

282.18 Open enrollment.

1. *a.* 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.

b. 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](#).

2. *a.* A parent or guardian shall send notification to the district of residence and the receiving district, 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.

b. The board of the receiving district shall enroll the pupil in a school in the receiving district unless the receiving district has insufficient classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. The parent or guardian may withdraw the request at any time prior to the board's action on the application. A denial of a request by the board of a receiving district is not subject to appeal.

c. Every school district shall adopt a policy which defines the term "*insufficient classroom space*" for that district.

3. *a.* The superintendent of a district subject to 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, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district prior to implementation of the desegregation order by the district. If a transfer request would facilitate implementation of a desegregation order, the district shall give priority to granting the request over other requests.

b. A parent or guardian whose request has been denied because of the district's implementation of the desegregation order 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 to the district court in the county in which the primary business office of the district is located.

c. The board of directors of a school district subject to court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order and criteria for prioritizing requests that do not have an adverse impact on the order.

4. A request under [this section](#) is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in the district unless there is insufficient classroom space in the district or the district is subject to court-ordered desegregation and enrollment of the pupil would adversely affect implementation of the desegregation order. A denial of a request to change district enrollment is not subject to appeal. A pupil who has been in attendance in another district under [this section](#) may return to the district of residence and enroll at any time, once the parent or guardian has notified

the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

5. a. 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](#).

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in [section 257.9](#) or the teacher leadership supplement foundation aid for the previous fiscal year as provided in [section 284.13, subsection 1](#), paragraph "d", if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under [section 280.4, subsection 3](#), for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under [section 261E.6](#), the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in [section 261E.7](#).

(2) If a pupil participates in cocurricular or extracurricular activities in accordance with [subsection 10](#), the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in subparagraph (1). For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

c. If a pupil participating in open enrollment attends school in the receiving district for less than a full school year, payment from the district of residence to the receiving district shall be prorated on a per diem basis.

6. a. If a request filed under [this section](#) is for a child requiring special education under [chapter 256B](#), the request to transfer to the other district shall only be granted if the following conditions are met:

(1) 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 or caseload in that special education instructional program in the receiving district to exceed the maximum class size or caseload established pursuant to rules adopted by the state board of education.

(2) If the child would be assigned to a general education class, there is sufficient classroom space for the general education class to which the child would be assigned.

b. For children 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.

c. For children requiring special education, the receiving district shall complete and provide to the district of residence the documentation necessary to seek Medicaid reimbursement for eligible services.

7. a. 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 as determined on the date specified in [section 257.6, subsection 1](#), 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.

b. If a request to transfer is due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, 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, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve or who is a prekindergarten student enrolled in a special education program at the time of the request and 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 amount calculated in [subsection 5](#) or [6](#), as applicable, until the start of the first full year of enrollment of the child.

c. The receiving district shall bill the resident district determined under paragraph "a" according to the timeline in [section 282.20](#), [subsection 3](#). Payments shall be made to the receiving district in a timely manner.

d. 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 pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

e. 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.

8. a. 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. For purposes of [this subsection](#), "a point on a regular school bus route of the receiving district" includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b. A receiving district may 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 boards of both the sending and receiving districts agree to this arrangement.

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil 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. The economic eligibility requirements established by the department of education and state board of education shall minimally include those pupils with household incomes of two hundred percent or less of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. 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 pupil to a contiguous receiving district under [this subsection](#) 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.

9. a. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the

pupil's first ninety school days of enrollment in the district. However, a pupil may participate immediately in a varsity interscholastic sport under any of the following circumstances:

(1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade.

(2) If the district of residence and the other school district jointly participate in the sport.

(3) If the sport in which the pupil wishes to participate is not offered in the district of residence.

(4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under [section 256.11](#), [subsection 12](#).

(5) If the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade.

(6) If the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in [section 280.28](#) while attending school in the district of residence.

(8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause. For purposes of this subparagraph, "good cause" means a change in a child's residence due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance abuse or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in [section 256E.10](#) or [256F.8](#), 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.

(9) If the board of directors or superintendent of the district of residence issues or implements a decision that results in the discontinuance or suspension of varsity interscholastic sports activities in the district of residence.

(10) If the board of directors of the district of residence and the board of directors of the receiving district both agree to waive the ineligibility period.

(11) For open enrollment applications approved for the school year beginning July 1, 2021, if the pupil's district of residence had a voluntary diversity plan in effect on January 1, 2021, and applicable to the school year beginning July 1, 2021.

b. 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 is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under [this section](#), but only as a member of a team from the district that pupil had attended.

c. If a pupil is declared ineligible for interscholastic athletic contests and athletic competitions in the pupil's district of residence due to the pupil's academic performance, upon participating in open enrollment, in addition to any other period of ineligibility under [this subsection](#), the pupil shall be ineligible in the receiving district for the remaining period of ineligibility declared by the district of residence.

d. For purposes of [this subsection](#), "school days of enrollment" does not include enrollment in summer school. For purposes of [this subsection](#), "varsity" means the same as defined in [section 256.46](#), [subsection 3](#).

10. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with [section 256.7](#),

[subsection 32](#), may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student's participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

11. If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under [this section](#) if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

12. 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 subsection](#) is not subject to appeal under [section 290.1](#).

13. 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](#).

88 Acts, ch 1113, §1; 89 Acts, ch 12, §1; 89 Acts, ch 319, §81; 90 Acts, ch 1182, §1, 5; 90 Acts, ch 1233, §10; 91 Acts, ch 97, §62; 91 Acts, ch 202, §1; 92 Acts, ch 1135, §3 – 5; 92 Acts, ch 1163, §64; 93 Acts, ch 149, §1; 94 Acts, ch 1091, §24; 94 Acts, ch 1131, §8; 94 Acts, ch 1175, §10; 96 Acts, ch 1157, §1 – 3; 97 Acts, ch 23, §31, 32; 2002 Acts, ch 1124, §13, 16; 2002 Acts, ch 1129, §4; 2002 Acts, ch 1140, §17 – 23; 2003 Acts, ch 79, §5, 7, 8; 2003 Acts, ch 180, §35, 36, 72; 2005 Acts, ch 79, §2; 2005 Acts, ch 179, §93 – 95; 2006 Acts, ch 1152, §41 – 43; 2008 Acts, ch 1071, §1; 2008 Acts, ch 1181, §64; 2009 Acts, ch 18, §1; 2009 Acts, ch 133, §104; 2009 Acts, ch 177, §54, 57; 2010 Acts, ch 1069, §39, 40; 2012 Acts, ch 1021, §63; 2013 Acts, ch 121, §57, 75; 2016 Acts, ch 1036, §9, 10; 2016 Acts, ch 1079, §1, 2; 2017 Acts, ch 54, §44; 2018 Acts, ch 1026, §99; 2018 Acts, ch 1119, §15, 16; 2019 Acts, ch 24, §103; 2020 Acts, ch 1022, §5; 2020

Acts, ch 1045, §21; 2021 Acts, ch 50, §1; 2021 Acts, ch 90, §2, 4; 2021 Acts, ch 112, §18; 2021 Acts, ch 139, §13 – 19, 21, 22; 2022 Acts, ch 1153, §33 – 38, 41

Referred to in §85.20, 85.61, 256.43, 256.46, 256F4, 256F9, 257.6, 261E.7, 275.15, 282.8, 282.9, 284.13, 321.178, 321.194

Extracurricular eligibility; see also §256.46 and chapter 261I

Subsection 9, paragraph a, subparagraph (9) applies retroactively to July 1, 2020; 2021 Acts, ch 139, §22

Section amended and editorially internally renumbered