Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 17
"Open Enrollment and Other Enrollment Options"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.7(5)
State or federal law(s) implemented by the rulemaking: Iowa Code section 282.18

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024 8 to 9:30 a.m.	Room B100 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Education no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

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

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

School districts will bear the cost of compliance with this rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Schools, parents, and communities will benefit from the clarity about transportation under open enrollment.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no known quantitative impact.

- **Qualitative description of impact:**

The clarity that the proposed rulemaking provides is anticipated to have a qualitative benefit of unknown magnitude.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department will bear routine enforcement costs (e.g., the costs of monitoring and enforcing any school law).

- **Anticipated effect on state revenues:**

None were noted.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The statute requires rules, so no comparison is necessary.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The statute requires rules, so no determination is necessary.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The statute requires rules, so no alternatives were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The statute requires rules, so no alternatives were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no known impact on small business.

Text of Proposed Rulemaking

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) as amended by 2024 Iowa Acts, Senate File 2435, 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) as amended by 2024 Iowa Acts, Senate File 2435, 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"* as amended by 2024 Iowa Acts, House File 2278.