

FILED FEB 24 1994

SENATE FILE 2207
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2132)

Passed Senate ^(P.672) Date 3-15-94 Passed House, Date _____
Vote: Ayes 32 Nays 17 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to public school open enrollment procedures.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

SF 2207

1 Section 1. Section 282.18, subsections 2, 4, 5, 7, 11, and
2 14, Code Supplement 1993, are amended to read as follows:

3 2. By October 30 of the preceding school year, the parent
4 or guardian shall send notification to the district of
5 residence, ~~and to the department of education~~ on forms
6 prescribed by the department of education, that the parent or
7 guardian intends to enroll the parent's or guardian's child in
8 a public school in another school district. The parent or
9 guardian shall describe the reason for enrollment in the
10 receiving district. If a parent or guardian fails to file a
11 notification that the parent intends to enroll the parent's or
12 guardian's child in a public school in another district by the
13 deadline of October 30 of the previous year, and ~~good-cause~~
14 one of the criteria defined in section 282.18, subsection 18,
15 exists for the failure to meet the deadline or if the request
16 is to enroll a child in kindergarten in a public school in
17 another district, the parent or guardian shall be permitted to
18 enroll the child in the other district in the same manner as
19 if the deadline had been met.

20 The board of the district of residence shall take action on
21 the request no later than November 30 of the preceding school
22 year and shall transmit any approved request within five days
23 after board action on the request. The parent or guardian may
24 withdraw the request ~~during November of the preceding school~~
25 ~~year unless the board of the receiving district has acted on~~
26 the request at any time prior to the start of the school year.
27 The board of the receiving district shall take action to
28 approve or disapprove the request no later than December 31 of
29 the preceding school year. The board of the receiving
30 district shall enroll the pupil in a school in the receiving
31 district for the following school year unless the receiving
32 district does not have classroom space for the pupil. If the
33 request is granted, the board shall transmit a copy of the
34 form to the school district of residence within five days
35 after board action.

1 4.--The board of each school district shall adopt a policy
2 relating to the order in which requests for enrollment in
3 other districts shall be considered.

4 The board of the receiving school district shall enroll the
5 pupil in a school in the receiving district for the following
6 school year unless the receiving district does not have
7 classroom space for the pupil.

8 4. In all districts involved with volunteer voluntary or
9 court-ordered desegregation, minority and nonminority pupil
10 ratios shall be maintained according to the desegregation plan
11 or order. A school district involved with voluntary or court-
12 ordered desegregation shall not deny the open enrollment
13 request for a pupil whose sibling is already open enrolled
14 into the requested receiving district. The superintendent of
15 a district subject to volunteer voluntary or court-ordered
16 desegregation may deny a request for transfer under this
17 section if the superintendent finds that enrollment or release
18 of a pupil will adversely affect the district's implementation
19 of the desegregation order or plan required by subsection 14.
20 If, however, a transfer request would facilitate a voluntary
21 or court-ordered desegregation plan, the district shall give
22 priority to granting the request over other requests.

23 5. A parent or guardian, whose request has been denied
24 because of a desegregation order or plan, may appeal the
25 decision of the superintendent to the board of the district in
26 which the request was denied. The board may either uphold or
27 overturn the superintendent's decision. A decision of the
28 board to uphold the denial of the request is subject to appeal
29 under section 290.1.

30 5. If, however, a request to enroll a child in another
31 district is denied by the board of the child's district of
32 residence for failure to show good cause for not meeting the
33 request deadline, the parent or guardian shall be permitted to
34 appeal the decision of the board either directly to the
35 director of the department of education or to the state board

1 under chapter 290, but not to both. ~~If the matter is to be~~
2 ~~heard by the director, or the director's designee, the matter~~
3 ~~shall be heard de novo in accordance with the procedures~~
4 ~~contained in chapter 17A. -- If a designee of the director hears~~
5 ~~the matter, the findings of the director's designee shall be~~
6 ~~reviewed by and are subject to the approval of the director.~~
7 Notwithstanding chapter 17A, in an appeal arising from the
8 denial of a parent's or guardian's request for open
9 enrollment, where the denial was for failure to show good
10 cause for not meeting the request deadline, the director or
11 designee assigned to hear the appeal on behalf of the director
12 or state board may, with the agreement of the parties to the
13 appeal, issue an oral decision at the conclusion of the
14 hearing on the appeal. The oral decision shall comport with
15 previously established decisions of the director and state
16 board. However, any party to the appeal may request a written
17 decision and the director or state board shall issue a written
18 decision. The department shall recommend, and the state board
19 shall adopt, rules to implement this subsection.

20 7. A request under this section is for a period of not
21 less than ~~four years unless the pupil will graduate, the~~
22 ~~pupil's family moves to another school district, or one year.~~
23 If the request is for more than one year and the parent or
24 guardian desires to have the pupil enroll in a different
25 district, the parent or guardian petitions may petition the
26 current receiving district by October 30 of the previous
27 school year for permission to enroll the pupil in a different
28 district, which may include the district of residence, within
29 the four-year period for a period of not less than one year.
30 ~~If the parent or guardian requests permission of the receiving~~
31 ~~district to enroll the pupil in a different district within~~
32 ~~the four-year period~~ Upon receipt of such a request, the
33 current receiving district school board may act on the request
34 to transfer to the other school district within five days of
35 at the next regularly scheduled board meeting after the

1 receipt of the request. The new receiving district shall
2 enroll the pupil in a school in the district unless there is
3 insufficient classroom space in the district or unless
4 enrollment of the pupil would adversely affect the court-
5 ordered or voluntary desegregation orders-affecting-a plan of
6 the district. A denial of a request to change district
7 enrollment within the four-year approved period is subject to
8 appeal under section 290.1. However, a pupil who has been in
9 attendance in another district under this section may return
10 to the district of residence and enroll at any time, once the
11 parent or guardian has notified the district of residence and
12 the receiving district in writing of the decision to enroll
13 the pupil in the district of residence.

14 11. Notwithstanding section 285.1 relating to
15 transportation of nonresident pupils, the parent or guardian
16 is responsible for transporting the pupil without
17 reimbursement to and from a point on a regular school bus
18 route of the receiving district. However, a receiving
19 district may send school vehicles into the district of
20 residence of the pupil using the open enrollment option under
21 this section, for the purpose of transporting the pupil to and
22 from school in the receiving district, if the either one of
23 the following requirements are met:

24 a. The boards of both the sending and receiving districts
25 agree to this arrangement.

26 b. More than twenty-five pupils open enroll to the
27 receiving district from any one sending district. However,
28 the receiving district shall be limited to transporting open
29 enrollment pupils to and from a point within the sending
30 district which shall be no further than two miles from the
31 boundary of the receiving district. The area education agency
32 serving the sending district shall approve the point within
33 the sending district from which a receiving district may
34 transport open enrollment pupils.

35 PARAGRAPH DIVIDED. If the pupil meets the economic

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

19 14. The board of directors of a school district subject to
20 ~~volunteer~~ voluntary or court-ordered desegregation may vote
21 ~~not-to-participate-in-open-enrollment-under-this-section~~
22 ~~during-the-school-year-commencing-July-1, 1990, and ending~~
23 ~~June-30, 1991. -- If a district chooses not to participate in~~
24 ~~open-enrollment-under-this-paragraph, the district~~ shall
25 develop a policy for implementation of open enrollment in the
26 ~~district for that following school year.~~ The policy shall
27 contain objective criteria for determining when a request
28 would adversely impact the desegregation order or plan and
29 criteria for prioritizing requests that do not have an adverse
30 impact on the order or plan.

31

EXPLANATION

32 This bill amends several subsections of Code section 282.18
33 concerning open enrollment procedures. Open enrollment
34 funding procedures provide that state school aid will follow
35 pupils in grades K-12 when they enroll in a public school

1 district other than the district of residence.

2 "Good cause" is defined in section 282.18, subsection 18.

3 In this bill in subsection 2 of section 282.18, this addition
4 of the reference to subsection 18 alerts the reader of the
5 applicable definition of good cause which applies to late open
6 enrollment requests. Subsection 2 is amended to allow a
7 parent or guardian to withdraw a request for open enrollment
8 at any time prior to the start of the school year.

9 The change in subsection 4 prohibits the school district of
10 residence from denying an open enrollment request based on
11 desegregation plans or orders of a pupil who already has a
12 sibling open enrolled in the requested receiving district.

13 In subsection 5 if all parties to an appeal based on a good
14 cause denial for not meeting the request deadline agree, the
15 adjudicator may issue an oral decision if the decision is one
16 which follows the line of decisions from previous appeals.
17 However, a written decision may be requested and obtained by
18 any party to the appeal.

19 In subsection 7, the four-year enrollment requirement is
20 deleted and a one-year requirement is substituted. Should a
21 pupil wish to return to the district of residence, the pupil
22 may do so as soon as written notice is provided to the
23 receiving district and the district of residence by the parent
24 or guardian. A pupil wishing to enroll from a current
25 receiving district in another receiving district other than
26 the district of residence must follow the procedure as
27 outlined in section 282.18, subsection 2.

28 Subsection 11 allows a receiving district that open enrolls
29 more than twenty-five pupils from any one sending district to
30 go into the sending district no more than two miles from the
31 boundary of the sending district to transport pupils, subject
32 to approval of the point by the area education agency.

33 Subsection 14 is amended to delete any reference to the
34 start up of the open enrollment program for schools involved
35 in voluntary or court-ordered desegregation plans and requires

1 such schools to adopt an open enrollment policy.

- 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 2207

S-5061

1 Amend Senate File 2207 as follows:

2 1. Page 1, line 1, by inserting after the figure
3 "7," the following: "8, 10,".

4 2. Page 4, by inserting after line 13 the
5 following:

6 "8. A pupil participating in open enrollment shall
7 be counted, for state school foundation aid purposes,
8 in the pupil's district of residence. A pupil's
9 residence, for purposes of this section, means a
10 residence under section 282.1. The board of directors
11 of the district of residence shall pay to the
12 receiving district the ~~lower-district-cost-per-pupil~~
13 ~~of-the-two-districts~~ state aid portion of the resident
14 district's cost per pupil, plus one-half of the
15 property tax portion of the resident district's cost
16 per pupil, plus any moneys received for the pupil as a
17 result of non-English speaking weighting under section
18 280.4, subsection 4.3, for each school year. The
19 district of residence shall also transmit the phase
20 III moneys allocated to the district for the full-time
21 equivalent attendance of the pupil, who is the subject
22 of the request, to the receiving district specified in
23 the request for transfer.

24 10. If a parent or guardian of a child, who is
25 participating in open enrollment under this section,
26 moves to a different school district during the course
27 of either district's academic year, the child's first
28 district of residence shall be responsible for payment
29 of the ~~cost-per-pupil-plus-weightings~~ amounts
30 specified in subsection 8 or special education costs
31 to the receiving school district for the balance of
32 the school year in which the move took place. The new
33 district of residence shall be responsible for the
34 payments during succeeding years.

35 If a request to transfer is due to a change in
36 family residence, change in the state in which the
37 family residence is located, a change in a child's
38 parents' marital status, a guardianship proceeding,
39 placement in foster care, adoption, participation in a
40 foreign exchange program, or participation in a
41 substance abuse or mental health treatment program,
42 and the child, who is the subject of the request, is
43 not currently using any provision of open enrollment,
44 the parent or guardian of the child shall have the
45 option to have the child remain in the child's
46 original district of residence under open enrollment
47 with no interruption in the child's educational
48 program. If a parent or guardian exercises this
49 option, the child's new district of residence is not
50 required to pay the ~~lower-of-the-two-district-costs~~

S-5061

S-5061

Page 2

1 per-pupil amounts specified in subsection 8 or other
2 costs to the receiving district until the start of the
3 first full year of enrollment of the child.

4 Quarterly payments shall be made to the receiving
5 district.

6 If the transfer of a pupil from one district to
7 another results in a transfer from one area education
8 agency to another, the sending district shall forward
9 a copy of the request to the sending district's area
10 education agency. The receiving district shall
11 forward a copy of the request to the receiving
12 district's area education agency. Any moneys received
13 by the area education agency of the sending district
14 for the pupil who is the subject of the request shall
15 be forwarded to the receiving district's area
16 education agency.

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

22 3. Page 5, by striking lines 15 and 16 and
23 inserting the following: "under this subsection may
24 withhold from the district-cost-per-pupil-amount
25 amounts specified in subsection 8, that is are to be
26 paid to the receiving district, an".

27 4. Title page, line 1, by inserting after the
28 word "procedures" the following: "and funding".

By JOHN P. KIBBIE

S-5061 FILED MARCH 1, 1994

Adopted
3-15-94
(P. 671)

SENATE FILE 2207

S-5163

1 Amend Senate File 2207 as follows:
 2 1. Page 5, by inserting after line 30 the
 3 following:
 4 "Sec. _____. Section 282.18, Code Supplement 1993,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 21. The state board of education
 7 shall exempt a school district upon request from the
 8 requirement that the district's pupils be allowed to
 9 participate in open enrollment with another district.
 10 A district which is granted this exemption must
 11 demonstrate all of the following:
 12 a. That the district has more than one regular
 13 high school attendance center.
 14 b. That the district offers magnet school programs
 15 and alternative school programs pursuant to section
 16 257.38.
 17 c. That the district does not restrict transfers
 18 within the district, provided classroom space is
 19 available and minority and nonminority pupil ratios
 20 are maintained according to existing desegregation
 21 plans or orders.
 22 Sec. _____. TRANSITION. Pupils enrolled before the
 23 effective date of this Act in another school district
 24 other than their district of residence under open
 25 enrollment may continue their participation under the
 26 provisions of section 282.18."

By ELAINE SZYMONIAK

S-5163 FILED MARCH 14, 1994

WITHDRAWN

3-15-94

(P. 672)

SENATE FILE 2207

S-5221

1 Amend the amendment, S-5163, to Senate File 2207 as
 2 follows:
 3 1. Page 1, line 7, by striking the word "shall"
 4 and inserting the following: "may".

By MIKE CONNOLLY

S-5221 FILED MARCH 15, 1994
RULED OUT OF ORDER

SENATE FILE 2207

S-5210

1 Amend Senate File 2207 as follows:
 2 1. Page 4, line 30, by striking the words "two
 3 miles" and inserting the following: "one mile".

By MIKE CONNOLLY

S-5210 FILED MARCH 15, 1994

LOST

SENATE FILE 2207

S-5162

1 Amend Senate File 2207 as follows:
2 1. Page 1, by striking lines 1 and 2 and
3 inserting the following:
4 "Section 1. Section 282.18, subsections 2, 4, 5,
5 7, 11, 14, and 15, Code Supplement 1993, are amended
6 to read as follows":
7 2. Page 5, by inserting after line 30 the fol-
8 lowing:
9 "15. A pupil who participates in open enrollment
10 for purposes of attending a grade in grades ten
11 through twelve in a school district other than the
12 district of residence is ineligible to participate in
13 interscholastic athletic contests and athletic
14 competitions during the pupil's first ninety school
15 days of enrollment in the district except that the
16 pupil may participate immediately in an
17 interscholastic sport if the district of residence and
18 the other school district jointly participate in the
19 sport, if the sport in which the pupil wishes to
20 participate is not offered in the district of
21 residence, if the pupil chooses to use open enrollment
22 to attend school in another school district because
23 the district in which the student previously attended
24 school was dissolved and merged with one or more
25 contiguous school districts under section 256.11,
26 subsection 12, if the pupil participates in open
27 enrollment because the pupil's district of residence
28 has entered into a whole grade sharing agreement with
29 another district for the pupil's grade, if both the
30 sending district and the receiving district express
31 their agreement to the pupil's participation in
32 writing before the pupil participates, or if the
33 parent or guardian of the pupil participating in open
34 enrollment is an active member of the armed forces and
35 resides in permanent housing on government property
36 provided by a branch of the armed services. A pupil
37 who has paid tuition and attended school, or has
38 attended school pursuant to a mutual agreement between
39 the two districts, in a district other than the
40 pupil's district of residence for at least one school
41 year prior to March 10, 1989, is also eligible to
42 participate immediately in interscholastic athletic
43 contests and athletic competitions under this section,
44 but only as a member of a team from the district that
45 pupil had attended. For purposes of this subsection,
46 "school days of enrollment" do not include enrollment
47 in summer school."

By WAYNE BENNETT

S-5162 FILED MARCH 14, 1994

Adopted
3.15.94
(p.671)

(P. 638) 3-15-94 House - Education
(P. 891) 3-24-94 House - Trained to Pass

SENATE FILE **2207**
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2132)
(AS AMENDED AND PASSED BY THE SENATE MARCH 15, 1994)
_____ - New Language by the Senate

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

A BILL FOR

1 An Act relating to public school open enrollment procedures and
2 funding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

S.F. 2207

1 Section 1. Section 282.18, subsections 2, 4, 5, 7, 8, 10,
2 11, 14, and 15, Code Supplement 1993, are amended to read as
3 follows:

4 2. By October 30 of the preceding school year, the parent
5 or guardian shall send notification to the district of
6 residence, ~~and-to-the-department-of-education~~ on forms
7 prescribed by the department of education, that the parent or
8 guardian intends to enroll the parent's or guardian's child in
9 a public school in another school district. The parent or
10 guardian shall describe the reason for enrollment in the
11 receiving district. If a parent or guardian fails to file a
12 notification that the parent intends to enroll the parent's or
13 guardian's child in a public school in another district by the
14 deadline of October 30 of the previous year, and ~~good-cause~~
15 one of the criteria defined in section 282.18, subsection 18,
16 exists for the failure to meet the deadline or if the request
17 is to enroll a child in kindergarten in a public school in
18 another district, the parent or guardian shall be permitted to
19 enroll the child in the other district in the same manner as
20 if the deadline had been met.

21 The board of the district of residence shall take action on
22 the request no later than November 30 of the preceding school
23 year and shall transmit any approved request within five days
24 after board action on the request. The parent or guardian may
25 withdraw the request ~~during-November-of-the-preceding-school~~
26 ~~year-unless-the-board-of-the-receiving-district-has-acted-on~~
27 the-request at any time prior to the start of the school year.
28 The board of the receiving district shall take action to
29 approve or disapprove the request no later than December 31 of
30 the preceding school year. The board of the receiving
31 district shall enroll the pupil in a school in the receiving
32 district for the following school year unless the receiving
33 district does not have classroom space for the pupil. If the
34 request is granted, the board shall transmit a copy of the
35 form to the school district of residence within five days

1 after board action.

2 ~~4.--The board of each school district shall adopt a policy~~
3 ~~relating to the order in which requests for enrollment in~~
4 ~~other districts shall be considered.~~

5 ~~The board of the receiving school district shall enroll the~~
6 ~~pupil in a school in the receiving district for the following~~
7 ~~school year unless the receiving district does not have~~
8 ~~classroom space for the pupil.~~

9 4. In all districts involved with ~~volunteer~~ voluntary or
10 court-ordered desegregation, minority and nonminority pupil
11 ratios shall be maintained according to the desegregation plan
12 or order. A school district involved with voluntary or court-
13 ordered desegregation shall not deny the open enrollment
14 request for a pupil whose sibling is already open enrolled
15 into the requested receiving district. The superintendent of
16 a district subject to ~~volunteer~~ voluntary or court-ordered
17 desegregation may deny a request for transfer under this
18 section if the superintendent finds that enrollment or release
19 of a pupil will adversely affect the district's implementation
20 of the desegregation order or plan required by subsection 14.
21 If, however, a transfer request would facilitate a voluntary
22 or court-ordered desegregation plan, the district shall give
23 priority to granting the request over other requests.

24 5. A parent or guardian, whose request has been denied
25 because of a desegregation order or plan, may appeal the
26 decision of the superintendent to the board of the district in
27 which the request was denied. The board may either uphold or
28 overturn the superintendent's decision. A decision of the
29 board to uphold the denial of the request is subject to appeal
30 under section 290.1.

31 5. If, however, a request to enroll a child in another
32 district is denied by the board of the child's district of
33 residence for failure to show good cause for not meeting the
34 request deadline, the parent or guardian shall be permitted to
35 appeal the decision of the board either directly to the

1 director of the department of education or to the state board
2 under chapter 290, but not to both. ~~if-the-matter-is-to-be~~
3 ~~heard-by-the-director,-or-the-director's-designee,-the-matter~~
4 ~~shall-be-heard-de-novo-in-accordance-with-the-procedures~~
5 ~~contained-in-chapter-17A.--If-a-designee-of-the-director-hears~~
6 ~~the-matter,-the-findings-of-the-director's-designee-shall-be~~
7 ~~reviewed-by-and-are-subject-to-the-approval-of-the-director.~~
8 Notwithstanding chapter 17A, in an appeal arising from the
9 denial of a parent's or guardian's request for open
10 enrollment, where the denial was for failure to show good
11 cause for not meeting the request deadline, the director or
12 designee assigned to hear the appeal on behalf of the director
13 or state board may, with the agreement of the parties to the
14 appeal, issue an oral decision at the conclusion of the
15 hearing on the appeal. The oral decision shall comport with
16 previously established decisions of the director and state
17 board. However, any party to the appeal may request a written
18 decision and the director or state board shall issue a written
19 decision. The department shall recommend, and the state board
20 shall adopt, rules to implement this subsection.

21 7. A request under this section is for a period of not
22 less than ~~four-years-unless-the-pupil-will-graduate,-the~~
23 ~~pupil's-family-moves-to-another-school-district,-or~~ one year.
24 If the request is for more than one year and the parent or
25 guardian desires to have the pupil enroll in a different
26 district, the parent or guardian petitions may petition the
27 current receiving district by October 30 of the previous
28 school year for permission to enroll the pupil in a different
29 district,-which-may-include-the-district-of-residence,-within
30 the-four-year-period for a period of not less than one year.
31 ~~if-the-parent-or-guardian-requests-permission-of-the-receiving~~
32 ~~district-to-enroll-the-pupil-in-a-different-district-within~~
33 ~~the-four-year-period~~ Upon receipt of such a request, the
34 current receiving district school board may act on the request
35 to transfer to the other school district within-five-days-of

1 at the next regularly scheduled board meeting after the
2 receipt of the request. The new receiving district shall
3 enroll the pupil in a school in the district unless there is
4 insufficient classroom space in the district or unless
5 enrollment of the pupil would adversely affect the court-
6 ordered or voluntary desegregation orders-affecting-a plan of
7 the district. A denial of a request to change district
8 enrollment within the four-year approved period is subject to
9 appeal under section 290.1. However, a pupil who has been in
10 attendance in another district under this section may return
11 to the district of residence and enroll at any time, once the
12 parent or guardian has notified the district of residence and
13 the receiving district in writing of the decision to enroll
14 the pupil in the district of residence.

15 8. A pupil participating in open enrollment shall be
16 counted, for state school foundation aid purposes, in the
17 pupil's district of residence. A pupil's residence, for
18 purposes of this section, means a residence under section
19 282.1. The board of directors of the district of residence
20 shall pay to the receiving district the lower-district-cost
21 per-pupil-of-the-two-districts state aid portion of the
22 resident district's cost per pupil, plus one-half of the
23 property tax portion of the resident district's cost per
24 pupil, plus any moneys received for the pupil as a result of
25 non-English speaking weighting under section 280.4, subsection
26 4 3, for each school year. The district of residence shall
27 also transmit the phase III moneys allocated to the district
28 for the full-time equivalent attendance of the pupil, who is
29 the subject of the request, to the receiving district
30 specified in the request for transfer.

31 10. If a parent or guardian of a child, who is
32 participating in open enrollment under this section, moves to
33 a different school district during the course of either
34 district's academic year, the child's first district of
35 residence shall be responsible for payment of the cost-per

1 pupil-plus-weightings amounts specified in subsection 8 or
2 special education costs to the receiving school district for
3 the balance of the school year in which the move took place.
4 The new district of residence shall be responsible for the
5 payments during succeeding years.

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

22 Quarterly payments shall be made to the receiving district.

23 If the transfer of a pupil from one district to another
24 results in a transfer from one area education agency to
25 another, the sending district shall forward a copy of the
26 request to the sending district's area education agency. The
27 receiving district shall forward a copy of the request to the
28 receiving district's area education agency. Any moneys
29 received by the area education agency of the sending district
30 for the pupil who is the subject of the request shall be
31 forwarded to the receiving district's area education agency.

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

1 11. Notwithstanding section 285.1 relating to
2 transportation of nonresident pupils, the parent or guardian
3 is responsible for transporting the pupil without
4 reimbursement to and from a point on a regular school bus
5 route of the receiving district. However, a receiving
6 district may send school vehicles into the district of
7 residence of the pupil using the open enrollment option under
8 this section, for the purpose of transporting the pupil to and
9 from school in the receiving district, if the either one of
10 the following requirements are met:

11 a. The boards of both the sending and receiving districts
12 agree to this arrangement.

13 b. More than twenty-five pupils open enroll to the
14 receiving district from any one sending district. However,
15 the receiving district shall be limited to transporting open
16 enrollment pupils to and from a point within the sending
17 district which shall be no further than two miles from the
18 boundary of the receiving district. The area education agency
19 serving the sending district shall approve the point within
20 the sending district from which a receiving district may
21 transport open enrollment pupils.

22 PARAGRAPH DIVIDED. If the pupil meets the economic
23 eligibility requirements established by the department and
24 state board of education, the sending district is responsible
25 for providing transportation or paying the pro rata cost of
26 the transportation to a parent or guardian for transporting
27 the pupil to and from a point on a regular school bus route of
28 a contiguous receiving district unless the cost of providing
29 transportation or the pro rata cost of the transportation to a
30 parent or guardian exceeds the average transportation cost per
31 pupil transported for the previous school year in the
32 district. If the cost exceeds the average transportation cost
33 per pupil transported for the previous school year, the
34 sending district shall only be responsible for that average
35 per pupil amount. A sending district which provides

1 transportation for a pupil to a contiguous receiving district
2 under this subsection may withhold from the district-cost-per
3 pupil-amount amounts specified in subsection 8, that is are to
4 be paid to the receiving district, an amount which represents
5 the average or pro rata cost per pupil for transportation,
6 whichever is less.

7 14. The board of directors of a school district subject to
8 volunteer voluntary or court-ordered desegregation may vote
9 not-to-participate-in-open-enrollment-under-this-section
10 during-the-school-year-commencing-July-17-1990-and-ending
11 June-30-1991--if-a-district-chooses-not-to-participate-in
12 open-enrollment-under-this-paragraph-the-district shall
13 develop a policy for implementation of open enrollment in the
14 district for-that-following-school-year. The policy shall
15 contain objective criteria for determining when a request
16 would adversely impact the desegregation order or plan and
17 criteria for prioritizing requests that do not have an adverse
18 impact on the order or plan.

19 15. A pupil who participates in open enrollment for
20 purposes of attending a grade in grades ten through twelve in
21 a school district other than the district of residence is
22 ineligible to participate in interscholastic athletic contests
23 and athletic competitions during the pupil's first ninety
24 school days of enrollment in the district except that the
25 pupil may participate immediately in an interscholastic sport
26 if the district of residence and the other school district
27 jointly participate in the sport, if the sport in which the
28 pupil wishes to participate is not offered in the district of
29 residence, if the pupil chooses to use open enrollment to
30 attend school in another school district because the district
31 in which the student previously attended school was dissolved
32 and merged with one or more contiguous school districts under
33 section 256.11, subsection 12, if the pupil participates in
34 open enrollment because the pupil's district of residence has
35 entered into a whole grade sharing agreement with another

1 district for the pupil's grade, if both the sending district
2 and the receiving district express their agreement to the
3 pupil's participation in writing before the pupil
4 participates, or if the parent or guardian of the pupil
5 participating in open enrollment is an active member of the
6 armed forces and resides in permanent housing on government
7 property provided by a branch of the armed services. A pupil
8 who has paid tuition and attended school, or has attended
9 school pursuant to a mutual agreement between the two
10 districts, in a district other than the pupil's district of
11 residence for at least one school year prior to March 10,
12 1989, is also eligible to participate immediately in
13 interscholastic athletic contests and athletic competitions
14 under this section, but only as a member of a team from the
15 district that pupil had attended. For purposes of this
16 subsection, "school days of enrollment" do not include
17 enrollment in summer school.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Connolly - Chair
Kibbie
Tinsman

SSB. 2132
Education

SENATE/HOUSE FILE 2207
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

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

A BILL FOR

1 An Act relating to public school open enrollment procedures.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 282.18, subsections 2, 4, 5, 7, and 14,
2 Code Supplement 1993, are amended to read as follows:

3 2. By October 30 of the preceding school year, the parent
4 or guardian shall send notification to the district of
5 residence, ~~and-to-the-department-of-education~~ on forms
6 prescribed by the department of education, that the parent or
7 guardian intends to enroll the parent's or guardian's child in
8 a public school in another school district. The parent or
9 guardian shall describe the reason for enrollment in the
10 receiving district. If a parent or guardian fails to file a
11 notification that the parent intends to enroll the parent's or
12 guardian's child in a public school in another district by the
13 deadline of October 30 of the previous year, and good-cause
14 one of the criteria defined in section 282.18, subsection 18,
15 exists for the failure to meet the deadline or if the request
16 is to enroll a child in kindergarten in a public school in
17 another district, the parent or guardian shall be permitted to
18 enroll the child in the other district in the same manner as
19 if the deadline had been met.

20 The board of the district of residence shall take action on
21 the request no later than November 30 of the preceding school
22 year and shall transmit any approved request within five days
23 after board action on the request. The parent or guardian may
24 withdraw the request ~~during-November-of-the-preceding-school~~
25 ~~year-unless-the-board-of-the-receiving-district-has-acted-on~~
26 the-request at any time prior to the start of the school year.
27 The board of the receiving district shall take action to
28 approve or disapprove the request no later than December 31 of
29 the preceding school year. The board of the receiving
30 district shall enroll the pupil in a school in the receiving
31 district for the following school year unless the receiving
32 district does not have classroom space for the pupil. If the
33 request is granted, the board shall transmit a copy of the
34 form to the school district of residence within five days
35 after board action.

1 4--The-board-of-each-school-district-shall-adopt-a-policy
2 relating-to-the-order-in-which-requests-for-enrollment-in
3 other-districts-shall-be-considered-

4 The-board-of-the-receiving-school-district-shall-enroll-the
5 pupil-in-a-school-in-the-receiving-district-for-the-following
6 school-year-unless-the-receiving-district-does-not-have
7 classroom-space-for-the-pupil-

8 4. In all districts involved with ~~volunteer~~ voluntary or
9 court-ordered desegregation, minority and nonminority pupil
10 ratios shall be maintained according to the desegregation plan
11 or order. A school district involved with voluntary or court-
12 ordered desegregation shall not deny the open enrollment
13 request for a pupil whose sibling is already open enrolled
14 into the requested receiving district. The superintendent of
15 a district subject to ~~volunteer~~ voluntary or court-ordered
16 desegregation may deny a request for transfer under this
17 section if the superintendent finds that enrollment or release
18 of a pupil will adversely affect the district's implementation
19 of the desegregation order or plan required by subsection 14.
20 If, however, a transfer request would facilitate a voluntary
21 or court-ordered desegregation plan, the district shall give
22 priority to granting the request over other requests.

23 5- A parent or guardian, whose request has been denied
24 because of a desegregation order or plan, may appeal the
25 decision of the superintendent to the board of the district in
26 which the request was denied. The board may either uphold or
27 overturn the superintendent's decision. A decision of the
28 board to uphold the denial of the request is subject to appeal
29 under section 290.1.

30 5. If, however, a request to enroll a child in another
31 district is denied by the board of the child's district of
32 residence for failure to show good cause for not meeting the
33 request deadline, the parent or guardian shall be permitted to
34 appeal the decision of the board either directly to the
35 director of the department of education or to the state board

1 under chapter 290, but not to both. ~~If the matter is to be~~
2 ~~heard by the director, or the director's designee, the matter~~
3 ~~shall be heard de novo in accordance with the procedures~~
4 ~~contained in chapter 17A. -- If a designee of the director hears~~
5 ~~the matter, the findings of the director's designee shall be~~
6 ~~reviewed by and are subject to the approval of the director.~~
7 Notwithstanding chapter 17A, in an appeal arising from the
8 denial of a parent's or guardian's request for open
9 enrollment, where the denial was for failure to show good
10 cause for not meeting the request deadline, the director or
11 designee assigned to hear the appeal on behalf of the director
12 or state board may, with the agreement of the parties to the
13 appeal, issue an oral decision at the conclusion of the
14 hearing on the appeal. The oral decision shall comport with
15 previously established decisions of the director and state
16 board. However, any party to the appeal may request a written
17 decision and the director or state board shall issue a written
18 decision. The department shall recommend, and the state board
19 shall adopt, rules to implement this subsection.

20 7. A request under this section is for a period of not
21 less than ~~four years unless the pupil will graduate, the~~
22 ~~pupil's family moves to another school district, or~~ one year.
23 If the request is for more than one year and the parent or
24 guardian desires to have the pupil enroll in a different
25 district, the parent or guardian petitions may petition the
26 current receiving district by October 30 of the previous
27 school year for permission to enroll the pupil in a different
28 district, which may include the district of residence, within
29 the four-year period for a period of not less than one year.
30 ~~If the parent or guardian requests permission of the receiving~~
31 ~~district to enroll the pupil in a different district within~~
32 ~~the four-year period~~ Upon receipt of such a request, the
33 current receiving district school board may act on the request
34 to transfer to the other school district within five days of
35 at the next regularly scheduled board meeting after the

1 receipt of the request. The new receiving district shall
2 enroll the pupil in a school in the district unless there is
3 insufficient classroom space in the district or unless
4 enrollment of the pupil would adversely affect the court-
5 ordered or voluntary desegregation orders-affecting-a plan of
6 the district. A denial of a request to change district
7 enrollment within the four-year approved period is subject to
8 appeal under section 290.1. However, a pupil who has been in
9 attendance in another district under this section may return
10 to the district of residence and enroll at any time, once the
11 parent or guardian has notified the district of residence and
12 the receiving district in writing of the decision to enroll
13 the pupil in the district of residence.

14 14. The board of directors of a school district subject to
15 ~~volunteer voluntary or court-ordered desegregation may-vote~~
16 ~~not-to-participate-in-open-enrollment-under-this-section~~
17 ~~during-the-school-year-commencing-July-17-19907-and-ending~~
18 ~~June-307-19917---If-a-district-chooses-not-to-participate-in~~
19 ~~open-enrollment-under-this-paragraph7-the-district~~ shall
20 develop a policy for implementation of open enrollment in the
21 district ~~for-that-following-school-year.~~ The policy shall
22 contain objective criteria for determining when a request
23 would adversely impact the desegregation order or plan and
24 criteria for prioritizing requests that do not have an adverse
25 impact on the order or plan.

26 EXPLANATION

27 This bill amends several subsections of Code section 282.18
28 concerning open enrollment procedures. Open enrollment
29 funding procedures provide that state school aid will follow
30 pupils in grades K-12 when they enroll in a public school
31 district other than the district of residence.

32 "Good cause" is defined in section 282.18, subsection 18.
33 In this bill in subsection 2 of section 282.18, this addition
34 of the reference to subsection 18 alerts the reader of the
35 applicable definition of good cause which applies to late open

1 enrollment requests. Subsection 2 is amended to allow a
2 parent or guardian to withdraw a request for open enrollment
3 at any time prior to the start of the school year.

4 The change in subsection 4 prohibits the school district of
5 residence from denying an open enrollment request based on
6 desegregation plans or orders of a pupil who already has a
7 sibling open enrolled in the requested receiving district.

8 In subsection 5 if all parties to an appeal based on a good
9 cause denial for not meeting the request deadline agree, the
10 adjudicator may issue an oral decision if the decision is one
11 which follows the line of decisions from previous appeals.
12 However, a written decision may be requested and obtained by
13 any party to the appeal.

14 In subsection 7, the four-year enrollment requirement is
15 deleted and a one-year requirement is substituted. Should a
16 pupil wish to return to the district of residence, the pupil
17 may do so as soon as written notice is provided to the
18 receiving district and the district of residence by the parent
19 or guardian. A pupil wishing to enroll from a current
20 receiving district in another receiving district other than
21 the district of residence must follow the procedure as
22 outlined in section 282.18, subsection 2.

23 Subsection 14 is amended to delete any reference to the
24 start up of the open enrollment program for schools involved
25 in voluntary or court-ordered desegregation plans and requires
26 such schools to adopt an open enrollment policy.

27 **BACKGROUND STATEMENT**

28 **SUBMITTED BY THE AGENCY**

29 This bill amends several subsections of Code section 282.18
30 concerning open enrollment procedures. Open enrollment
31 funding procedures provide that state school aid will follow
32 pupils in grades K-12 when they enroll in a public school
33 district other than the district of residence.

34 The change in subsection 2 of section 282.18 is designed to
35 clarify the criteria that must be met to permit a parent or

1 guardian to enroll a child in another district under open
2 enrollment after the October 30 deadline. Currently, there is
3 confusion in parents' minds over what constitutes "good
4 cause". Subsection 2 is also amended to allow parents to
5 withdraw open enrollment requests prior to the start of the
6 school year.

7 Subsection 4 deals with denials in districts with
8 desegregation plans. Such denials in cases where a sibling is
9 already open enrolled into another district cause families to
10 have to deal with two school districts in regard to schedules,
11 rules, transportation, and programs.

12 Changes to subsection 5 are designed to speed up the
13 appeals process. Due to the volume of appeals, turnaround
14 time for a written decision is many months. This would give
15 the parties the option to choose an immediate oral decision if
16 both parties agree to this option. This would only be used in
17 situations where there is clear precedent.

18 Subsection 7 changes comport with what is actually
19 happening in the state. Current practice of all schools in
20 the state is to allow parents to rescind an open enrollment
21 request after one year. Removing the four-year requirement
22 would eliminate the parent or guardian having to go through a
23 "reverse" application procedure to get out of open enrollment
24 after less than four years. Current practice of all schools
25 is to allow parents or guardians to rescind an open enrollment
26 status upon request. Accepting written notice would reduce
27 paperwork and be a timesaver for boards of education.

28 Subsection 14 is amended because the provisions applied
29 only through June 30, 1991, to allow schools with voluntary or
30 court-ordered desegregation to opt out of open enrollment up
31 to that date. Those schools with voluntary or court-ordered
32 desegregation are required to set up an open enrollment
33 prioritization plan.

34

35