

Reprinted

FILED FEB 12 1990

SENATE FILE 2306
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2218)

Passed Senate, Date 2/20/90 (p. 616) Passed House, Date 3/14/90 (P. 1074)
Vote: Ayes 50 Nays 0 Vote: Ayes 83 Nays 11
Approved April 18 1990

*Written to predecessor (p. 651)
"with (p. 657)"*

A BILL FOR

1 An Act relating to open enrollment, including the general intent,
2 notification dates, exceptions to notification dates, board
3 action on requests, counting of pupils for state foundation
4 aid purposes, student expulsion or suspension, qualification
5 for transportation, and participation of laboratory schools,
6 and providing an effective date.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 282.18, unnumbered paragraphs 1, 2, 4,
2 5, 13, 14, and 15, Code Supplement 1989, are amended to read
3 as follows:

4 It is the goal of the general assembly to permit a wide
5 range of educational choices for children enrolled in schools
6 in this state and to maximize ability to use those choices.
7 It is therefore the intent that this section be construed
8 broadly to maximize parental choice and access to educational
9 opportunities which are not available to children because of
10 where they live. For the school year commencing July 1, 1989,
11 and each succeeding school year, a parent or guardian residing
12 in a school district may enroll the parent's or guardian's
13 child in a public school in another school district in the
14 manner provided in this section.

15 ~~By September 15 of the preceding school year the parent or~~
16 ~~guardian shall informally notify the district of residence,~~
17 ~~and not later than November 1~~ October 30 of the preceding
18 school year, the parent or guardian shall send notification to
19 the district of residence and to the department of education
20 on forms prescribed by the department of education that the
21 parent or guardian intends to enroll the parent's or
22 guardian's child in a public school in another school
23 district. The parent or guardian shall describe the reason
24 ~~that exists~~ for enrollment in the receiving district ~~that is~~
25 ~~not present in the district of residence.~~ If a parent or
26 guardian fails to file a notification that the parent intends
27 to enroll the parent's or guardian's child in a public school
28 in another district by the November 1 deadline, and good cause
29 exists for the failure to meet the deadline, the parent or
30 guardian shall be permitted to enroll the child in the other
31 district in the same manner as if the deadline had been met.
32 The board of the district of residence shall take action on
33 the request no later than November 30 of the preceding school
34 year. The parent or guardian may withdraw the request during
35 November of the preceding school year. The board of the

1 receiving district shall take action to approve or disapprove
2 the request no later than December 31 of the preceding school
3 year. If the request is granted, the board shall transmit a
4 copy of the form to the receiving school district within five
5 days after its receipt board action. During the 1990-1991
6 school year, if the board of the district of residence
7 determines that transmission of the request will result in a
8 loss of greater than five percent of the district's certified
9 enrollment as compared with the district's certified
10 enrollment for the previous 1988-1989 school year, the board
11 of the district of residence may deny the request for the
12 1990-1991 school year. During the 1991-1992 school year, if
13 the board of the district of residence determines that
14 transmission of the request will result in a loss of greater
15 than ten fifteen percent of the district's certified
16 enrollment as compared to the district's certified enrollment
17 for the previous 1988-1989 school year, the board of the
18 district of residence may deny the request for the 1991-1992
19 school year. If, however, a failure to transmit a request
20 will result in enrollment of students from the same nuclear
21 family in different school districts, the request shall be
22 transmitted to the receiving district for enrollment. The
23 board of each school district shall adopt a policy relating to
24 the order in which requests for enrollment in other districts
25 shall be considered. The board of the receiving school
26 district shall enroll the pupil in a school in the receiving
27 district for the following school year unless the receiving
28 district does not have classroom space for the pupil. In all
29 districts involved with volunteer or court-ordered
30 desegregation, minority and nonminority student ratios shall
31 be maintained according to the desegregation plan or order.
32 The superintendent of a district subject to volunteer or
33 court-ordered desegregation may deny a request for transfer
34 under this section if the superintendent finds that enrollment
35 or release of a pupil will adversely affect the district's

1 implementation of the desegregation order or plan. If,
2 however, a transfer request would facilitate a voluntary or
3 court-ordered desegregation plan, the district shall give
4 priority to granting the request over other requests. A
5 parent or guardian, whose request has been denied because of a
6 desegregation order or plan, may appeal the decision of the
7 superintendent to the board of the district in which the
8 request was denied. The board may either uphold or overturn
9 the superintendent's decision. A decision of the board to
10 uphold the denial of the request is subject to appeal under
11 section 290.1.

12 A request under this section is for a period of not less
13 than four years unless the pupil will graduate, the pupil's
14 family moves to another school district, or the parent or
15 guardian petitions the receiving district by October 30 of the
16 previous school year for permission to enroll the child in a
17 different district, which may include the district of
18 residence, within the four-year period. If the parent or
19 guardian requests permission of the receiving district to
20 enroll the child in a different district within the four-year
21 period, the receiving district school board may ~~transmit-a~~
22 ~~copy-of~~ act on the request to transfer to the other school
23 district within-five-days-of-the-receipt-of-the-request in the
24 same manner as original requests to enroll a child in another
25 district are acted upon. The new receiving district shall
26 enroll the pupil in a school in the district unless there is
27 insufficient classroom space in the district or unless
28 enrollment of the pupil would adversely affect court ordered
29 or voluntary desegregation orders affecting a district. A
30 denial of a request to change district enrollment within the
31 four-year period shall be subject to appeal under section
32 290.1.

33 A pupil participating in open enrollment shall be counted,
34 for state school foundation aid purposes, in the pupil's
35 district of residence. A pupil's residence, for purposes of

1 this section means a residence under section 282.1. The board
2 of directors of the district of residence shall pay to the
3 receiving district the lower district cost per pupil of the
4 two districts, plus any moneys received for the pupil as a
5 result of non-English speaking weighting under section 442.4,
6 subsection 6, for each school year. The district of residence
7 shall also transmit the phase III moneys allocated to the
8 district for the full-time equivalent attendance of the pupil,
9 who is the subject of the request, to the receiving district
10 specified in the request for transfer. If a request filed
11 under this section is for a child requiring special education
12 under chapter 281, the request to transfer to the other
13 district shall only be granted if the receiving district
14 maintains a special education instructional program which is
15 appropriate to meet the child's educational needs and the
16 enrollment of the child in the receiving district's program
17 would not cause the size of the class in that special
18 education instructional program in the receiving district to
19 exceed the maximum class size in rules adopted by the state
20 board of education for that program. For pupils requiring
21 special education, the board of directors of the district of
22 residence shall pay to the receiving district the actual costs
23 incurred in providing the appropriate special education. If a
24 parent or guardian of a child, who is participating in open
25 enrollment under this section, moves to a different school
26 district during the course of either district's academic year,
27 the child's first district of residence shall be responsible
28 for payment of the cost per pupil plus weightings or special
29 education costs to the receiving school district for the
30 balance of the school year in which the move took place. The
31 new district of residence shall be responsible for the
32 payments during succeeding years. Quarterly payments shall be
33 made to the receiving district. If the transfer of a pupil
34 from one district to another results in a transfer from one
35 area education agency to another, the sending district shall

1 forward a copy of the request to the sending district's area
2 education agency. The receiving district shall forward a copy
3 of the request to the receiving district's area education
4 agency. Any moneys received by the area education agency of
5 the sending district for the child who is the subject of the
6 request shall be forwarded to the receiving district's area
7 education agency. A district of residence may apply to the
8 school budget review committee if a student was not included
9 in the resident district's enrollment count during the fall of
10 the year preceding the student's transfer under open
11 enrollment. Notwithstanding section 285.1 relating to
12 transportation of nonresident pupils, the parent or guardian
13 is responsible for transporting the pupil without
14 reimbursement to and from a point on a regular school bus
15 route of the receiving district. A receiving district shall
16 not send school vehicles into the district of residence of the
17 pupil using the open enrollment option under this section, for
18 the purpose of transporting the pupil to and from school in
19 the receiving district. If the child meets the economic
20 eligibility requirements, established ~~under the federal~~
21 ~~National School Lunch and Child Nutrition Acts, 42-U.S.C.-§~~
22 ~~1751-1785, for free or reduced-price lunches~~ by the department
23 and state board of education, the sending district shall be
24 responsible for providing transportation or paying the pro
25 rata cost of the transportation to a parent or guardian for
26 transporting the child to and from a point on a regular school
27 bus route of a contiguous receiving district unless the cost
28 of providing transportation or the pro rata cost of the
29 transportation to a parent or guardian exceeds the average
30 transportation cost per pupil transported for the previous
31 school year in the district. If the cost exceeds the average
32 transportation cost per pupil transported for the previous
33 school year, the sending district shall only be responsible
34 for that average per pupil amount. A sending district which
35 provides transportation for a child to a contiguous receiving

1 district under this paragraph may withhold from the district
2 cost per pupil amount, that is to be paid to the receiving
3 district, an amount which represents the average or pro rata
4 cost per pupil for transportation, whichever is less.

512, 517
5126

5 ~~If a child, for which a request to transfer has been filed~~
6 ~~with a district, has been suspended or expelled in the~~
7 ~~district, the receiving district named in the request may~~
8 ~~refuse the request to transfer until the child has been~~
9 ~~reinstated in the sending district.~~

10 ~~A laboratory school under chapter 265 shall be exempt from~~
11 ~~the provisions of this section.~~

12 If a request under this section is for transfer to a
13 laboratory school, as described in chapter 265, the student,
14 who is the subject of the request, shall not be included in
15 the basic enrollment of the student's district of residence,
16 and the laboratory school shall report the enrollment of the
17 student directly to the department of education, unless the
18 number of students from the district attending the laboratory
19 school during the current school year, as a result of open
20 enrollment under this section, exceeds the number of students
21 enrolled in the laboratory school from that district during
22 the 1989-1990 school year. If the number of students enrolled
23 in the laboratory school from a district during the current
24 year exceeds the number of students enrolled from that
25 district during the 1989-1990 school year, those students who
26 represent the difference between the current and the 1988-1989
27 school year enrollment figures shall be included in the basic
28 enrollment of the students' districts of residence and the
29 districts shall retain any moneys received as a result of the
30 inclusion of the student in the district enrollment. The
31 total number of students enrolled at a laboratory school
32 during a school year shall not exceed six hundred seventy
33 students. The regents' institution operating the laboratory
34 school and the board of directors of the school district in
35 the community in which the regents' institution is located

1 shall develop a student transfer policy designed to protect
2 and promote the quality and integrity of the teacher education
3 program at the laboratory school, the viability of the
4 education program of the local school district in which the
5 regents' institution is located, and to indicate the order in
6 which and reasons why requests to transfer to a laboratory
7 school shall be considered. A laboratory school may deny a
8 request for transfer under the policy. A denial of a request
9 to transfer under this paragraph is not subject to appeal
10 under section 290.1.

11 For purposes of this section, "good cause" means a change
12 in a child's residence due to a change in family residence, a
13 change in the state in which the family residence is located,
14 a change in a child's parents' marital status, a guardianship
15 proceeding, placement in foster care, adoption, participation
16 in a foreign exchange program, participation in a substance
17 abuse or mental health treatment program, or a similar set of
18 circumstances; a change in the status of a child's resident
19 district, such as the failure of negotiations for a whole-
20 grade sharing, reorganization, dissolution agreement or the
21 rejection of a current whole-grade sharing agreement, or
22 reorganization plan, or a similar set of circumstances. If
23 the good cause relates to a change in status of a child's
24 school district of residence, however, action by a parent or
25 guardian must be taken to file the notification within forty-
26 five days of the last board action or within thirty days of
27 the certification of the election, whichever is applicable to
28 the circumstances. The director of the department of
29 education shall recommend rules to the state board of
30 education for the orderly implementation of this section. The
31 state board shall adopt rules as needed for the implementation
32 of this section.

33 **Sec. 2. GOOD CAUSE EXCEPTION.**

34 For the school year commencing July 1, 1989, and ending
35 June 30, 1990, if there was a change in the status of the

1 child's resident district, notwithstanding section 282.18, a
2 parent or guardian may file a request to use open enrollment
3 for the balance of the 1989-1990 school year, or for
4 succeeding years, any time prior to August 1, 1990.

5 Sec. 3.

6 This Act, being deemed of immediate importance, takes
7 effect upon its enactment and is retroactively applicable to
8 June 5, 1989.

9 EXPLANATION

10 This bill eliminates the early notification dates and
11 provides exceptions to the October 30 formal notification date
12 for open enrollment. School boards of a district of residence
13 are to act on open enrollment requests by November 30 and
14 receiving districts must act by December 31 of the preceding
15 school year. In determining whether the district has lost 5
16 or 10 percent of the district's enrollment during the first 2
17 years of open enrollment, the district may compare the current
18 year's enrollment with that of the 1988-1989 school year.
19 Open enrollment pupils are to be counted in the pupils'
20 districts of residence for purposes of receipt of state aid.
21 If a child who is using open enrollment to attend school in a
22 receiving district moves, the original residence district must
23 still pay for the balance of the year's costs. A district of
24 residence may apply to the school budget review committee for
25 funds to pay for a student's tuition amount, if the student
26 was not included in the district's enrollment count from the
27 preceding year. The department is to set the eligibility
28 rules for purposes of transportation reimbursement. Students
29 who have been expelled or suspended may participate in open
30 enrollment. Laboratory schools may now be part of the open
31 enrollment process.

32

33

34

35

SENATE FILE 2306

S-5112

1 Amend Senate File 2306 as follows:
2 1. Page 1, line 2, by inserting after the figure
3 "5," the following: "9,".
4 2. Page 6, by inserting after line 4, the
5 following:
6 "A student who attends participates in open
7 enrollment for purposes of attending a grade in grades
8 nine ten through twelve in a school district other
9 than the district of residence is not eligible to
10 participate in interscholastic athletic contests and
11 athletic competitions during the first year of
12 enrollment under this section except for an
13 interscholastic sport in which the district of
14 residence and the other school district jointly
15 participate or unless the sport in which the student
16 wishes to participate is not offered in the district
17 of residence. However, a pupil who has paid tuition
18 and attended school, or has attended school pursuant
19 to a mutual agreement between the two districts, in a
20 district other than the pupil's district of residence
21 for at least one school year prior to the effective
22 date of this Act, shall be eligible to participate in
23 interscholastic athletic contests and athletic
24 competitions under this section, but only as a member
25 of a team from the district that student had
26 attended."

By JIM LIND
PAT DELUHERY
LARRY MURPHY

S-5112 FILED FEBRUARY 19, 1990
ADOPTED (p 609)

SENATE FILE 2306

S-5119

1 Amend the amendment, S-5112, to Senate File 2306,
2 as follows:
3 1. Page 1, line 8, by striking the words "ten
4 through" and inserting the following: "through eleven
5 and".

By JIM LIND
WALLY E. HORN

S-5119 FILED FEBRUARY 19, 1990
LOST (p 609)

SENATE FILE 2306

S-5108

1 Amend Senate File 2306 as follows:

2 1. Page 7, line 22, by inserting after the word
3 "plan," the following: "or the closing of a school,".

By LARRY MURPHY

C. JOSEPH COLEMAN

S-5108 FILED FEBRUARY 19, 1990

Adopted 2/20 (p. 615)

SENATE FILE 2306

S-5109

1 Amend Senate File 2306 as follows:

2 1. Page 3, line 11, by inserting after the figure
3 "290.1." the following: "If, however, a request to
4 enroll a child in another district is denied by the
5 board of the child's district of residence for failure
6 to show good cause for not meeting the request
7 deadline, the parent or guardian shall be permitted to
8 appeal the decision of the board to the director of
9 the department of education. The matter shall be
10 heard de novo in accordance with the procedures
11 contained in chapter 17A by the director, or the
12 director's designee. If a designee of the director
13 hears the matter, the findings of the director's
14 designee shall be reviewed by and are subject to the
15 approval of, the director."

By LARRY MURPHY

RAY TAYLOR

S-5109 FILED FEBRUARY 19, 1990

Adopted 2/20 (p. 614)

SENATE FILE 2306

S-5128

1 Amend Senate File 2306 as follows:

2 1. Page 2, line 4, by striking the words

3 "receiving school district" and inserting the

4 following: "receiving school district of residence".

By BERL PRIEBE

S-5128 FILED FEBRUARY 19, 1990

(Adopted 2/20/90 p. 674)

SENATE FILE 2306

S-5123

1 Amend Senate File 2306 as follows:

2 1. Page 1, line 2, by inserting after the figure
3 "5," the following: "9,".

4 2. Page 5, by inserting after line 4, the
5 following: ⁶

6 "A student who attends transfers for purposes of
7 attending a grade in grades nine through twelve in a
8 school district other than the district of residence
9 is not eligible to participate in all interscholastic
10 athletic contests and athletic competitions during the
11 first each year of enrollment under this section
12 ~~except for an interscholastic sport in which the~~
13 ~~district of residence and the other school district~~
14 ~~jointly participate or unless the sport in which the~~
15 ~~student wishes to participate is not offered in the~~
16 ~~district of residence. -- However, a pupil who has paid~~
17 ~~tuition and attended school, or has attended school~~
18 ~~pursuant to a mutual agreement between the two~~
19 ~~districts, in a district other than the pupil's~~
20 ~~district of residence for at least one school year~~
21 ~~prior to the effective date of this Act, shall be~~
22 ~~eligible to participate in interscholastic athletic~~
23 ~~contests and athletic competitions under this section,~~
24 ~~but only as a member of a team from the district that~~
25 ~~student had attended."~~

By LINN FUHRMAN
WALLY E. HORN

S-5123 FILED FEBRUARY 19, 1990

LOST *as amended (p. 604)*

SENATE FILE 2306

S-5125

1 Amend amendment S-5123 to Senate File 2306 as
2 follows:

3 1. Page 1, line 4, by striking the figure "5" and
4 inserting the following: "6".

By LINN FUHRMAN

S-5125 FILED FEBRUARY 19, 1990

ADOPTED *(p. 604)*

SENATE FILE 2306

S-5126

1 Amend Senate File 2306 as follows:

2 1. Page 6, by striking ~~lines 5 through 9,~~ and
3 inserting the following:

4 "If a child, for which whom a request to transfer
5 has been filed with a district, has been suspended or
6 expelled in the district, the resident district shall
7 notify the receiving district and the receiving
8 district named in the request may refuse the request
9 to transfer until the child has been reinstated in the
10 sending district."

By WILLIAM W. DIELEMAN

S-5126 FILED FEBRUARY 19, 1990

Lost 2/20 (p. 615)

SENATE FILE 2306
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2218)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 20, 1990)

~~_____~~ - New Language by the Senate

Passed Senate, Date 3/27/90 (p. 1542) Passed House, Date 3/14/90 (p. 1974)
Vote: Ayes 46 Nays 0 Vote: Ayes 83 Nays 11
Approved April 18, 1990

A BILL FOR

1 An Act relating to open enrollment, including the general intent,
2 notification dates, exceptions to notification dates, board
3 action on requests, counting of pupils for state foundation
4 aid purposes, student expulsion or suspension, qualification
5 for transportation, and participation of laboratory schools,
6 and providing an effective date.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8
9
10
11
12
13
14
15
16
17
18
19
20
21

Conference Committee Appointed 4/2

Rep. Bellis (Chair), Adams, Maulsby, Wise, & Taggart (p. 1722)
Senators Murphy (Chair), Hara, Coleman, Fisher, & Taylor (p. 1460)

Passed per Conference Committee Report

Senate 4/6/90 p. 1640
47-0

House 4/6 (p. 2211)
85-7

S.F. 2306

H-55551

Section 1. Section 282.18, unnumbered paragraphs 1, 2, 4, 5, 9, 13, 14, and 15, Code Supplement 1989, are amended to read as follows:

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. 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.

~~By September 15 of the preceding school year the parent or guardian shall informally notify the district of residence, and not later than November 1~~ October 30 of the preceding school year, the parent or guardian shall send notification to the district of residence and to the department of education 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. The parent or guardian shall describe the reason ~~that exists~~ for enrollment in the receiving district ~~that is not present in the district of residence.~~ 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 November 1 deadline, and good cause exists for the failure to meet the deadline, the parent or guardian shall be permitted to enroll the child in the other district in the same manner as if the deadline had been met. The board of the district of residence shall take action on the request no later than November 30 of the preceding school year. The parent or guardian may withdraw the request during November of the preceding school year. The board of the

H-5555

H-5555

1 receiving district shall take action to approve or disapprove
2 the request no later than December 31 of the preceding school
3 year. If the request is granted, the board shall transmit a
4 copy of the form to the receiving school district of residence
5 within five days after its-receipt board action. During the
6 1990-1991 school year, if the board of the district of
7 residence determines that transmission of the request will
8 result in a loss of greater than five percent of the
9 district's certified enrollment as compared with the
10 district's certified enrollment for the previous 1988-1989
11 school year, the board of the district of residence may deny
12 the request for the 1990-1991 school year. During the 1991-
13 1992 school year, if the board of the district of residence
14 determines that transmission of the request will result in a
15 loss of greater than ~~ten~~ fifteen percent of the district's
16 certified enrollment as compared to the district's certified
17 enrollment for the previous 1988-1989 school year, the board
18 of the district of residence may deny the request for the
19 1991-1992 school year. If, however, a failure to transmit a
20 request will result in enrollment of students from the same
21 nuclear family in different school districts, the request
22 shall be transmitted to the receiving district for enrollment.
23 The board of each school district shall adopt a policy
24 relating to the order in which requests for enrollment in
25 other districts shall be considered. The board of the
26 receiving school district shall enroll the pupil in a school
27 in the receiving district for the following school year unless
28 the receiving district does not have classroom space for the
29 pupil. In all districts involved with volunteer or court-
30 ordered desegregation, minority and nonminority student ratios
31 shall be maintained according to the desegregation plan or
32 order. The superintendent of a district subject to volunteer
33 or court-ordered desegregation may deny a request for transfer
34 under this section if the superintendent finds that enrollment
35 or release of a pupil will adversely affect the district's

H-5555

1 implementation of the desegregation order or plan. If,
 2 however, a transfer request would facilitate a voluntary or
 3 court-ordered desegregation plan, the district shall give
 4 priority to granting the request over other requests. A
 5 parent or guardian, whose request has been denied because of a
 6 desegregation order or plan, may appeal the decision of the
 7 superintendent to the board of the district in which the
 8 request was denied. The board may either uphold or overturn
 9 the superintendent's decision. A decision of the board to
 10 uphold the denial of the request is subject to appeal under
 11 section 290.1. If, however, a request to enroll a child in
 12 another district is denied by the board of the child's
 13 district of residence for failure to show good cause for not
 14 meeting the request deadline, the parent or guardian shall be
 15 permitted to appeal the decision of the board to the director
 16 of the department of education. The matter shall be heard de
 17 novo in accordance with the procedures contained in chapter
 18 17A by the director, or the director's designee. If a
 19 designee of the director hears the matter, the findings of the
 20 director's designee shall be reviewed by and are subject to
 21 the approval of, the director.

H-5555

H-5555 >

22 A request under this section is for a period of not less
 23 than four years unless the pupil will graduate, the pupil's
 24 family moves to another school district, or the parent or
 25 guardian petitions the receiving district by October 30 of the
 26 previous school year for permission to enroll the child in a
 27 different district, which may include the district of
 28 residence, within the four-year period. If the parent or
 29 guardian requests permission of the receiving district to
 30 enroll the child in a different district within the four-year
 31 period, the receiving district school board may transmit a
 32 copy of act on the request to transfer to the other school
 33 district within five days of the receipt of the request in the
 34 same manner as original requests to enroll a child in another
 35 district are acted upon. The new receiving district shall

H-5555

1 enroll the pupil in a school in the district unless there is
2 insufficient classroom space in the district or unless
3 enrollment of the pupil would adversely affect court ordered
4 or voluntary desegregation orders affecting a district. A
5 denial of a request to change district enrollment within the
6 four-year period shall be subject to appeal under section
7 290.1.

8 A pupil participating in open enrollment shall be counted,
9 for state school foundation aid purposes, in the pupil's
10 district of residence. A pupil's residence, for purposes of
11 this section means a residence under section 282.1. The board
12 of directors of the district of residence shall pay to the
13 receiving district the lower district cost per pupil of the
14 two districts, plus any moneys received for the pupil as a
15 result of non-English speaking weighting under section 442.4,
16 subsection 6, for each school year. The district of residence
17 shall also transmit the phase III moneys allocated to the
18 district for the full-time equivalent attendance of the pupil,
19 who is the subject of the request, to the receiving district
20 specified in the request for transfer. If a request filed
21 under this section is for a child requiring special education
22 under chapter 281, the request to transfer to the other
23 district shall only be granted if the receiving district
24 maintains a special education instructional program which is
25 appropriate to meet the child's educational needs and the
26 enrollment of the child in the receiving district's program
27 would not cause the size of the class in that special
28 education instructional program in the receiving district to
29 exceed the maximum class size in rules adopted by the state
30 board of education for that program. For pupils requiring
31 special education, the board of directors of the district of
32 residence shall pay to the receiving district the actual costs
33 incurred in providing the appropriate special education. If a
34 parent or guardian of a child, who is participating in open
35 enrollment under this section, moves to a different school

1 district during the course of either district's academic year,
2 the child's first district of residence shall be responsible
3 for payment of the cost per pupil plus weightings or special
4 education costs to the receiving school district for the
5 balance of the school year in which the move took place. The
6 new district of residence shall be responsible for the
7 payments during succeeding years. Quarterly payments shall be
8 made to the receiving district. If the transfer of a pupil
9 from one district to another results in a transfer from one
10 area education agency to another, the sending district shall
11 forward a copy of the request to the sending district's area
12 education agency. The receiving district shall forward a copy
13 of the request to the receiving district's area education
14 agency. Any moneys received by the area education agency of
15 the sending district for the child who is the subject of the
16 request shall be forwarded to the receiving district's area
17 education agency. A district of residence may apply to the
18 school budget review committee if a student was not included
19 in the resident district's enrollment count during the fall of
20 the year preceding the student's transfer under open
21 enrollment. Notwithstanding section 285.1 relating to
22 transportation of nonresident pupils, the parent or guardian
23 is responsible for transporting the pupil without
24 reimbursement to and from a point on a regular school bus
25 route of the receiving district. A receiving district shall
26 not send school vehicles into the district of residence of the
27 pupil using the open enrollment option under this section, for
28 the purpose of transporting the pupil to and from school in
29 the receiving district. If the child meets the economic
30 eligibility requirements, established ~~under the federal~~
31 ~~National-School-Lunch-and-Child-Nutrition-Acts, 42-U.S.C.-§~~
32 ~~1751-1785, for free or reduced-price lunches~~ by the department
33 and state board of education, the sending district shall be
34 responsible for providing transportation or paying the pro
35 rata cost of the transportation to a parent or guardian for

1 transporting the child to and from a point on a regular school
2 bus route of a contiguous receiving district unless the cost
3 of providing transportation or the pro rata cost of the
4 transportation to a parent or guardian exceeds the average
5 transportation cost per pupil transported for the previous
6 school year in the district. If the cost exceeds the average
7 transportation cost per pupil transported for the previous
8 school year, the sending district shall only be responsible
9 for that average per pupil amount. A sending district which
10 provides transportation for a child to a contiguous receiving
11 district under this paragraph may withhold from the district
12 cost per pupil amount, that is to be paid to the receiving
13 district, an amount which represents the average or pro rata
14 cost per pupil for transportation, whichever is less.

15 A student who attends participates in open enrollment for
16 purposes of attending a grade in grades nine ten through
17 twelve in a school district other than the district of
18 residence is not eligible to participate in interscholastic
19 athletic contests and athletic competitions during the first
20 year of enrollment under this section except for an
21 interscholastic sport in which the district of residence and
22 the other school district jointly participate or unless the
23 sport in which the student wishes to participate is not
24 offered in the district of residence. However, a pupil who
25 has paid tuition and attended school, or has attended school
26 pursuant to a mutual agreement between the two districts, in a
27 district other than the pupil's district of residence for at
28 least one school year prior to the effective date of this Act,
29 shall be eligible to participate in interscholastic athletic
30 contests and athletic competitions under this section, but
31 only as a member of a team from the district that student had
32 attended.

H-5555

33 If a child, for which a request to transfer has been filed
34 with a district, has been suspended or expelled in the
35 district, the receiving district named in the request may

1 ~~refuse the request to transfer until the child has been~~
2 ~~reinstated in the sending district.~~

3 ~~A laboratory school under chapter 265 shall be exempt from~~
4 ~~the provisions of this section.~~

5 If a request under this section is for transfer to a
6 laboratory school, as described in chapter 265, the student,
7 who is the subject of the request, shall not be included in
8 the basic enrollment of the student's district of residence,
9 and the laboratory school shall report the enrollment of the
10 student directly to the department of education, unless the
11 number of students from the district attending the laboratory
12 school during the current school year, as a result of open
13 enrollment under this section, exceeds the number of students
14 enrolled in the laboratory school from that district during
15 the 1989-1990 school year. If the number of students enrolled
16 in the laboratory school from a district during the current
17 year exceeds the number of students enrolled from that
18 district during the 1989-1990 school year, those students who
19 represent the difference between the current and the 1988-1989
20 school year enrollment figures shall be included in the basic
21 enrollment of the students' districts of residence and the
22 districts shall retain any moneys received as a result of the
23 inclusion of the student in the district enrollment. The
24 total number of students enrolled at a laboratory school
25 during a school year shall not exceed six hundred seventy
26 students. The regents' institution operating the laboratory
27 school and the board of directors of the school district in
28 the community in which the regents' institution is located
29 shall develop a student transfer policy designed to protect
30 and promote the quality and integrity of the teacher education
31 program at the laboratory school, the viability of the
32 education program of the local school district in which the
33 regents' institution is located, and to indicate the order in
34 which and reasons why requests to transfer to a laboratory
35 school shall be considered. A laboratory school may deny a

1 request for transfer under the policy. A denial of a request
2 to transfer under this paragraph is not subject to appeal
3 under section 290.1.

4 For purposes of this section, "good cause" means a change
5 in a child's residence due to a change in family residence, a
6 change in the state in which the family residence is located,
7 a change in a child's parents' marital status, a guardianship
8 proceeding, placement in foster care, adoption, participation
9 in a foreign exchange program, participation in a substance
10 abuse or mental health treatment program, or a similar set of
11 circumstances; a change in the status of a child's resident
12 district, such as the failure of negotiations for a whole-
13 grade sharing, reorganization, dissolution agreement or the
14 rejection of a current whole-grade sharing agreement, or

H-5555 15 reorganization plan, or the closing of a school, or a similar
16 set of circumstances. If the good cause relates to a change
17 in status of a child's school district of residence, however,
18 action by a parent or guardian must be taken to file the
19 notification within forty-five days of the last board action
20 or within thirty days of the certification of the election,
21 whichever is applicable to the circumstances. The director of
22 the department of education shall recommend rules to the state
23 board of education for the orderly implementation of this
24 section. The state board shall adopt rules as needed for the
25 implementation of this section.

26 Sec. 2. GOOD CAUSE EXCEPTION.

27 For the school year commencing July 1, 1989, and ending
28 June 30, 1990, if there was a change in the status of the
H-5555 29 child's resident district, notwithstanding section 282.18, a
30 parent or guardian may file a request to use open enrollment
31 for the balance of the 1989-1990 school year, or for
H-5555 32 succeeding years, any time prior to August 1, 1990.

33 Sec. 3.

34 This Act, being deemed of immediate importance, takes
35 effect upon its enactment and is retroactively applicable to

1 June 5, 1989.

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 2306

H-5609

1 Amend Senate File 2306, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 4, line 16, by inserting after the word
4 "year." the following: "During the first year of
5 enrollment of a pupil under this section, the district
6 of residence shall pay only the state aid portion of
7 the lower district cost per pupil to the receiving
8 district and shall pay the property tax portion for
9 that school year to the receiving district during the
10 next following school year."
11 2. Page 4, line 33, by inserting after the word
12 "education." the following: "During the first year of
13 enrollment of a pupil under this section, the district
14 of residence shall pay only the state aid portion of
15 the actual costs incurred in providing the appropriate
16 special education to the receiving district and shall
17 pay the property tax portion for that school year to
18 the receiving district during the next following
19 school year."

By MAULSBY of Calhoun

H-5609 FILED MARCH 12, 1990

Letter 3/14 (p. 1092)

SENATE FILE 2306

H-5639

1 Amend the amendment, H-5555, to Senate File 2306,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 7, by striking the word and
5 figure "November 1" and inserting the following:
6 "October 30".
7 2. Page 1, by striking lines 48 and 49 and
8 inserting the following:
9 "____. Page 8, by striking lines 15 and 16 and
10 inserting the following: "reorganization plan. If
11 the good cause relates to a change in a child's
12 residence due to a change in family residence, a
13 change in the state in which the family residence is
14 located, a change in a child's parents' marital
15 status, a guardianship proceeding, placement in foster
16 care, adoption, participation in a foreign exchange
17 program, or participation in a substance abuse or
18 mental health treatment program, and the child, who is
19 the subject of the request, is not currently using any
20 provision of open enrollment, the parent or guardian
21 of the child shall have the option to have their child
22 remain in the child's original district of residence
23 under open enrollment with no interruption in the
24 child's educational program. If a parent or guardian
25 exercises this option, the child's new district of
26 residence is not required to pay the lower of the two
27 district costs per pupil or other costs to the
28 receiving district until the start of the first full
29 year of enrollment of the child. If the good cause
30 relates to a change"."

31 3. By renumbering as necessary.

By OLLIE of Clinton

DAGGETT of Adams

WISE of Lee

IVERSON of Wright

SHOULTZ of Black Hawk

H-5639 FILED MARCH 13, 1990

Letter 3/14 (p. 1091)

SENATE FILE 2306

H-5680

1 Amend amendment, H-5555, to Senate File 2306 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 5, by inserting after the word
5 "request" the following: ". Children who are the
6 subject of requests, which are filed prior to August
7 1, 1990, and which meet the good cause requirements
8 for a change in the status of the children's resident
9 district due to rejection of a whole grade sharing
10 agreement, are not subject to the restrictions on
11 athletic participation contained in section 282.18 if
12 the district to which the child is to transfer under
13 the request is or was a participant in a whole grade
14 sharing agreement".

By SCHRADER of Marion

H-5680 FILED MARCH 14, 1990

Adopted 3/14 (p. 1091)

SENATE FILE 2306

H-5555

- 1 Amend Senate File 2306, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the figure
4 "2," the following: "3,".
- 5 2. Page 1, line 28, by striking the words and
6 figure "November 1 deadline" and inserting the follow-
7 ing: "deadline of November 1 of the previous year".
- 8 3. Page 1, line 34, by inserting after the word
9 "year" the following: "and shall transmit any
10 approved request within five days after board action
11 on the request".
- 12 4. Page 1, line 35, by inserting after the word
13 "year" the following: "unless the board of the
14 receiving district has acted on the request".
- 15 5. Page 2, line 15, by striking the words "ten
16 fifteen" and inserting the following: "ten".
- 17 6. Page 3, by striking lines 11 through 21 and
18 inserting the following: "section 290.1."
- 19 7. Page 3, by inserting before line 22, the
20 following:
21 "Each district shall provide notification to the
22 parent or guardian relating to the transmission or
23 denial of the request. A district of residence shall
24 provide for notification of transmission or denial to
25 a parent or guardian within three days of board action
26 on the request. A receiving district shall provide
27 notification to a parent or guardian, within fifteen
28 days of ~~receipt of~~ board action on the request, of
29 whether the child will be enrolled in that district or
30 whether the request is to be denied."
- 31 8. Page 3, by striking lines 33 through 35 and
32 inserting the following: "district within five days
33 of the receipt of the request. The new receiving
34 district shall".
- 35 9. By striking page 6, line 33 through page 7,
36 line 2, and inserting the following:
37 "If a child, for which a request to transfer has
38 been filed with a district, has been suspended or
39 expelled in the district, the resident district shall
40 notify the receiving district and the receiving
41 district named in the request may refuse the request
42 to transfer until the child has been reinstated in the
43 sending district."
- 44 10. Page 8, line 9, by inserting before the word
45 "participation" the following: "or".
- 46 11. Page 8, lines 10 and 11, by striking the
47 words ", or a similar set of circumstances".
- 48 12. Page 8, lines 15 and 16, by striking the
49 words ", or a similar set of circumstances".
- 50 13. Page 8, line 29, by inserting after the word

1 "notwithstanding" the following: "the enrollment loss
2 provisions of".

3 14. Page 8, line 32, by inserting after the
4 figure "1990" the following: "and the board of the
5 district of residence shall grant the request".

6 15. Page 8, by inserting after line 32, the
7 following: "If a pupil transfers for the balance of
8 the 1989-1990 school year, or for succeeding years, as
9 a result of the filing of a request prior to August 1,
10 1990, the sending district shall pay to the receiving
11 district for the balance of the 1989-1990 school year,
12 if that year is covered by the request, and for the
13 1990-1991 school year, only the state aid portion of
14 the lower district cost per pupil of the two
15 districts."

16 16. Page 8, by inserting before line 33, the
17 following:

18 "Sec. ____ . CODIFICATION.

19 The Code editor shall divide section 282.18 into
20 appropriate subsections and paragraphs."

21 17. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

By COMMITTEE ON EDUCATION
OLLIE of Clinton, Chairperson

H-5555 FILED MARCH 7, 1990

Adopted as amended by SC 29, 5680 3/4 (p. 1091)

SENATE FILE 2306

H-5565

1 Amend Senate File 2306, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 6, by striking lines 15 through 32, and
4 inserting the following:

5 "A student who attends a grade in grades nine
6 through twelve in a school district other than the
7 district of residence participates in open enrollment
8 is not eligible to participate in interscholastic
9 athletic contests and athletic competitions during the
10 first each year of enrollment under this section
11 ~~except for an interscholastic sport in which the~~
12 ~~district of residence and the other school district~~
13 ~~jointly participate or unless the sport in which the~~
14 ~~student wishes to participate is not offered in the~~
15 ~~district of residence. However, a pupil who has paid~~
16 ~~tuition and attended school, or has attended school~~
17 ~~pursuant to a mutual agreement between the two~~
18 ~~districts, in a district other than the pupil's~~
19 ~~district of residence for at least one school year~~
20 ~~prior to the effective date of this Act, shall be~~
21 ~~eligible to participate in interscholastic athletic~~
22 ~~contests and athletic competitions under this section,~~
23 ~~but only as a member of a team from the district that~~
24 ~~student had attended."~~

By SIEGRIST of Pottawattamie
CORBETT of Linn

H-5565 FILED MARCH 8, 1990

Adopted 3/14 (p. 1092)
Scott

HOUSE AMENDMENT TO
SENATE BILL 2306

S-5534

- 1 Amend Senate Bill 2306, as amended, passed and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the figure
4 "2" the following: "3".
 - 5 2. Page 1, line 28, by striking the words "and
6 figure November 1 deadline" and inserting the follow-
7 ing: "deadline of October 30 of the previous year".
 - 8 3. Page 1, line 34, by inserting after the word
9 "year" the following: "and shall transmit any
10 approved request within five days after board action
11 on the request".
 - 12 4. Page 1, line 35, by inserting after the word
13 "year" the following: "unless the board of the
14 receiving district has acted on the request".
 - 15 5. Page 2, line 15, by striking the words "ten
16 fifteen" and inserting the following: "ten".
 - 17 6. Page 3, by striking lines 11 through 21 and
18 inserting the following: "section 290.1."
 - 19 7. Page 3, by inserting before line 22, the
20 following:
21 "Each district shall provide notification to the
22 parent or guardian relating to the transmission or
23 denial of the request. A district of residence shall
24 provide for notification of transmission or denial to
25 a parent or guardian within three days of board action
26 on the request. A receiving district shall provide
27 notification to a parent or guardian, within fifteen
28 days of receipt of board action on the request, of
29 whether the child will be enrolled in that district or
30 whether the request is to be denied."
 - 31 8. Page 3, by striking lines 33 through 35 and
32 inserting the following: "district within five days
33 of the receipt of the request. The new receiving
34 district shall".
 - 35 9. By striking page 6, line 33 through page 7,
36 line 2, and inserting the following:
37 "If a child, for which a request to transfer has
38 been filed with a district, has been suspended or
39 expelled in the district, the resident district shall
40 notify the receiving district and the receiving
41 district named in the request may refuse the request
42 to transfer until the child has been reinstated in the
43 sending district."
 - 44 10. Page 8, line 9, by inserting before the word
45 "participation" the following: "or".
 - 46 11. Page 8, lines 10 and 11, by striking the
47 words ", or a similar set of circumstances".
 - 48 12. Page 8, by striking lines 15 and 16 and
49 inserting the following: "reorganization plan. If
50 the good cause relates to a change in a child's

S-5534

Page 2

1 residence due to a change in family residence, a
2 change in the state in which the family residence is
3 located, a change in a child's parents' marital
4 status, a guardianship proceeding, placement in foster
5 care, adoption, participation in a foreign exchange
6 program, or participation in a substance abuse or
7 mental health treatment program, and the child, who is
8 the subject of the request, is not currently using any
9 provision of open enrollment, the parent or guardian
10 of the child shall have the option to have their child
11 remain in the child's original district of residence
12 under open enrollment with no interruption in the
13 child's educational program. If a parent or guardian
14 exercises this option, the child's new district of
15 residence is not required to pay the lower of the two
16 district costs per pupil or other costs to the
17 receiving district until the start of the first full
18 year of enrollment of the child. If the good cause
19 relates to a change".

20 13. Page 8, line 29, by inserting after the word
21 "notwithstanding" the following: "the enrollment loss
22 provisions of".

23 14. Page 8, line 32, by inserting after the
24 figure "1990" the following: "and the board of the
25 district of residence shall grant the request.
26 Children who are the subject of requests, which are
27 filed prior to August 1, 1990, and which meet the good
28 cause requirements for a change in the status of the
29 children's resident district due to rejection of a
30 whole grade sharing agreement, are not subject to the
31 restrictions on athletic participation contained in
32 section 282.18 if the district to which the child is
33 to transfer under the request is or was a participant
34 in a whole grade sharing agreement".

35 15. Page 8, by inserting after line 32, the
36 following: "If a pupil transfers for the balance of
37 the 1989-1990 school year, or for succeeding years, as
38 a result of the filing of a request prior to August 1,
39 1990, the sending district shall pay to the receiving
40 district for the balance of the 1989-1990 school year,
41 if that year is covered by the request, and for the
42 1990-1991 school year, only the state aid portion of
43 the lower district cost per pupil of the two
44 districts."

45 16. Page 8, by inserting before line 33, the
46 following:

47 "Sec. ____ . CODIFICATION.

48 The Code editor shall divide section 282.18 into
49 appropriate subsections and paragraphs."

50 17. By renumbering, relettering, or redesignating

S-5534

Page 3

and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5534 FILED MARCH 16, 1990

House amended (5538, 5596, 5707) Concurred 3/27 (p. 1343)

SENATE FILE 2306

S-5538

- 1 Amend the amendment, S-5534, to Senate File 2306,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 22, by inserting after the word
- 5 "provisions" the following: "and, if a district has a
- 6 minority enrollment of less than ten percent of the
- 7 total district student population, the desegregation
- 8 provisions".

By C. JOSEPH COLEMAN

S-5538 FILED MARCH 16, 1990

Adopted 3/27 (p. 1335)

SENATE FILE 2306

S-5596

- 1 Amend the amendment, S-5534, to Senate File 2306,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 7, the
- 5 following:
- 6 "____. Page 1, line 29, by inserting after the
- 7 word "deadline" the following: "or if the request is
- 8 to enroll a child in kindergarten in a public school
- 9 in another district"."

By LARRY MURPHY

S-5596 FILED MARCH 20, 1990

Adopted 3/27 (p. 1335)

SENATE FILE 2306

S-5707

1 Amend the House amendment, S-5534, to Senate File
2 2306, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 17 and 18, and
5 inserting the following:

6 "____. Page 3, by striking lines 15 and 16, and
7 inserting the following: "permitted to appeal the
8 decision of the board either directly to the director
9 of the department of education or to the state board
10 under chapter 290, but not to both. If the matter is
11 to be heard by the director, or the director's
12 designee, the matter shall be heard de".

13 _____. Page 3, line 18, by striking the words "by
14 the director, or the director's designee"."

15 2. Page 1, by inserting after line 34, the
16 following:

17 "____. Page 5, line 7, by inserting after the word
18 "years." the following: "If a request to transfer is
19 due to a change in family residence, change in the
20 state in which the family residence is located, a
21 change in a child's parents' marital status, a
22 guardianship proceeding, placement in foster care,
23 adoption, participation in a foreign exchange program,
24 or participation in a substance abuse or mental health
25 treatment program, and the child, who is the subject
26 of the request, is not currently using any provision
27 of open enrollment, the parent or guardian of the
28 child shall have the option to have the child remain
29 in the child's original district of residence under
30 open enrollment with no interruption in the child's
31 educational program. If a parent or guardian
32 exercises this option, the child's new district of
33 residence is not required to pay the lower of the two
34 district costs per pupil or other costs to the
35 receiving district until the start of the first full
36 year of enrollment of the child."

37 3. Page 1, by striking lines 37 through 43, and
38 inserting the following:

39 ""If a child, for which a request to transfer has
40 been filed with a district, has been suspended or
41 expelled in the district, the-receiving-district-named
42 in-the-request-may-refuse-the-request the child shall
43 not be permitted to transfer until the child has been
44 reinstated in the sending district. Once the child
45 has been reinstated, however, the child shall be
46 permitted to transfer in the same manner as if the
47 child had not been suspended by the sending district
48 and no record of the disciplinary action shall be
49 forwarded from the sending district to the receiving
50 district upon the child's transfer. If a child, for

S-5707

Page 2

1 whom a request to transfer has been filed with a
2 district, has been expelled in the district, the child
3 shall be permitted to transfer to a receiving district
4 under this section. However, before being permitted
5 to transfer, the child shall apply for reinstatement
6 in the sending district. If the child is reinstated
7 in the sending district, no record of the disciplinary
8 action may be forwarded to the receiving district. If
9 the child is not reinstated in the sending district,
10 the receiving district shall be permitted to petition
11 the director of the department of education for
12 permission to refuse the transfer of the student to
13 the receiving district."

14 4. Page 1, by striking lines 46 and 47, and
15 inserting the following:

16 " . Page 8, line 11, by inserting after the
17 word "circumstances" the following: "consistent with
18 the definition of good cause"."

19 5. By striking page 1, line 49 through page 2,
20 line 19, and inserting the following: "inserting the
21 following: "reorganization plan, or a similar set of
22 circumstances consistent with the definition of good
23 cause. If the good cause relates to a change"."

By LARRY MURPHY

S-5707 FILED MARCH 27, 1990

ADOPTED (p. 1345)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2306
H-5908

1 Amend the amendment, S-5534, to Senate File 2306,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 7, the
5 following:

6 "____. Page 1, line 29, by inserting after the
7 word "deadline" the following: "or if the request is
8 to enroll a child in kindergarten in a public school
9 in another district."

10 2. Page 1, by striking lines 17 and 18, and
11 inserting the following:

12 "____. Page 3, by striking lines 15 and 16, and
13 inserting the following: "permitted to appeal the
14 decision of the board either directly to the director
15 of the department of education or to the state board
16 under chapter 290, but not to both. If the matter is
17 to be heard by the director, or the director's
18 designee, the matter shall be heard de".

19 _____. Page 3, line 18, by striking the words "by
20 the director, or the director's designee".

21 3. Page 1, by inserting after line 34, the
22 following:

23 "____. Page 5, line 7, by inserting after the word
24 "years." the following: "If a request to transfer is
25 due to a change in family residence, change in the
26 state in which the family residence is located, a
27 change in a child's parents' marital status, a
28 guardianship proceeding, placement in foster care,
29 adoption, participation in a foreign exchange program,
30 or participation in a substance abuse or mental health
31 treatment program, and the child, who is the subject
32 of the request, is not currently using any provision
33 of open enrollment, the parent or guardian of the
34 child shall have the option to have the child remain
35 in the child's original district of residence under
36 open enrollment with no interruption in the child's
37 educational program. If a parent or guardian
38 exercises this option, the child's new district of
39 residence is not required to pay the lower of the two
40 district costs per pupil or other costs to the
41 receiving district until the start of the first full
42 year of enrollment of the child."

43 4. Page 1, by striking lines 37 through 43, and
44 inserting the following:

45 ""If a child, for which a request to transfer has
46 been filed with a district, has been suspended or
47 expelled in the district, ~~the receiving district named~~
48 ~~in the request may refuse the request~~ the child shall
49 not be permitted to transfer until the child has been
50 reinstated in the sending district. ~~Once the child~~

H-5908

Page 2

1 has been reinstated, however, the child shall be
2 permitted to transfer in the same manner as if the
3 child had not been suspended by the sending district
4 and no record of the disciplinary action shall be
5 forwarded from the sending district to the receiving
6 district upon the child's transfer. If a child, for
7 whom a request to transfer has been filed with a
8 district, has been expelled in the district, the child
9 shall be permitted to transfer to a receiving district
10 under this section. However, before being permitted
11 to transfer, the child shall apply for reinstatement
12 in the sending district. If the child is reinstated
13 in the sending district, no record of the disciplinary
14 action may be forwarded to the receiving district. If
15 the child is not reinstated in the sending district,
16 the receiving district shall be permitted to petition
17 the director of the department of education for
18 permission to refuse the transfer of the student to
19 the receiving district."

20 5. Page 1, by striking lines 46 and 47, and
21 inserting the following:

22 " . Page 8, line 11, by inserting after the
23 word "circumstances" the following: "consistent with
24 the definition of good cause"."

25 6. By striking page 1, line 49 through page 2,
26 line 19, and inserting the following: "inserting the
27 following: "reorganization plan, or a similar set of
28 circumstances consistent with the definition of good
29 cause. If the good cause relates to a change"."

30 7. Page 2, line 22, by inserting after the word
31 "provisions" the following: "and, if a district has a
32 minority enrollment of less than ten percent of the
33 total district student population, the desegregation
34 provisions".

35 8. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5908 FILED MARCH 27, 1990

Senate Referred to Finance 4/2 (p. 1484)
Senate Referred 4/2 (p. 1460)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2306

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2306, a bill for An Act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5908.
2. That the House recedes from its amendment, S-5534.
3. That Senate File 2306, as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 1, by inserting after the figure "2," the following: "3,".
 2. Page 1, line 28, by striking the words and figure "November 1 deadline" and inserting the following: "deadline of October 30 of the previous year".
 3. Page 1, line 29, by inserting after the word "deadline" the following: "or if the request is to enroll a child in kindergarten in a public school in another district".
 4. Page 1, line 34, by inserting after the word "year" the following: "and shall transmit any approved request within five days after board action on the request".
 5. Page 1, line 35, by inserting after the word "year" the following: "unless the board of the receiving district has acted on the request".
 6. Page 2, line 15, by striking the words "ten fifteen" and inserting the following: "ten".
 7. Page 3, by striking lines 15 and 16, and inserting the following: "permitted to appeal the decision of the board either directly to the director of the department of education

CCR-2306

Page 2

or to the state board under chapter 290, but not to both. If the matter is to be heard by the director, or the director's designee, the matter shall be heard de".

8. Page 3, line 18, by striking the words "by the director, or the director's designee".

9. Page 3, by inserting before line 22, the following:

"Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of board action on the request, of whether the child will be enrolled in that district or whether the request is to be denied."

10. Page 3, by striking lines 33 through 35 and inserting the following: "district within five days of the receipt of the request. The new receiving district shall".

11. Page 5, line 7, by inserting after the word "years." the following: "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 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 educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the lower of the two district costs per pupil or other costs to the receiving district until the start of the first full year of enrollment of the child."

12. By striking page 6, line 33 through page 7, line 2, and inserting the following:

CCR-2306

Page 3

"If a child, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, ~~the receiving district named in the request may refuse the request~~ the child shall not be permitted to transfer until the child has been reinstated in the sending district. Once the child has been reinstated, however, the child shall be permitted to transfer in the same manner as if the child had not been suspended by the sending district. If a child, for whom a request to transfer has been filed with a district, is expelled in the district, the child shall be permitted to transfer to a receiving district under this section if the child applies for and is reinstated in the sending district. However, if the child applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The parent or guardian of the child shall be permitted to appeal the decision of the receiving district to the director of the department of education. If the director rules in favor of permitting the transfer, the child shall be permitted to transfer, but the transfer shall be conditioned upon the expiration of the expulsion period without the student incurring a new violation."

13. Page 8, line 9, by inserting before the word "participation" the following: "or".

14. Page 8, line 11, by inserting after the word "circumstances" the following: "consistent with the definition of good cause".

15. Page 8, by striking lines 15 and 16 and inserting the following: "reorganization plan, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change".

16. Page 8, line 29, by inserting after the word "notwithstanding" the following: "the enrollment loss provisions and, if a district has a minority enrollment of less than ten percent of the total district student population, the desegregation provisions of".

17. Page 8, line 32, by inserting after the figure "1990"

CCR-2306

Page 4

the following: "and the board of the district of residence shall grant the request. Children who are the subject of requests, which are filed prior to August 1, 1990, and which meet the good cause requirements for a change in the status of the children's resident district due to rejection of a whole grade sharing agreement, are not subject to the restrictions on athletic participation contained in section 282.18 if the district to which the child is to transfer under the request is or was a participant in a whole grade sharing agreement".

18. Page 8, by inserting after line 32, the following: "If a pupil transfers for the balance of the 1989-1990 school year, or for succeeding years, as a result of the filing of a request prior to August 1, 1990, the sending district shall pay to the receiving district for the balance of the 1989-1990 school year, if that year is covered by the request, and for the 1990-1991 school year, only the state aid portion of the lower district cost per pupil of the two districts."

19. Page 8, by inserting before line 33, the following:

"Sec. 100. Section 279.19A, subsection 3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for ~~the subsequent~~ no longer than one additional school year if all the following conditions apply:

Sec. ____ . JOINT STUDY.

The state board of education and the board of educational examiners shall review current rules and educational requirements relating to extracurricular contracts and licensing or endorsement requirements for teaching and nonteaching personnel who perform duties relating to school athletic programs. The state board of education and the board of educational examiners shall develop recommendations for uniform rules relating to the education and licensing of persons performing duties relating to school athletic programs and submit the recommendations in a report to the general

CCR-2306

Page 5

assembly by January 1, 1992.

Sec. ____ . CODIFICATION.

The Code editor shall divide section 282.18 into appropriate subsections and paragraphs."

20. Page 8, line 34, by inserting after the word "Act," the following: "except for section 1 of this Act".

21. Page 9, by inserting after line 1, the following:
"Sec. ____ .

Section 100 of this Act takes effect July 1, 1993."

22. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

LARRY MURPHY, Chairperson

C. ARTHUR OLLIE, Chairperson

C. JOSEPH COLEMAN

JANET ADAMS

WALLY HORN

HORACE DAGGETT

PHILIP WISE

CCR-2306

FILED APRIL 6, 1990

ADOPTED

House adopted 4/6/90 (p. 2211)

MURPHY, CH.
HORN
LIND

SSB 2218
EDUCATION

SENATE FILE 2306
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON MURPHY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to open enrollment, including the general intent,
2 notification dates, exceptions to notification dates, board
3 action on requests, counting of pupils for state foundation
4 aid purposes, student expulsion or suspension, qualification
5 for transportation, and participation of laboratory schools,
6 and providing an effective date.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1 Section 1. Section 282.18, unnumbered paragraphs 1, 2, 5,
2 13, 14, and 15, Code Supplement 1989, are amended to read as
3 follows:

4 It is the goal of the general assembly to permit a wide
5 range of educational choices for children enrolled in schools
6 in this state and to maximize ability to use those choices.

7 It is therefore the intent that this section be construed
8 broadly to maximize parental choice and access to educational
9 opportunities which are not available to children because of
10 where they live. For the school year commencing July 1, 1989,
11 and each succeeding school year, a parent or guardian residing
12 in a school district may enroll the parent's or guardian's
13 child in a public school in another school district in the
14 manner provided in this section.

15 ~~By September 15 of the preceding school year the parent or~~
16 ~~guardian shall informally notify the district of residence,~~
17 ~~and not later than~~ November 1 of the preceding school year,
18 the parent or guardian shall send notification to the district
19 of residence and to the department of education on forms
20 prescribed by the department of education that the parent or
21 guardian intends to enroll the parent's or guardian's child in
22 a public school in another school district. The parent or
23 guardian shall describe the reason that exists for enrollment
24 in the receiving district that is not present in the district
25 of residence. If a parent or guardian fails to file a
26 notification that the parent intends to enroll the parent's or
27 guardian's child in a public school in another district by the
28 November 1 deadline, and good cause exists for the failure to
29 meet the deadline, the parent or guardian shall be permitted
30 to enroll the child in the other district in the same manner
31 as if the deadline had been met. The board of the district of
32 residence shall take action on the request within fourteen
33 days of receipt of the request or at the next regularly
34 scheduled board meeting, provided that the meeting takes place
35 within thirty days of receipt of the request. If the request

1 is granted, the board shall transmit a copy of the form to the
2 receiving school district within five days after its receipt.
3 During the 1990-1991 school year, if the board of the district
4 of residence determines that transmission of the request will
5 result in a loss of greater than five percent of the
6 district's certified enrollment for the previous year, the
7 board of the district of residence may deny the request for
8 the 1990-1991 school year. During the 1991-1992 school year,
9 if the board of the district of residence determines that
10 transmission of the request will result in a loss of greater
11 than ten percent of the district's certified enrollment for
12 the previous year, the board of the district of residence may
13 deny the request for the 1991-1992 school year. If, however,
14 a failure to transmit a request will result in enrollment of
15 students from the same nuclear family in different school
16 districts, the request shall be transmitted to the receiving
17 district for enrollment. The board of each school district
18 shall adopt a policy relating to the order in which requests
19 for enrollment in other districts shall be considered. The
20 board of the receiving school district shall enroll the pupil
21 in a school in the receiving district for the following school
22 year unless the receiving district does not have classroom
23 space for the pupil. In all districts involved with volunteer
24 or court-ordered desegregation, minority and nonminority
25 student ratios shall be maintained according to the
26 desegregation plan or order. The superintendent of a district
27 subject to volunteer or court-ordered desegregation may deny a
28 request for transfer under this section if the superintendent
29 finds that enrollment or release of a pupil will adversely
30 affect the district's implementation of the desegregation
31 order or plan. If, however, a transfer request would
32 facilitate a voluntary or court-ordered desegregation plan,
33 the district shall give priority to granting the request over
34 other requests. A parent or guardian, whose request has been
35 denied because of a desegregation order or plan, may appeal

1 the decision of the superintendent to the board of the
2 district in which the request was denied. The board may
3 either uphold or overturn the superintendent's decision. A
4 decision of the board to uphold the denial of the request is
5 subject to appeal under section 290.1.

6 A pupil participating in open enrollment shall be counted,
7 for state school foundation aid purposes, in the pupil's
8 district of residence. A pupil's residence, for purposes of
9 this section means a residence under section 282.1. The board
10 of directors of the district of residence shall pay to the
11 receiving district the lower district cost per pupil of the
12 two districts, plus any moneys received for the pupil as a
13 result of non-English speaking weighting under section 442.4,
14 subsection 6, for each school year. The district of residence
15 shall also transmit the phase III moneys allocated to the
16 district for the full-time equivalent attendance of the pupil,
17 who is the subject of the request, to the receiving district
18 specified in the request for transfer. If a request filed
19 under this section is for a child requiring special education
20 under chapter 281, the request to transfer to the other
21 district shall only be granted if the receiving district
22 maintains a special education instructional program which is
23 appropriate to meet the child's educational needs and the
24 enrollment of the child in the receiving district's program
25 would not cause the size of the class in that special
26 education instructional program in the receiving district to
27 exceed the maximum class size in rules adopted by the state
28 board of education for that program. For pupils requiring
29 special education, the board of directors of the district of
30 residence shall pay to the receiving district the actual costs
31 incurred in providing the appropriate special education.
32 Quarterly payments shall be made to the receiving district.
33 If the transfer of a pupil from one district to another
34 results in a transfer from one area education agency to
35 another, the sending district shall forward a copy of the

1 request to the sending district's area education agency. The
2 receiving district shall forward a copy of the request to the
3 receiving district's area education agency. Any moneys
4 received by the area education agency of the sending district
5 for the child who is the subject of the request shall be
6 forwarded to the receiving district's area education agency.
7 Notwithstanding section 285.1 relating to transportation of
8 nonresident pupils, the parent or guardian is responsible for
9 transporting the pupil without reimbursement to and from a
10 point on a regular school bus route of the receiving district.
11 A receiving district shall not send school vehicles into the
12 district of residence of the pupil using the open enrollment
13 option under this section, for the purpose of transporting the
14 pupil to and from school in the receiving district. If the
15 child meets the economic eligibility requirements, established
16 ~~under the federal National School Lunch and Child Nutrition~~
17 ~~Acts 7-42-U.S.C.-§-1751-1785, for free or reduced-price lunches~~
18 by the department and state board of education, the sending
19 district shall be responsible for providing transportation or
20 paying the pro rata cost of the transportation to a parent or
21 guardian for transporting the child to and from a point on a
22 regular school bus route of a contiguous receiving district
23 unless the cost of providing transportation or the pro rata
24 cost of the transportation to a parent or guardian exceeds the
25 average transportation cost per pupil transported for the
26 previous school year in the district. If the cost exceeds the
27 average transportation cost per pupil transported for the
28 previous school year, the sending district shall only be
29 responsible for that average per pupil amount. A sending
30 district which provides transportation for a child to a
31 contiguous receiving district under this paragraph may
32 withhold from the district cost per pupil amount, that is to
33 be paid to the receiving district, an amount which represents
34 the average or pro rata cost per pupil for transportation,
35 whichever is less.

1 ~~if a child, for which a request to transfer has been filed~~
2 ~~with a district, has been suspended or expelled in the~~
3 ~~district, the receiving district named in the request may~~
4 ~~refuse the request to transfer until the child has been~~
5 ~~reinstated in the sending district.~~

6 ~~A laboratory school under chapter 265 shall be exempt from~~
7 ~~the provisions of this section.~~

8 If a request under this section is for transfer to a
9 laboratory school, as described in chapter 265, the student,
10 who is the subject of the request, shall not be included in
11 the basic enrollment of the student's district of residence,
12 and the laboratory school shall report the enrollment of the
13 student directly to the department of education, unless the
14 number of students from the district attending the laboratory
15 school during the current school year, as a result of open
16 enrollment under this section, exceeds the number of students
17 enrolled in the laboratory school from that district during
18 the 1989-1990 school year. If the number of students enrolled
19 in the laboratory school from a district during the current
20 year exceeds the number of students enrolled from that
21 district during the 1989-1990 school year, those students who
22 represent the difference between the current and the 1988-1989
23 school year enrollment figures shall be included in the basic
24 enrollment of the students' districts of residence and the
25 districts shall retain any moneys received as a result of the
26 inclusion of the student in the district enrollment. The
27 total number of students enrolled at a laboratory school
28 during a school year shall not exceed six hundred seventy
29 students. The regents' institution operating the laboratory
30 school shall develop a student transfer policy designed to
31 protect and promote the quality and integrity of the teacher
32 education program at the laboratory school and to indicate the
33 order in which and reasons why requests to transfer to a
34 laboratory school shall be considered. A laboratory school
35 may deny a request for transfer under the policy. A denial of

1 a request to transfer under this paragraph is not subject to
2 appeal under section 290.1.

3 For purposes of this section, "good cause" means a change
4 in a child's residence due to a change in family residence, a
5 change in a child's parents' marital status, a guardianship
6 proceeding, placement in foster care, adoption, participation
7 in a foreign exchange program, or a similar set of
8 circumstances; a change in the status of a child's resident
9 district, such as the failure of negotiations for a whole-
10 grade sharing, reorganization, dissolution agreement or the
11 rejection of a current whole-grade sharing agreement, or
12 reorganization plan, or a similar set of circumstances. If
13 the good cause relates to a change in status of a child's
14 school district of residence, however, action by a parent or
15 guardian must be taken to file the notification within forty-
16 five days of the last board action or within thirty days of
17 the certification of the election, whichever is applicable to
18 the circumstances. The director of the department of
19 education shall recommend rules to the state board of
20 education for the orderly implementation of this section. The
21 state board shall adopt rules as needed for the implementation
22 of this section.

23 Sec. 2.

24 This Act, being deemed of immediate importance, takes
25 effect upon its enactment and is retroactively applicable to
26 June 5, 1989.

27 EXPLANATION

28 This bill eliminates the early notification dates and
29 provides exceptions to the November 1 formal notification date
30 for open enrollment. School boards may act on open enrollment
31 requests at the next regularly scheduled board meeting,
32 provided that the meeting will take place within thirty days
33 of receipt of the request. Open enrollment pupils are to be
34 counted in the pupils' districts of residence for purposes of
35 receipt of state aid. The department is to set the

1 eligibility rules for purposes of transportation
2 reimbursement. Students who have been expelled or suspended
3 may participate in open enrollment. Laboratory schools may
4 now be part of the open enrollment process.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 2306

AN ACT

RELATING TO OPEN ENROLLMENT, INCLUDING THE GENERAL INTENT, NOTIFICATION DATES, EXCEPTIONS TO NOTIFICATION DATES, BOARD ACTION ON REQUESTS, COUNTING OF PUPILS FOR STATE FOUNDATION AID PURPOSES, STUDENT EXPULSION OR SUSPENSION, QUALIFICATION FOR TRANSPORTATION, AND PARTICIPATION OF LABORATORY SCHOOLS, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 282.18, unnumbered paragraphs 1, 2, 3, 4, 5, 9, 13, 14, and 15, Code Supplement 1989, are amended to read as follows:

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. 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.

By September 15 of the preceding school year the parent or guardian shall informally notify the district of residence, and not later than November 1 October 30 of the preceding school year, the parent or guardian shall send notification to the district of residence and to the department of education

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. The parent or guardian shall describe the reason that exists for enrollment in the receiving district that is not present in the district of residence. 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 of October 30 of the previous year, and good cause exists for the failure to meet the deadline or if the request is to enroll a child in kindergarten in a public school in another district, the parent or guardian shall be permitted to enroll the child in the other district in the same manner as if the deadline had been met. The board of the district of residence shall take action on the request no later than November 30 of the preceding school year and shall transmit any approved request within five days after board action on the request. The parent or guardian may withdraw the request during November of the preceding school year unless the board of the receiving district has acted on the request. The board of the receiving district shall take action to approve or disapprove the request no later than December 31 of the preceding school year. If the request is granted, the board shall transmit a copy of the form to the receiving school district of residence within five days after its receipt board action. During the 1990-1991 school year, if the board of the district of residence determines that transmission of the request will result in a loss of greater than five percent of the district's certified enrollment as compared with the district's certified enrollment for the previous 1988-1989 school year, the board of the district of residence may deny the request for the 1990-1991 school year. During the 1991-1992 school year, if the board of the district of residence determines that transmission of the request will result in a

loss of greater than ten percent of the district's certified enrollment as compared to the district's certified enrollment for the previous 1988-1989 school year, the board of the district of residence may deny the request for the 1991-1992 school year. If, however, a failure to transmit a request will result in enrollment of students from the same nuclear family in different school districts, the request shall be transmitted to the receiving district for enrollment. The board of each school district shall adopt a policy relating to the order in which requests for enrollment in other districts shall be considered. The board of the receiving school district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. In all districts involved with volunteer or court-ordered desegregation, minority and nonminority student ratios shall be maintained according to the desegregation plan or order. The superintendent of a district subject to volunteer or court-ordered desegregation 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 plan. If, however, a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests. A parent or guardian, whose request has been denied because of a desegregation order or 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 under section 290.1. If, however, a request to enroll a child in another district is denied by the board of the child's district of residence for failure to show good cause for not meeting the request deadline, the parent or guardian shall be

permitted to appeal the decision of the board either directly to the director of the department of education or to the state board under chapter 290, but not to both. If the matter is to be heard by the director, or the director's designee, the matter shall be heard de novo in accordance with the procedures contained in chapter 17A. If a designee of the director hears the matter, the findings of the director's designee shall be reviewed by and are subject to the approval of, the director.

Each district shall provide notification to the parent or guardian relating to the transmission or denial of the request. A district of residence shall provide for notification of transmission or denial to a parent or guardian within three days of board action on the request. A receiving district shall provide notification to a parent or guardian, within fifteen days of receipt of board action on the request, of whether the child will be enrolled in that district or whether the request is to be denied.

A request under this section is for a period of not less than four years unless the pupil will graduate, the pupil's family moves to another school district, or the parent or guardian petitions the receiving district by October 30 of the previous school year for permission to enroll the child in a different district, which may include the district of residence, within the four-year period. If the parent or guardian requests permission of the receiving district to enroll the child in a different district within the four-year period, the receiving district school board may transmit a copy of act on the request to transfer to the other school district within five days of 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 court ordered or voluntary desegregation orders affecting a district. A denial of a request to change

district enrollment within the four-year period shall be subject to appeal under section 290.1.

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 lower district cost per pupil of the two districts, plus any moneys received for the pupil as a result of non-English speaking weighting under section 442.4, subsection 6, for each school year. The district of residence shall also transmit the phase III moneys allocated to the district for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer. If a request filed under this section is for a child requiring special education under chapter 281, 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 pupils 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. 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. 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 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 educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the lower of the two district costs per pupil or other costs to the receiving district until the start of the first full year of enrollment of the child. Quarterly payments shall be made to the receiving district. 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 child who is the subject of the request shall be forwarded to the receiving district's area education agency. 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. 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.

A receiving district shall not 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 child meets the economic eligibility requirements, established ~~under the Federal National School Lunch and Child Nutrition Act, 42 U.S.C. § 1751-1785, for free or reduced price lunches~~ by the department and state board of education, the sending district shall be responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the child 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 child to a contiguous receiving district under this paragraph 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.

A student who attends participates in open enrollment for purposes of attending a grade in grades nine ~~ten~~ through twelve in a school district other than the district of residence is not eligible to participate in interscholastic athletic contests and athletic competitions during the first year of enrollment under this section except for an interscholastic sport in which the district of residence and the other school district jointly participate or unless the sport in which the student wishes to participate is not offered in the district of residence. However, 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 prior to the effective date of this Act, shall be eligible to participate in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that student had attended.

If a child, for which a request to transfer has been filed with a district, has been suspended or expelled in the district, ~~the receiving district named in the request may refuse the request~~ the child shall not be permitted to transfer until the child has been reinstated in the sending district. Once the child has been reinstated, however, the child shall be permitted to transfer in the same manner as if the child had not been suspended by the sending district. If a child, for whom a request to transfer has been filed with a district, is expelled in the district, the child shall be permitted to transfer to a receiving district under this section if the child applies for and is reinstated in the sending district. However, if the child applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The parent or guardian of the child shall be permitted to appeal the decision of the receiving district to the director of the department of education. If the director rules in favor of permitting the transfer, the child shall be permitted to transfer, but the transfer shall be conditioned upon the expiration of the expulsion period without the student incurring a new violation.

~~A laboratory school under chapter 265 shall be exempt from the provisions of this section.~~

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 paragraph is not subject to appeal under section 290.1.

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

proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, or a similar set of circumstances consistent with the definition of good cause; a change in the status of a child's resident district, such as 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, or a similar set of circumstances consistent with the definition of good cause. 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. 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.

Sec. 2. GOOD CAUSE EXCEPTION.

For the school year commencing July 1, 1989, and ending June 30, 1990, if there was a change in the status of the child's resident district, notwithstanding the enrollment loss provisions and, if a district has a minority enrollment of less than ten percent of the total district student population, the desegregation provisions of section 282.18, a parent or guardian may file a request to use open enrollment for the balance of the 1989-1990 school year, or for succeeding years, any time prior to August 1, 1990 and the board of the district of residence shall grant the request. Children who are the subject of requests, which are filed prior to August 1, 1990, and which meet the good cause requirements for a change in the status of the children's resident district due to rejection of a whole grade sharing agreement, are not subject to the restrictions on athletic

participation contained in section 202.18 if the district to which the child is to transfer under the request is or was a participant in a whole grade sharing agreement. If a pupil transfers for the balance of the 1989-1990 school year, or for succeeding years, as a result of the filing of a request prior to August 1, 1990, the sending district shall pay to the receiving district for the balance of the 1989-1990 school year, if that year is covered by the request, and for the 1990-1991 school year, only the state aid portion of the lower district cost per pupil of the two districts.

Sec. 3. Section 279.19A, subsection 3, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for the subsequent no longer than one additional school year if all the following conditions apply:

Sec. 4. JOINT STUDY.

The state board of education and the board of educational examiners shall review current rules and educational requirements relating to extracurricular contracts and licensing or endorsement requirements for teaching and nonteaching personnel who perform duties relating to school athletic programs. The state board of education and the board of educational examiners shall develop recommendations for uniform rules relating to the education and licensing of persons performing duties relating to school athletic programs and submit the recommendations in a report to the general assembly by January 1, 1992.

Sec. 5. CODIFICATION.

The Code editor shall divide section 202.18 into appropriate subsections and paragraphs.

Sec. 6.

This Act, except for section 3 of this Act being deemed of immediate importance, takes effect upon its enactment and is retroactively applicable to June 5, 1989.

Sec. 7.

Section 3 of this Act takes effect July 1, 1993.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2306, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved 4/18, 1990

TERRY E. BRANSTAD
Governor