

### **282.8 Attending school outside state.**

1. The boards of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and secondary school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states. Notwithstanding [section 282.1](#), arrangements between districts pursuant to the reciprocal agreements made under [this section](#) shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition fee established shall not be less than the lower of the tuition fee established pursuant to [section 282.24](#) for the school district or the equivalent tuition rate for the non-Iowa school district for the previous school year, and the transportation fee established shall not be less than the lower average transportation cost per mile for yellow school buses as described in [section 321.373](#) for the previous school year of the two affected school districts. The agreement shall provide that if the tuition fee for the school district in the adjoining state is a variable rate, the test of which tuition fee is lower shall be determined for each student by the affected boards.

2. A person attending school in another state pursuant to [this section](#) shall continue to be treated as a pupil of the district of residence for state school foundation aid purposes under [section 257.6](#).

3. Notwithstanding the tuition provisions of [subsection 1](#), the tuition fee established for a child requiring special education under [chapter 256B](#) shall be equal to the actual cost of the special education instructional program provided to that child under the child's individualized education program.

4. If the chief state school officers of the respective states have not entered into a reciprocal agreement under [this section](#), or the agreement has expired or been terminated, or the distance to the public school in the adjoining state is not nearer than an appropriate public school in the pupil's district of residence or an appropriate public school in Iowa, the pupil attending school outside the state shall be considered a nonresident child for purposes of tuition payments to the receiving district and shall not be treated as a pupil of the district of residence for state school foundation aid purposes under [section 257.6](#).

5. The whole grade sharing provisions of [sections 282.10 through 282.12](#) and the open enrollment provisions of [section 282.18](#) shall not apply to agreements made between districts under [this section](#).

[C31, 35, §4274-c1, -c2, 4275; C39, §4274.01, 4274.02, 4275; C46, §282.8, 282.9, 282.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.8, 282.17; 81 Acts, ch 89, §1]

87 Acts, ch 4, §1; 2006 Acts, ch 1152, §39; 2016 Acts, ch 1036, §6

Referred to in §275.1, §282.7