

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to open enrollment and other enrollment options

The State Board of Education hereby amends Chapter 17, “Open Enrollment and Other Enrollment Options,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 282.18.

Purpose and Summary

This rulemaking clarifies language regarding transportation for open enrollment. It incorporates statutory amendments from 2024 Iowa Acts, House File 2278, which allowed districts to provide transportation across district boundaries in certain circumstances, and 2024 Iowa Acts, Senate File 2435, which restored deadlines, made exceptions to those deadlines, and limited open enrollment by students who are truant.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025, as **ARC 8761C**. A public hearing was held on the following date(s):

- January 28, 2025

No one attended the public hearing. No public comments were received. References to 2024 Iowa Acts, Senate File 2435 and House File 2278, have been removed since the amendments in the legislation have been codified in the 2025 Iowa Code. No other changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on March 20, 2025.

Fiscal Impact

While there may be a fiscal impact on school districts, this rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The

Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 21, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 17.2(1) as follows:

17.2(1) *Parent/guardian responsibilities.* Iowa Code section 282.18 governs the application process and responsibilities for parents/guardians and school districts. An application completed and submitted under this ~~rule~~ chapter will include all information set forth in, and within the timelines provided by, Iowa Code section 282.18(2)“a.”

ITEM 2. Adopt the following **new** subrules 17.6(6) and 17.6(7):

17.6(6) *Failure to meet deadlines in subrule 17.2(1).* Iowa Code section 282.18(3A) and 282.18(3B) govern applications that do not meet the applicable deadlines in subrule 17.2(1).

17.6(7) *Determination of truancy by receiving district.* Iowa Code section 282.18(11A) governs circumstances where the receiving district determines a student participating in open enrollment is “truant” as defined by Iowa Code section 299.8.

ITEM 3. Amend rule 281—17.8(282) as follows:

281—17.8(282) Transportation.

17.8(1) No change.

17.8(2) *Economic qualifications, eligibility and provisions for transportation assistance.* Open enrollment pupils who meet the economic eligibility provisions established by the department of education will receive transportation assistance from their resident district under the terms and conditions established by the department and state board of education as outlined in Iowa Code section 282.18(8)“c.” The resident district may withhold from the amount it is required to pay to a receiving district for an open enrollment pupil the actual amount or the average cost per pupil transported amount it pays for transportation assistance, whichever is the lesser amount. A sending district shall not be responsible for paying a parent or guardian pursuant to this subrule if the pupil is transported by the receiving district to and from school in the receiving district pursuant to subrule 17.8(3).

17.8(3) *Exception to subrule 17.8(1).* The provisions about transportation in another district provided by subrule 17.8(1) are subject to the exceptions contained in Iowa Code section 282.18(8)“b” and “c.”

[Filed 3/21/25, effective 5/21/25]

[Published 4/16/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/16/25.