students on visas, please contact ICE directly or review the [Department of Education website](#).

Timelines, Deadlines, and Good Cause

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

Yes. There are two exceptions to the March 1 deadline. An open enrollment request for an incoming preschool student in special education programming requiring SDI or an incoming kindergarten student must be filed with the resident and receiving districts by September 1 of the school year of enrollment into kindergarten or preschool (Iowa Admin. Code r. 281—17.7).

The following circumstances are considered good cause and are acceptable conditions for a timeline waiver if the change occurred or began after March 1 (or September 1):

- Good cause related to change in the pupil's residence includes:
 - Change in the family district of residence.
 - Change in child's residence from one parent or guardian to the residence of a different parent or guardian.
 - Change in the state in which the family residence is located.
 - Change in the marital status of the student's parents that results in a change in the resident district.
 - Change in guardianship or custody proceeding that results in a change in the resident district.
 - Placement of the child in foster care that results in a change of residence.
 - Adoption.
 - Participation in a foreign exchange program.
 - Initial placement of a preschool student in a special education program requiring SDI.
 - Participation in a substance abuse or mental health treatment program that results in a change of residence (Iowa Admin. Code r. 281—17.4(1)).
- Good cause related to change in status of the pupil's resident district or nonpublic school of attendance includes:
 - Reorganization action, such as failure of district negotiations for reorganization or rejection of a proposed reorganization plan after March 1.*
 - Dissolution action, such as failure of district negotiations for a dissolution agreement after March 1.*
 - Whole grade sharing action, such as failure of district negotiations for whole grade sharing or the rejection of a whole grade sharing agreement after March 1.*

- Loss of accreditation, such as removal of accreditation by the State Board, surrender of accreditation, or permanent closure of a private school after March 1.*
- Revocation of a charter school contract after March 1 as provided in section 256F.8.*
- Child's school building is identified in need of significant need for improvement as defined by:
 - The Iowa School Performance Profiles under the priority category for two or more of the immediately preceding school years or
 - The federal ESSA as in need of comprehensive support and improvement (or an equivalent objective federal standard) for two or more immediately preceding school years.* (Iowa Admin. Code r. 281—17.4(2))

**The request must be filed within 45 days of last board action or within 30 days of certification of an election, whichever is applicable. This requirement is only applicable to affected students.*

Circumstances not previously defined that would be considered good cause (and subject to the approval of the school boards of the resident and receiving districts) include:

- Repeated student harassment that the resident district cannot adequately address (see #14),
- The child has a serious health condition that a school district cannot adequately address (see #15), or
- A school district's consistent failure to reasonably respond to a student's failure to meet basic academic standards after providing a notice to the parent or guardian (see #16; Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, HF 847 § 15).

14. What constitutes pervasive harassment?

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 present their rationale for why the application should be granted. The resident district determines if the applicant meets all of the following State Board-established criteria for repeated and pervasive harassment:

- 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:
 - Places the student in reasonable fear of harm to the student's person or property.
 - Has a substantially detrimental effect on the student's physical or mental health.
 - Has the effect of substantially interfering with a student's academic performance.
 - Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- The evidence must show that the harassment is likely to continue despite the efforts of school officials to resolve the situation.
- It is reasonable to anticipate that changing the student's school district will alleviate the situation (*In re Hannah T.*, 25 D.o.E. App. December 26 (2007)).

It is important to note that parents and guardians must provide accurate and complete documentation of the facts and circumstances of the repeated harassment to the school board prior to any decision being made (*In re Open Enrollment of E.M.*, 27 D.o.E. App. Dec. 960 (2016)).

15. What constitutes a severe health need?

An applicant may qualify under the severe health need provision if all the following are true. An official in the resident district determines if the applicant qualifies under the criteria of severe health need.

- 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 resident district.
- 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.
- Upon notification of the serious health condition and the steps to be taken to meet the child's needs, school officials failed to implement such steps, or its implementation of the steps was unsuccessful despite the district's efforts.
- A reasonable person could not have known before March 1 that the district could not (or would not) adequately address the child's health needs.
- It can be reasonably anticipated that a change in the child's school district will improve the situation (*In re Anna C.*, 24 D.o.E. App. December 5 (2005)).

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

16. What constitutes a school district's "consistent failure to reasonably respond to a student's failure to meet basic academic standards?"

An applicant may qualify for good cause for applying after the March 1 deadline if the resident district cannot adequately address a consistent failure of a student to meet basic academic standards after notice is provided by a parent or guardian.

The State Board will establish rules to implement this provision.

17. If a building in the district is closed after March 1, do the students in that building have good cause to open enroll after the deadline?

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 (e.g., curriculum, courses). However, if an accredited nonpublic school closes after March 1, parents of affected students in the school have the option to open enroll (Iowa Admin. Code r. 281—17.4(2)).

18. When does a student's open enrollment end?

Open enrollment ends 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 (Iowa Admin. Code r. 281—17.8(10)"a" & "b").

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 to the receiving district (Iowa Admin. Code r. 281—17.8(10)"a"). Open enrollment is terminated when the student attends the resident district.

19. Does an open enrollment request have to be renewed annually?

No. If the receiving district remains the same, open enrollment to that district continues until the student graduates, drops out of school, or until the parent or guardian notifies the district that they desire to terminate open enrollment (Iowa Admin. Code r. 281—17.8(5)).

20. What options are available to an open enrolled student if their parent or guardian moves and their resident district changes?

If the parent or guardian moves and the move changes the district of residence, the options are to:

- Have the student stay in the current receiving district;
- Open enroll the student to another Iowa district; or
- Enroll the student in the new district of residence in Iowa, terminating the current open enrollment agreement (Iowa Admin. Code r. 281—17.8(6)).

21. What options are available if an open enrolled student changes residence from one parent or guardian to the residence of a different parent or guardian?

If the student moves from the residence of one parent or guardian to the residence of a different parent or guardian, the student has the option to:

- Attend in the current receiving district,
- Open enroll the student to a different Iowa district, or
- Enroll the student in the new district of residence in Iowa, terminating the current open enrollment agreement (Iowa Admin. Code r. 281—17.8(6)).

22. What is the "Junior/Senior Rule?"

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

If the student has an IEP, special education law requires the new district to pay tuition. Parents do not complete open enrollment forms, but the new resident district is required to pay tuition. For district coding purposes, the district should code the student as being tuitioned in and select the Junior/Senior Rule indicator.

23. What happens if the application for open enrollment is denied?

The parent or guardian may appeal the open enrollment decision. As a general rule, appeals of open enrollment decisions should be filed as an original court action in [Iowa District Court](#) (see #24, #25, and the previous Appeal Process section for additional information).

24. What if my appeal involves pervasive harassment, a consistent district failure to respond to my student's academic failure, or a serious student health condition?

- A parent or guardian may appeal the resident district's open enrollment decision to the local board of directors if the application:
 - Claims of repeated student harassment that the resident district cannot adequately address,
 - A district's consistent failure to respond to a student's failure to meet basic academic standards after a notice was provided to the parent or guardian, or
 - The child has a serious health condition that the resident district cannot adequately address (Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, House File 847 § 15).
- If an application is denied by the local board of directors, the applicant may file an appeal with the Department (for State Board action) within 30 days of the board decision (Iowa Admin. Code r. 281—17.5(2)). For requirements for the State Board appeal letter, see the previous Appeal Process section.

25. When do I file an appeal with the Department for State Board action?

Appeals should only be filed with the Department for State Board action if the application has already been denied by the local board of directors and involves one of the following:

- Claims of repeated student harassment that the resident district cannot adequately address,
- The child has a serious health condition that the resident district cannot adequately address, or

- A district's consistent failure to respond to a student's failure to meet basic academic standards after a notice was provided to the parent or guardian (Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, HF 847 § 15).

In these three circumstances, a parent or guardian may file an appeal with the Department (for State Board action) within 30 days of the board decision (Iowa Admin. Code r. 281—17.5(2)).

26. Are open enrollment forms public documents?

Yes. As soon as the district has the application in its possession, it becomes public information. However, before releasing the form, districts must remove certain confidential information under Iowa's open records law (Iowa Code § 22.7(1)).

Eligibility and Qualifications

27. Can a student who receives private instruction take advantage of open enrollment?

Yes. If a parent or guardian wishes to open enroll their child(ren), they must follow the procedures outlined in the previous Application Information and Deadlines section (page 6).

28. At what age is a student eligible for open enrollment?

- General education students that are five years or older on or before September 15 are eligible to open enroll for kindergarten through grade 12 (K-12). Kindergarten does not include preschool (*In re Colby Miller*, 20 D.o.E. App. Dec. 001).
- Students that are younger than five years old only qualify for open enrollment if the student has an IEP, where the student is eligible to be counted for certified enrollment.
 - A preschooler with an IEP is eligible for open enrollment if services are provided in an early childhood special education program, and they are eligible to be included in certified enrollment (Iowa Code § 282.18(8)).
 - Students cannot open enroll into the [Statewide Voluntary Preschool Program \(SWVPP\) for Four-Year-Old Children](#). However, parents may enroll their student in any district in the state that offers the program (resident district does not affect this enrollment) without the need to open enroll.

29. Does a district that previously had a voluntary diversity plan impact open enrollment?

Yes. HF 228 passed the 2021 legislative session and was signed into law by Governor Reynolds. This legislation eliminates the district's implementation of a voluntary diversity plan as a reason to deny open enrollment requests. For additional information, please see the [Voluntary Diversity Plans and Other Open Enrollment Changes guidance](#).

30. Can a student use open enrollment to attend a school district in another state?

No. The open enrollment law in Iowa Code section 282.18 is solely for attendance in Iowa school districts.

31. Can a student who was suspended or expelled from one district open enroll into another district?

No. The suspended or expelled student cannot open enroll to another district until their attendance is reinstated in the district that suspended or expelled them (Iowa Admin. Code r. 281—17.8(1)).

32. May a receiving district suspend or expel a student who open enrolled into the district?

Yes. The policies and procedures of the receiving district apply to open enrolled students to the same extent as they apply 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 (Iowa Admin. Code r. 281—17.8(8)).

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

Students who open enroll in grades nine through 12 are not eligible to participate in varsity contests and competitions during the first 90 school days of transfer (not counting summer school) unless an exception applies to allow immediate eligibility. For additional information, see the previous Athletic Eligibility section (page 9).

34. Which district's rules and policies govern an open enrolled student?

Those of the receiving district. An open enrolled student is governed by the receiving district's rules and policies. The receiving district is also responsible for providing Postsecondary Enrollment Options (PSEO), alternative education options (Iowa Code § 280.19A), and driver education programs (Iowa Admin. Code r. 281—17.8(8)).

Special Education

35. Can a student who requires special education programs or services take advantage of open enrollment?

Yes. The same open enrollment rules apply for students in special education and general education. The proposed receiving district must have an appropriate special education instructional program and adequate classroom space for the student (Iowa Admin. Code r. 281—17.11).

36. Can a receiving district terminate the open enrollment of a student newly "staffed" into a special education program?

A receiving district cannot unilaterally terminate the open enrollment of a special education student (or any other student). Open enrollment only ends under the circumstances listed in subrule 281—17.8(10) (see #18).

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

A receiving district can deny an open enrollment application if it asserts it does not have an appropriate program (subject to procedural protections in rule 281—17.11). However, if the receiving district approves the student's open enrollment, it cannot be terminated if the district determines it does not have an appropriate placement or related services to meet the student's needs. In that case, the child's IEP team must meet and select a new placement (see #38).

38. If a resident 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?

No. The appropriateness of the resident district's placement is not at issue (Iowa Admin. Code r. 281—17.11).

39. Can the receiving district decide to place an open enrolled student with an IEP in a special education program in another district?

No. If the receiving district's program is not appropriate, the receiving district must convene the child's IEP team to select a new placement. If a placement is made in another district, the open enrollment transfers to the receiving district until the original receiving district has an appropriate special education program and the IEP team concurs with the transfer. If a parent disagrees with the decision to place the child in a placement outside of the receiving district, the parent may use any of the special education dispute resolution options (see [Iowa Admin. Code r. 281—41.507](#)).

40. If transportation is part of a student's IEP, must the receiving district provide the student with transportation?

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 (Iowa Admin. Code r. 281—41.412(6)"b").

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

No. A public school district must maintain and have available a continuum of alternative placements and related services to meet the needs of children with disabilities (Iowa Admin. Code r. 281—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 should be denied.

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

Yes. The resident district is responsible for the actual cost of the child's special education (Iowa Admin. Code r. 281—17.11(4)). Special education law requires that IEP teams include a public agency representative that is qualified to provide (or supervise the provision of) SDI to meet the child's needs, is knowledgeable about the general education curriculum and the availability of resources of the public agency, and that has the authority to commit such resources (Iowa Admin. Code r. 281—41.321(1)"d;" U.S. Department of Education, Office of Special Education Programs [OSEP], 2000).

The receiving district is to schedule meetings at a time and place convenient to both the child's parents and the resident district. *Note:* The resident district may participate by alternative means, such as through video or telephone conference calls.

If the resident district does not attend in some capacity, the receiving district may make educational decisions but cannot commit to an out-of-district placement. Only the resident district can commit to an out-of-district placement, and the resident district must be given an opportunity to participate.

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

The tuition will be prorated. The receiving district will bill the resident district the per diem amount of the prior year's state cost per pupil for the number of days the student was served prior to implementation of the IEP. Beginning with the day the IEP is implemented, the receiving district will bill the resident district for actual costs of the special education program (see the previous Billing Instructions for School Districts section on page 14).

Billing and Tuition

44. If a student under open enrollment is "placed" in a psychiatric medical institute for children (PMIC) facility partway through the school year, how is tuition calculated?

The tuition will be prorated. The receiving district will bill the resident district for the days that the student was served under open enrollment but will not bill for the days that the student was in PMIC placement. The district where the PMIC is located will bill the resident district directly for the days that the district served the student.

The student's open enrollment status will be suspended during the PMIC placement; however, their open enrollment status will be reinstated automatically when the student leaves placement and returns to the receiving district.

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

The list of situations that result in the suspension of open enrollment is included in [rule 281—17.8\(10\)](#) and covers situations where a child is placed in a facility. This would include situations such as a child being placed temporarily in foster care, a juvenile home (shelter or detention), mental health or substance abuse treatment facility (includes hospitals, mental health institutes [MHIs], PMICs), or similar placements. In such cases, the open enrollment status is reinstated automatically when the child returns to the serving district.

46. If a child is open enrolled to the receiving district and is placed in a PMIC facility that happens to be in the receiving district, will the open enrollment status and tuition change?

Yes. The tuition will be prorated between open enrollment tuition and regular tuition for the period of placement. The open enrollment status will be suspended during the placement and reinstated automatically

when the student leaves placement. If the student has an instructional IEP, actual costs are billed to the resident district (regardless of whether the student is under open enrollment or in a PMIC placement).

47. An open enrolled student enters a grade level that is served under the whole grade sharing agreement (in the receiving district), does the student's tuition switch from open enrollment to whole grade sharing tuition?

No. The student's open enrollment status continues, and their tuition does not change from open enrollment tuition. The student will not be included in the billing and tuition related to the whole grade sharing agreement. Only resident students not under open enrollment will be included in the negotiated whole grade sharing agreement.

48. An open enrolled student enters a grade level that is served under the whole grade sharing agreement (in the resident district). What happens to their tuition?

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

Online or Virtual School

49. Is there a limit to the number of students that may open enroll (for the primary purpose of online education) per school district or statewide?

No. All district and state caps on the number of students that may open enroll in an approved online school were removed.

50. Which districts may students open enroll to (for the primary purpose of online education)?

Students may open enroll for the primary purpose of online education to any district with an approved online school in the state (see the list of districts with approved online schools on the Department's [Online Learning webpage](#)).

51. Which districts have an approved online school?

The list of districts with approved online schools is available on the Department's [Online Learning webpage](#).

52. May a student open enrolled (for the primary purpose of online education) participate in activities in the resident district?

Yes, for up to two activities. Additional activities are allowed at the discretion of the resident district (Iowa Code § 282.18(12)).

53. What activities can students open enrolled (for the primary purpose of online education) participate in at their resident district?

Students open enrolled for the primary purpose of online education may participate in up to two co-curricular or extracurricular activities in their resident district each year (Iowa Code § 282.18(12)). Activities include interscholastic athletics, music, drama, and any other activity with a [General Fund](#) expenditure exceeding \$5,000 annually (Iowa Code § 282.18(7)"b"(2)).

54. My child is open enrolled (for the primary purpose of online education) and wants to participate in vocal music in the resident district both semesters. How is this activity counted?

For this activity (and other co-curricular activities), one semester equals one activity (Iowa Code § 282.18(7)"b"(2)). Participating in vocal music for two semesters equals two activities.

55. Can a student open enrolled to a district without an online school (i.e., open enrolled student is in-person) participate in the resident district activities?

No. Only students open enrolled for the primary purpose of online education may participate in the resident district activities (Iowa Code § 282.18(12)). Please see the list of approved online schools on the Department's [Online Learning webpage](#).

56. Are the eligibility requirements to participate in extracurricular and co-curricular activities different for a student open enrolled for the primary purpose of online education?

No. A student open enrolled for the primary purpose of online education must meet the same eligibility requirements as a resident student to participate in extracurricular and co-curricular activities (Iowa Code § 282.18(12)).

57. If the receiving district failed to provide requested documentation to the resident district for the student (open enrolled for the primary purpose of online education), may the resident district deny the student's participation in an activity?

No. Receiving districts are required to provide resident districts with requested documentation (e.g., grade reports), but the failure of the receiving district to do so does not make the student ineligible to participate in a co-curricular or extracurricular activity.

58. Does the March 1 application deadline for open enrollment still apply for a student open enrolling for the primary purpose of online education?

Yes (Iowa Code § 282.18(2)).

59. How is funding determined for students open enrolled for the primary purpose of online education? If a student withdraws from the activity, how is funding determined?

The resident district may deduct up to \$200 per activity (for up to two activities per student) from the amount paid to the receiving district (Iowa Code § 282.18(7) "b"(2)).

If the student (open enrolled for the primary purpose of online education) withdraws from the activity, the \$200 activity cost is prorated based on the number of days the student participated (Iowa Admin. Code r. 281—17.10(6)).

60. If a student (open enrolled for the primary purpose of online education) has violated the resident district's rules, may the resident district suspend the student's participation in extracurricular or co-curricular activities?

Yes. The student must comply with the resident district's eligibility, good conduct, and other requirements relating to the activity, including expectations for conduct and consequences for not meeting those expectations (Iowa Code § 282.18(12)).

61. If a co-curricular activity requires class attendance, is a student (open enrolled for the primary purpose of online education) required to attend the co-curricular class?

Yes. Based on Iowa Code section 282.18, the student will be required to attend the class (e.g., vocal music class for a choir concert, band class for a band concert, band class for marching band).

62. If a student (open enrolled for the primary purpose of online education) enrolls in a co-curricular music class in the resident district and drops during the first quarter, may the student re-enroll during the second quarter?

This is a local district decision.

63. Can a student (open enrolled for the primary purpose of online education) participate in a co-curricular or extracurricular activity in both the resident and the receiving districts?

Yes. The Department will provide proposed rules to the State Board to be posted for public comment.

64. May a resident district decline to enroll a student open enrolled for the primary purpose of online education in an extracurricular activity or co-curricular class?

A district may apply the rules it applies to all students who wish to participate in an extracurricular activity or co-curricular class, such as prerequisite courses, skills assessments or tryouts, or class size restrictions (Iowa Code § 282.18(12)). In determining whether a student is to be declined participation in an extracurricular activity or co-curricular class, a district may not apply different rules to students who are open enrolled for the primary purpose of online education.

65. Is there a specific age requirement for a student (open enrolled for the primary purpose of online education) to participate in the resident district's extracurricular or co-curricular activities?

No. A student may participate in any resident district-sponsored co-curricular or extracurricular activity offered to students in their grade or group under the same conditions and requirements as the pupils enrolled in the resident district (Iowa Code § 282.18(12)).

Contacts and Resources

Area	Contact(s)	Related Webpage(s)
General Open Enrollment Questions	Sara Nickel 515-281-3778 or sara.nickel@iowa.gov Marietta Rives 515-281-6038 or marietta.rives@iowa.gov	Open Enrollment
Open Enrollment to Approved Online Schools Questions	Janet Boyd 515-745-3385 or janet.boyd@iowa.gov	Online Learning
Open Enrollment Transportation Assistance Billing Questions	Max Christensen 515-281-4749 or max.christensen@iowa.gov	Open Enrollment Transportation Assistance
Residency Information	Thomas Mayes 515-281-5295 or thomas.mayes@iowa.gov	Residency Issues
Student Visa Information	Thomas Mayes 515-281-5295 or thomas.mayes@iowa.gov	Foreign Exchange Students Student and Exchange Visitor Program
Athletic Eligibility Questions	Iowa Girls' High School Athletic Union (IGHSAU) 515-288-9741 or mail@ighsau.org Iowa High School Athletic Association (IHSAA) 515-432-2011	IGHSAU IHSAA

Iowa Code and Administrative Rules

Open Enrollment (Iowa Code § 282.18)

Please use <https://www.legis.iowa.gov/law> and type in 282.18 in the Iowa Code quick search.

Open Enrollment (Iowa Administrative Code 281—17)

Please use <https://www.legis.iowa.gov/law> and type in 281.17 in the Iowa Administrative Code quick search.

Enrollment (Iowa Code § 257.6)

Please use <https://www.legis.iowa.gov/law> and type in 257.6 in the Iowa Code quick search.

Special Education (Iowa Code § 256B.2)

Please use <https://www.legis.iowa.gov/law> and type in 256B.2 in the Iowa Code quick search.

Confidential Records (Iowa Code § 22.7)

Please use <https://www.legis.iowa.gov/law> and type in 22.7 in the Iowa Code quick search.

Tuition (Iowa Code § 282.6)

Please use <https://www.legis.iowa.gov/law> and type in 282.6 in the Iowa Code quick search.