

281—17.5(282) Filing after the March 1 deadline—harassment, failure to respond to academic needs, or serious health condition. A parent/guardian may apply for open enrollment after the filing deadline of March 1 of the school year preceding the school year for which open enrollment is requested if the parent's/guardian's child is the victim of repeated acts of harassment that the resident district cannot adequately address, if there is a consistent failure of the resident district to reasonably respond to a student's failure to meet basic academic standards after notice provided by a parent or guardian, or if the child has a serious health condition that the resident district cannot adequately address. If any of these conditions exists, the parent/guardian shall be permitted to apply for open enrollment by sending notification to both the resident and receiving districts.

17.5(1) Board action. The board of the resident district shall act on the request within 30 days of its receipt. If the request is denied, the parent/guardian shall be notified by the district superintendent within 3 days following board action. If the request is approved, the district superintendent shall forward the approved application form to the receiving district within 5 days following board action and shall notify the parent/guardian within 3 days of this action. The board of the receiving district shall act to approve or deny an open enrollment request within 30 days following receipt of the notice of approval from the resident district. The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within 15 days of board action.

17.5(2) Appeal. A denial by either board of a request made under this rule involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address may be appealed by a parent/guardian to the state board of education pursuant to Iowa Code section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

17.5(3) Criteria for determining whether a resident district consistently failed to reasonably respond to a student's failure to meet basic academic standards. School officials, upon having data to evidence a student's failure to meet basic academic standards and having received notice from a student's parent/guardian, must have failed to respond to the student's failure.

a. Basic academic standards include Iowa academic standards for English language arts, mathematics, science, and social studies.

b. Evidence of a student's failure to meet basic academic standards may include one or more of the following:

- (1) Failure to meet grade-level benchmarks on universal screening assessments.
- (2) Failure to achieve proficiency on standards-based outcome assessments.
- (3) Receiving a grade of D or F (or equivalent) for a course.

c. A district's consistent failure to respond may include one or more of the following, measured over a minimum period of 12 weeks:

- (1) Failure to provide evidence-based interventions or strategies targeted to the student's needs.
- (2) Failure to monitor student growth.
- (3) Failure to make changes to the student's improvement plan if the student does not show progress.

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