

*Reprinted*

SENATE FILE 24  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 185)

Passed Senate, Date 2/2/91 (p. 414) Passed House, Date 5/2/91 (P.2057)  
Vote: Ayes 40 Nays 2 Vote: Ayes 98 Nays 0  
Approved May 28, 1991

A BILL FOR

3077 1 An Act relating to open enrollment, making changes in payment of  
2 funds for pupils who transfer from one district to another and  
3 permitting students whose former district of residence was  
4 dissolved and merged with contiguous districts, and providing  
5 effective and applicability dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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MF184

47 Section 1. Section 282.18, subsection 8, Code 1991, is  
2 amended to read as follows:

3 8. A pupil participating in open enrollment shall be  
4 counted, for state school foundation aid purposes, in the  
5 pupil's district of residence. A pupil's residence, for  
6 purposes of this section means a residence under section  
7 282.1. The board of directors of the district of residence  
8 shall pay to the receiving district the lower district cost  
9 per pupil of the two districts, plus any moneys received for  
10 the pupil as a result of non-English speaking weighting under  
11 section 442.4, subsection 5, for each school year after the  
12 first full year of the pupil's attendance in the receiving  
13 school district. During the first full year of attendance in  
14 the receiving district, and any prior partial year of  
15 attendance, the board of directors of the district of  
16 residence shall pay the state aid portion of the lower  
17 district cost per pupil of the two districts to the receiving  
18 district plus any moneys received for the pupil as a result of  
19 non-English speaking weighting under section 442.4, subsection  
20 5. The district of residence shall also transmit the portion  
21 III moneys allocated to the district for the full-time  
22 equivalent attendance of the pupil, who is the subject of the  
23 request, to the receiving district specified in the request  
24 for transfer.

48 Sec. 2. Section 282.18, subsection 15, Code 1991, is  
26 amended to read as follows:

49 15. A pupil who participates in open enrollment for  
28 purposes of attending a grade in grades ten through twelve in  
29 a school district other than the district of residence is not  
30 eligible to participate in interscholastic athletic contests  
31 and athletic competitions during the first year of enrollment  
32 under this section except for an interscholastic sport in  
33 which the district of residence and the other school district  
34 jointly participate, or unless the sport in which the pupil  
35 wishes to participate is not offered in the district of

1 residence, or if the pupil chooses to use open enrollment to  
2 attend school in another school district because the district  
3 in which the student previously attended school was dissolved  
4 and merged with one or more contiguous school districts under  
5 section 256.11, subsection 12. However, a pupil who has paid  
6 tuition and attended school, or has attended school pursuant  
7 to a mutual agreement between the two districts, in a district  
8 other than the pupil's district of residence for at least one  
9 school year prior to March 10, 1989, is eligible to  
10 participate in interscholastic athletic contests and athletic  
11 competitions under this section, but only as a member of a  
12 team from the district that pupil had attended.

13 Sec. 3. Section 1 of this Act, being deemed of immediate  
14 importance, takes effect upon enactment and is applicable to  
15 the school budget year beginning July 1, 1991.

16 EXPLANATION

17 This bill permits students whose school districts have been  
18 dissolved, due to failure to meet standards for accreditation,  
19 to use open enrollment after the merger and be permitted to  
20 participate in athletics immediately.

21 This bill requires payment of only the state aid portion of  
22 the district cost per pupil for the first year and any prior  
23 partial year, of attendance under open enrollment in the  
24 receiving district. The bill takes effect upon enactment for  
25 the school year beginning July 1, 1991.

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SENATE FILE 184

S-3045

Amend Senate File 184 as follows:

1. By striking page 1, line 16, through page 1, line 17, and inserting the following: "Added by striking the subsection and inserting in lieu thereof the following:  
15. Participation in open enrollment, for purposes of attending a grade in grades ten through twelve in a school district other than the district of residence, shall be treated in the same manner as other transfers from one school to another for purposes of determining a student's eligibility to participate in interscholastic athletic contests and athletic competitions, except that if a 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."

By WILMER RENSINK  
RAY TAYLOR

S-3045 FILED FEBRUARY 14, 1991

*Lost 2/21*

SENATE FILE 184

S-3047

Amend Senate File 184 as follows:

1. Page 1, by striking lines 1 through 24.
2. Title, by striking lines 1 and 2 and inserting the following: "An Act relating to open enrollment."
3. Title, line 4, by inserting after the word "districts" the words "to participate in athletics immediately".

By WILLIAM W. DIELEMAN  
PATRICK J. DELCHERY

S-3047 FILED FEBRUARY 14, 1991

*Lost 2/21*

SENATE FILE 184

S-3055

Amend Senate File 184, as follows:

1. Page 1, line 32, by striking the word "for" and inserting the following: "for the pupil may participate in".
2. Page 1, line 34, by striking the word "unless" and inserting the following: "unless when".
3. Page 2, line 1, by striking the word "or".
4. Page 2, line 5, by inserting after the figure "12" the following: ", or 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".

By RICHARD VARN

S-3055 FILED FEBRUARY 19, 1991

*Adopted 2/21*

SENATE FILE 184

S-3069

1 Amend Senate File 184 as follows:

2 1. By striking page 1, line 26 through page 2,  
3 line 12, and inserting the following: "amended by  
4 striking the subsection."

5 2. Page 2, line 13, by striking the words and  
6 figure "Section 1 of this" and inserting the  
7 following: "This".

By RAY TAYLOR  
LINN FUHRMAN  
LARRY MURPHY

S-3069 FILED FEBRUARY 21, 1991

LOST (p. 412)

S-3066

1 Amend Senate File 184 as follows:

2 1. Page 1, line 1, by striking the words and  
3 figures "subsection 3, Code 1991, is" and inserting  
4 the following: "subsections 8 and 10, Code 1991,  
5 are".

6 2. Page 1, by inserting after line 24 the  
7 following:

8 "10. If a parent or guardian of a child, who is  
9 participating in open enrollment under this section,  
10 moves to a different school district during the course  
11 of either district's academic year, the child's first  
12 district of residence shall be responsible for payment  
13 of the cost per pupil plus weightings or special  
14 education costs to the receiving school district for  
15 the balance of the school year in which the move took  
16 place. The new district of residence shall be  
17 responsible for the payment of the state aid portion  
18 of the payments during the next school year and then  
19 the full amount in succeeding years.

20 If a request to transfer is due to a change in  
21 family residence, change in the state in which the  
22 family residence is located, a change in a child's  
23 parents' marital status, a guardianship proceeding,  
24 placement in foster care, adoption, participation in a  
25 foreign exchange program, or participation in a  
26 substance abuse or mental health treatment program,  
27 and the child, who is the subject of the request, is  
28 not currently using any provision of open enrollment,  
29 the parent or guardian of the child shall have the  
30 option to have the child remain in the child's  
31 original district of residence under open enrollment  
32 with no interruption in the child's educational  
33 program. If a parent or guardian exercises this  
34 option, the child's new district of residence ~~is not~~  
35 required to shall pay the state aid portion of the  
36 lower of the two district costs per pupil or other  
37 costs to the receiving district until after the start  
38 of the first full year of enrollment of the child and  
39 the full amount of the payments in succeeding years.

40 Quarterly payments shall be made to the receiving  
41 district.

42 If the transfer of a pupil from one district to  
43 another results in a transfer from one area education  
44 agency to another, the sending district shall forward  
45 a copy of the request to the sending district's area  
46 education agency. The receiving district shall  
47 forward a copy of the request to the receiving  
48 district's area education agency. Any moneys received  
49 by the area education agency of the sending district  
50 for the pupil who is the subject of the request shall

Page 2

1 be forwarded to the receiving district's area  
2 education agency.

3 A district of residence may apply to the school  
4 budget review committee if a student who transfers  
5 under this subsection was not included in the resident  
6 district's enrollment count during the fall of the  
7 year preceding the student's transfer under open  
8 enrollment."

By JOHN KIBBIE

SENATE FILE 184

S-3728

1 Amend the amendment, S-3713, to the House  
2 amendment, S-3692, to Senate File 184, as amended,  
3 passed, and reprinted by the Senate, as follows:  
4 1. Page 1, by inserting after line 5, the  
5 following:  
6 " " . Page 3, line 14, by striking the word  
7 "or".  
8 . Page 3, line 17, by inserting after the word  
9 "grade", the following: ", or if the parent or  
10 guardian of the pupil participating in open enrollment  
11 is an active member of the armed forces and resides in  
12 permanent housing on government property provided by a  
13 branch of the armed services"."

By MARK HAGERLA  
EUGENE S. FRAISE

S-3728 FILED MAY 7, 1991  
RULED OUT OF ORDER (p. 1708)

HOUSE AMENDMENT TO  
SENATE FILE 184

S-3692

- 1 Amend Senate File 184 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 32.
- 5 2. Page 3, by striking lines 25 through 27.
- 6 3. Title page, by striking lines 1 and 2 and
- 7 inserting the following: "An Act relating to open
- 8 enrollment,".
- 9 4. Title page, by striking lines 4 and 5 and
- 10 inserting the following: "dissolved and merged with
- 11 contiguous districts to participate immediately in
- 12 athletics."
- 13 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3692 FILED MAY 3, 1991

*Amended (3750) & Concurred 5/7/91 (p. 1708)*

SENATE FILE 184

S-3713

- 1 Amend the House amendment, S-3692, to Senate File
- 2 184, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 4, the
- 5 following:
- 6 "\_\_\_\_. Page 3, by inserting after line 24, the
- 7 following:
- 8 "Sec. \_\_\_\_ Section 2 of this Act shall apply to
- 9 pupils participating in open enrollment as a result of
- 10 whole grade sharing agreements entered into on or
- 11 after July 1, 1990.""
- 12 2. Page 1, line 12, by inserting after the word
- 13 "athletics" the following: ", and providing for the
- 14 Act's applicability".
- 15 3. By renumbering as necessary.

By RICHARD VARN  
EMIL J. HUSAK  
MICHAEL W. CONNOLLY

S-3713 FILED MAY 3, 1991

*Placed o/o 5/7/91*



## SENATE FILE 184

S-3730

1 Amend the House amendment, S-3692, to Senate File  
2 184, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 3, by striking the word and  
5 figure "line 1" and inserting the following: "line  
6 3".

7 2. Page 1, line 4, by inserting after the figure  
8 "32" the following: ", and inserting the following:

9 "8. A pupil participating in open enrollment shall  
10 be counted, for state school foundation aid purposes,  
11 in the pupil's district of residence. A pupil's  
12 residence, for purposes of this section means a  
13 residence under section 282.1. The During the first  
14 full and any prior partial year of the pupil's  
15 attendance in the receiving district, the board of  
16 directors of the district of residence shall pay only  
17 fifty percent of the lower district cost per pupil of  
18 the two districts plus any moneys received for the  
19 pupil as a result of non-English speaking weighting  
20 under section 442.4, subsection 6, and any phase III  
21 moneys allocated for the full-time equivalent  
22 attendance of the pupil, to the receiving district.  
23 During the year following the first full year of the  
24 pupil's attendance, and in succeeding years, the board  
25 of directors of the district of residence shall pay to  
26 the receiving district the lower district cost per  
27 pupil of the two districts, plus any moneys received  
28 for the pupil as a result of non-English speaking  
29 weighting under section 442.4, subsection 6, for each  
30 school year. --The district of residence shall also  
31 transmit the and any phase III moneys allocated to the  
32 district for the full-time equivalent attendance of  
33 the pupil, who is the subject of the request, to the  
34 receiving district specified in the request for  
35 transfer. This subsection does not apply to the  
36 financial arrangements for the payment of costs for  
37 the transfer of pupils requiring special education  
38 under open enrollment.

39 A district of residence may apply to the school  
40 budget review committee if a student who transfers  
41 under this subsection was not included in the resident  
42 district's enrollment count during the fall of the  
43 year preceding the student's transfer under open  
44 enrollment.

45 Payments from the district of residence to the  
46 receiving district shall be made at the end of each  
47 semester.

48 10. If a parent or guardian of a child pupil, who  
49 is participating in open enrollment under this  
50 section, moves to a different school district during

S-3730

Page 2

1 the course of either district's academic year and the  
2 parent or guardian determines that the pupil should  
3 remain in the receiving district under open enrollment  
4 instead of enrolling in the new resident district, the  
5 child's pupil's first district of residence shall be  
6 responsible, subject to the limitations contained in  
7 subsection 8, for payment of the cost per pupil plus  
8 weightings or special education costs to the receiving  
9 school district for the balance of the school year in  
10 which the move took place. The new district of  
11 residence shall be responsible for the payments during  
12 pay only fifty percent of the lower district cost per  
13 pupil of the two districts plus any moneys received  
14 for the pupil as a result of non-English speaking  
15 weighting under section 442.4, subsection 6, and any  
16 phase III moneys allocated for the full-time  
17 equivalent attendance of the pupil, for the first full  
18 year of the pupil's enrollment in the receiving  
19 district. In succeeding years, the new district of  
20 residence shall pay the lower district cost per pupil  
21 of the districts plus any applicable weightings and  
22 phase III moneys to the receiving district.

23 If a request to transfer is due to a change in  
24 family residence, change in the state in which the  
25 family residence is located, a change in a child's  
26 parents' marital status, a guardianship proceeding,  
27 placement in foster care, adoption, participation in a  
28 foreign exchange program, or participation in a  
29 substance abuse or mental health treatment program,  
30 and the child pupil, who is the subject of the  
31 request, is not currently using any provision of open  
32 enrollment, the parent or guardian of the child pupil  
33 shall have the option to have the child remain in the  
34 child's original district of residence under open  
35 enrollment with no interruption in the child's pupil's  
36 educational program. If a parent or guardian  
37 exercises this option, the child's pupil's new  
38 district of residence ~~is not required to~~ shall pay  
39 only fifty percent of the lower of the two district  
40 costs per pupil or other costs to the receiving  
41 district until the start of plus applicable weightings  
42 for the first full year of enrollment of the child.  
43 In subsequent years, the new district of residence  
44 shall pay the lower district cost per pupil plus  
45 applicable weightings to the receiving district.

46 ~~Quarterly payments shall be made to the receiving~~  
47 ~~district.~~

48 If the transfer of a pupil from one district to  
49 another results in a transfer from one area education  
50 agency to another, the sending district shall forward

S-3730

Page 3

1 a copy of the request to the sending district's area  
2 education agency. The receiving district shall  
3 forward a copy of the request to the receiving  
4 district's area education agency. Any moneys received  
5 by the area education agency of the sending district  
6 for the pupil who is the subject of the request shall  
7 be forwarded to the receiving district's area  
8 education agency.

9 A district of residence may apply to the school  
10 budget review committee if a student who transfers  
11 under this subsection was not included in the resident  
12 district's enrollment count during the fall of the  
13 year preceding the student's transfer under open  
14 enrollment.

15 Payment made by a district of residence to a  
16 receiving district shall be made at the end of each  
17 semester.

18 This subsection does not apply to the financial  
19 arrangements for the payment of costs for the transfer  
20 of a pupil requiring special education under open  
21 enrollment."

22 3. Page 1, by inserting after line 4, the  
23 following:

24 "\_\_\_\_. Page 3, line 14, by striking the word "or".

25 \_\_\_\_\_. Page 3, line 17, by inserting after the word  
26 "grade", the following: ", or if the parent or  
27 guardian of the pupil participating in open enrollment  
28 is an active member of the armed forces and resides in  
29 permanent housing on government property provided by a  
30 branch of the armed services".

31 "\_\_\_\_. Page 3, by inserting after line 24, the  
32 following:

33 "Sec. \_\_\_\_\_. Section 2 of this Act shall apply to  
34 pupils participating in open enrollment as a result of  
35 whole grade sharing agreements entered into on or  
36 after July 1, 1990."

37 4. Page 1, by striking lines 5 through 8.

38 5. Page 1, line 12, by inserting after the word  
39 "athletics" the following: ", and providing for the  
40 Act's applicability".

41 6. By numbering and renumbering as necessary.

By JOHN P. KIBBIE  
RICHARD J. VARN  
BILL HUTCHINS

EMIL J. HUSAK  
EUGENE S. FRAISE

S-3730 FILED MAY 7, 1991

ADOPTED (y 1705)

See Ed 2/26 Amend (3562) & Do Pass 4/10/91

SENATE FILE 184  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 185)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 21, 1991)

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

*as amended by chamber*

Passed Senate, Date 5/7/91 (p. 1708) Passed House, Date 5/2/91 (p. 2057)  
Vote: Ayes 49 Nays 1 Vote: Ayes 98 Nays 0  
Approved May 28, 1991

A BILL FOR

35621 An Act relating to open enrollment, making changes in payment of  
2 funds for pupils who transfer from one district to another and  
3 permitting students whose former district of residence was  
4 dissolved and merged with contiguous districts, and providing  
5 effective and applicability dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Conference Committee Appointed 5/11/91

Senators Vora (chair), Ribbin, Fraiser, Bensink, & Hodge (p. 1785)  
Rep. Wrasing (chair), Baker, Hanson, Kistler, & Ollie (p. 2265)

Passage for Conference Committee Report

Senate 5/11/91 (p. 1814)  
49-0

Passed House 5/11/91 (p. 2426)  
91-3

S.F. 184

35621 Section 1. Section 282.18, subsections 8 and 10, Code  
2 1991, are amended to read as follows:

3 8. A pupil participating in open enrollment shall be  
4 counted, for state school foundation aid purposes, in the  
5 pupil's district of residence. A pupil's residence, for  
6 purposes of this section means a residence under section  
7 282.1. The board of directors of the district of residence  
8 shall pay to the receiving district the lower district cost  
9 per pupil of the two districts, plus any moneys received for  
10 the pupil as a result of non-English speaking weighting under  
11 section 442.4, subsection 6, for each school year after the  
12 first full year of the pupil's attendance in the receiving  
13 school district. During the first full year of attendance in  
14 the receiving district, and any prior partial year of  
15 attendance, the board of directors of the district of  
16 residence shall pay the state aid portion of the lower  
17 district cost per pupil of the two districts to the receiving  
18 district plus any moneys received for the pupil as a result of  
19 non-English speaking weighting under section 442.4, subsection  
20 6. The district of residence shall also transmit the phase  
21 III moneys allocated to the district for the full-time  
22 equivalent attendance of the pupil, who is the subject of the  
23 request, to the receiving district specified in the request  
24 for transfer.

25 10. If a parent or guardian of a child, who is  
26 participating in open enrollment under this section, moves to  
27 a different school district during the course of either  
28 district's academic year, the child's first district of  
29 residence shall be responsible for payment of the cost per  
30 pupil plus weightings or special education costs to the  
31 receiving school district for the balance of the school year  
32 in which the move took place. The new district of residence  
33 shall be responsible for the payment of the state aid portion  
34 of the payments during the next school year and then the full  
35 amount in succeeding years.

1 If a request to transfer is due to a change in family  
2 residence, change in the state in which the family residence  
3 is located, a change in a child's parents' marital status, a  
4 guardianship proceeding, placement in foster care, adoption,  
5 participation in a foreign exchange program, or participation  
6 in a substance abuse or mental health treatment program, and  
7 the child, who is the subject of the request, is not currently  
8 using any provision of open enrollment, the parent or guardian  
9 of the child shall have the option to have the child remain in  
10 the child's original district of residence under open  
11 enrollment with no interruption in the child's educational  
12 program. If a parent or guardian exercises this option, the  
13 child's new district of residence is-not-required-to shall pay  
14 the state aid portion of the lower of the two district costs  
15 per pupil or other costs to the receiving district until after  
16 the start of the first full year of enrollment of the child  
17 and the full amount of the payments in succeeding years.

18 Quarterly payments shall be made to the receiving district.

19 If the transfer of a pupil from one district to another  
20 results in a transfer from one area education agency to  
21 another, the sending district shall forward a copy of the  
22 request to the sending district's area education agency. The  
23 receiving district shall forward a copy of the request to the  
24 receiving district's area education agency. Any moneys  
25 received by the area education agency of the sending district  
26 for the pupil who is the subject of the request shall be  
27 forwarded to the receiving district's area education agency.

28 A district of residence may apply to the school budget  
29 review committee if a student who transfers under this  
30 subsection was not included in the resident district's  
31 enrollment count during the fall of the year preceding the  
32 student's transfer under open enrollment.

33 Sec. 2. Section 282.18, subsection 15, Code 1991, is  
34 amended to read as follows:

35 15. A pupil who participates in open enrollment for

1 purposes of attending a grade in grades ten through twelve in  
 2 a school district other than the district of residence is not  
 3 eligible to participate in interscholastic athletic contests  
 4 and athletic competitions during the first year of enrollment  
 5 under this section except for the pupil may participate in an  
 6 interscholastic sport in which the district of residence and  
 7 the other school district jointly participate, or-unless when  
 8 the sport in which the pupil wishes to participate is not  
 \* 9 offered in the district of residence, if the pupil chooses to  
 10 use open enrollment to attend school in another school  
 11 district because the district in which the student previously  
 12 attended school was dissolved and merged with one or more  
 13 contiguous school districts under section 256.11, subsection  
 14 12, or if the pupil participates in open enrollment because  
 15 the pupil's district of residence has entered into a whole  
 16 grade sharing agreement with another district for the pupil's  
 17 grade. However, a pupil who has paid tuition and attended  
 18 school, or has attended school pursuant to a mutual agreement  
 19 between the two districts, in a district other than the  
 20 pupil's district of residence for at least one school year  
 21 prior to March 10, 1989, is eligible to participate in  
 22 interscholastic athletic contests and athletic competitions  
 23 under this section, but only as a member of a team from the  
 24 district that pupil had attended.

35625 Sec. 3. Section 1 of this Act, being deemed of immediate  
 26 importance, takes effect upon enactment and is applicable to  
 27 the school budget year beginning July 1, 1991.

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SENATE AMENDMENT TO HOUSE AMENDMENT SENATE FILE 184  
H-4084

1 Amend the House amendment, S-3692, to Senate File  
2 184, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 3, by striking the word and  
5 figure "line 1" and inserting the following: "line  
6 3".

7 2. Page 1, line 4, by inserting after the figure  
8 "32" the following: ", and inserting the following:

9 "8. A pupil participating in open enrollment shall  
10 be counted, for state school foundation aid purposes,  
11 in the pupil's district of residence. A pupil's  
12 residence, for purposes of this section means a  
13 residence under section 282.1. ~~The~~ During the first  
14 full and any prior partial year of the pupil's  
15 attendance in the receiving district, the board of  
16 directors of the district of residence shall pay only  
17 fifty percent of the lower district cost per pupil of  
18 the two districts plus any moneys received for the  
19 pupil as a result of non-English speaking weighting  
20 under section 442.4, subsection 6, and any phase III  
21 moneys allocated for the full-time equivalent  
22 attendance of the pupil, to the receiving district.  
23 During the year following the first full year of the  
24 pupil's attendance, and in succeeding years, the board  
25 of directors of the district of residence shall pay to  
26 the receiving district the lower district cost per  
27 pupil of the two districts, plus any moneys received  
28 for the pupil as a result of non-English speaking  
29 weighting under section 442.4, subsection 6, for each  
30 school-year.--The-district-of-residence-shall-also  
31 transmit-the and any phase III moneys allocated to the  
32 district for the full-time equivalent attendance of  
33 the pupil, who is the subject of the request, to the  
34 receiving-district-specified-in-the-request-for  
35 transfer. This subsection does not apply to the  
36 financial arrangements for the payment of costs for  
37 the transfer of pupils requiring special education  
38 under open enrollment.

39 A district of residence may apply to the school  
40 budget review committee if a student who transfers  
41 under this subsection was not included in the resident  
42 district's enrollment count during the fall of the  
43 year preceding the student's transfer under open  
44 enrollment.

45 Payments from the district of residence to the  
46 receiving district shall be made at the end of each  
47 semester.

48 10. If a parent or guardian of a child pupil, who  
49 is participating in open enrollment under this  
50 section, moves to a different school district during



H-4084

Page 2

1 the course of either district's academic year and the  
2 parent or guardian determines that the pupil should  
3 remain in the receiving district under open enrollment.  
4 Instead of enrolling in the new resident district, the  
5 child's pupil's first district of residence shall be  
6 responsible, subject to the limitations contained in  
7 subsection 8, for payment of the cost per pupil plus  
8 weightings or special education costs to the receiving  
9 school district for the balance of the school year in  
10 which the move took place. The new district of  
11 residence shall be responsible for the payments during  
12 pay only fifty percent of the lower district cost per  
13 pupil of the two districts plus any moneys received  
14 for the pupil as a result of non-English speaking  
15 weighting under section 442.4, subsection 6, and any  
16 phase III moneys allocated for the full-time  
17 equivalent attendance of the pupil, for the first full  
18 year of the pupil's enrollment in the receiving  
19 district. In succeeding years, the new district of  
20 residence shall pay the lower district cost per pupil  
21 of the districts plus any applicable weightings and  
22 phase III moneys to the receiving district.

23 If a request to transfer is due to a change in  
24 family residence, change in the state in which the  
25 family residence is located, a change in a child's  
26 parents' marital status, a guardianship proceeding,  
27 placement in foster care, adoption, participation in a  
28 foreign exchange program, or participation in a  
29 substance abuse or mental health treatment program,  
30 and the child pupil, who is the subject of the  
31 request, is not currently using any provision of open  
32 enrollment, the parent or guardian of the child's pupil  
33 shall have the option to have the child remain in the  
34 child's original district of residence under open  
35 enrollment with no interruption in the child's pupil's  
36 educational program. If a parent or guardian  
37 exercises this option, the child's pupil's new  
38 district of residence is not required to shall pay  
39 only fifty percent of the lower of the two district  
40 costs per pupil or other costs to the receiving  
41 district until the start of plus applicable weightings  
42 for the first full year of enrollment of the child.  
43 In subsequent years, the new district of residence  
44 shall pay the lower district cost per pupil plus  
45 applicable weightings to the receiving district.

46 Quarterly payments shall be made to the receiving  
47 district.

48 If the transfer of a pupil from one district to  
49 another results in a transfer from one area education  
50 agency to another, the sending district shall forward

H-4084

Page 3

1 a copy of the request to the sending district's area  
2 education agency. The receiving district shall  
3 forward a copy of the request to the receiving  
4 district's area education agency. Any moneys received  
5 by the area education agency of the sending district  
6 for the pupil who is the subject of the request shall  
7 be forwarded to the receiving district's area  
8 education agency.

9 A district of residence may apply to the school  
10 budget review committee if a student who transfers  
11 under this subsection was not included in the resident  
12 district's enrollment count during the fall of the  
13 year preceding the student's transfer under open  
14 enrollment.

15 Payment made by a district of residence to a  
16 receiving district shall be made at the end of each  
17 semester.

18 This subsection does not apply to the financial  
19 arrangements for the payment of costs for the transfer  
20 of a pupil requiring special education under open  
21 enrollment."

22 3. Page 1, by inserting after line 4, the  
23 following:

24 " \_\_\_\_\_. Page 3, line 14, by striking the word "or".

25 \_\_\_\_\_. Page 3, line 17, by inserting after the word  
26 "grade", the following: ", or if the parent or  
27 guardian of the pupil participating in open enrollment  
28 is an active member of the armed forces and resides in  
29 permanent housing on government property provided by a  
30 branch of the armed services".

31 " \_\_\_\_\_. Page 3, by inserting after line 24, the  
32 following:

33 "Sec. \_\_\_\_\_. Section 2 of this Act shall apply to  
34 pupils participating in open enrollment as a result of  
35 whole grade sharing agreements entered into on or  
36 after July 1, 1990."

37 4. Page 1, by striking lines 5 through 8.

38 5. Page 2, line 12, by inserting after the word  
39 "athletics" the following: ", and providing for the  
40 Act's applicability".

41 6. By numbering and renumbering as necessary.

RECEIVED FROM THE SENATE

H-4084 FILED MAY 8, 1991

*House referred to Council 5/10/91 (p. 2256.)*  
*Senate insisted 4/11/91 (p. 1782)*

SENATE FILE 184

H-3562

- 1 Amend Senate File 184 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 1 through page 2,
- 4 line 32.
- 5 2. Page 3, by striking lines 25 through 27.
- 6 3. Title page, by striking lines 1 and 2 and
- 7 inserting the following: "An Act relating to open
- 8 enrollment,".
- 9 4. Title page, by striking lines 4 and 5 and
- 10 inserting the following: "dissolved and merged with
- 11 contiguous districts to participate immediately in
- 12 athletics."
- 13 5. By renumbering as necessary.

By COMMITTEE ON EDUCATION  
OLLIE of Clinton, Chairperson

H-3562 FILED APRIL 10, 1991

*Adopted 5/2/91 (p. 2056)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 184

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 184, a bill for an Act relating to open enrollment, making changes in payment of funds for pupils who transfer from one district to another and permitting students whose former district of residence was dissolved and merged with contiguous districts, and providing effective and applicability dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4084.

2. That the House amendment, S-3692, to Senate File 184, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 4, the following:

"\_\_\_. Page 3, line 14, by striking the word "or".

\_\_\_ . Page 3, line 17, by inserting after the word "grade", the following: ", or 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".

"\_\_\_. Page 3, by inserting after line 24, the following:

"Sec. \_\_\_. Section 2 of this Act shall apply to pupils participating in open enrollment as a result of whole grade sharing agreements entered into on or after July 1, 1990."

2. Page 1, line 12, by inserting after the word "athletics" the following: ", and providing for the Act's applicability".

CCS-184

Page 2

3. By numbering, renumbering, and changing internal references as necessary.

ON THE PART OF THE SENATE:

RICHARD VARN, Chairperson  
EUGENE FRAISE  
H. KAY HEDGE  
JOHN P. KIBBIE  
WILMER RENSINK

ON THE PART OF THE HOUSE:

MATTHEW WISSING, Chairperson  
TOM BAKER  
DONALD E. HANSON  
BOB KISTLER  
C. ARTHUR OLLIE

CCS-184 FILED MAY 11, 1991

ADOPTED (p. 1814)

*House - adopted 5/11/91 (p. 2425)*

KIBBIE, CH.  
CONNOLLY  
TIEDEN

SSB 185  
EDUCATION

SENATE FILE 184  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON CONNOLLY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to open enrollment, making changes in payment of  
2 funds for pupils who transfer from one district to another and  
3 permitting students whose former district of residence was  
4 dissolved and merged with contiguous districts, and providing  
5 effective and applicability dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 282.18, subsection 8, Code 1991, is  
2 amended to read as follows:

3 8. A pupil participating in open enrollment shall be  
4 counted, for state school foundation aid purposes, in the  
5 pupil's district of residence. A pupil's residence, for  
6 purposes of this section means a residence under section  
7 282.1. The board of directors of the district of residence  
8 shall pay to the receiving district the lower district cost  
9 per pupil of the two districts, plus any moneys received for  
10 the pupil as a result of non-English speaking weighting under  
11 section 442.4, subsection 6, for each school year after the  
12 first full year of the pupil's attendance in the receiving  
13 school district. During the first full year of attendance in  
14 the receiving district, and any prior partial year of  
15 attendance, the board of directors of the district of  
16 residence shall pay the state aid portion of the lower  
17 district cost per pupil of the two districts to the receiving  
18 district plus any moneys received for the pupil as a result of  
19 non-English speaking weighting under section 442.4, subsection  
20 6. The district of residence shall also transmit the phase  
21 III moneys allocated to the district for the full-time  
22 equivalent attendance of the pupil, who is the subject of the  
23 request, to the receiving district specified in the request  
24 for transfer.

25 Sec. 2. Section 282.18, subsection 15, Code 1991, is  
26 amended to read as follows:

27 15. A pupil who participates in open enrollment for  
28 purposes of attending a grade in grades ten through twelve in  
29 a school district other than the district of residence is not  
30 eligible to participate in interscholastic athletic contests  
31 and athletic competitions during the first year of enrollment  
32 under this section except for an interscholastic sport in  
33 which the district of residence and the other school district  
34 jointly participate, or unless the sport in which the pupil  
35 wishes to participate is not offered in the district of

1 residence, or if the pupil chooses to use open enrollment to  
2 attend school in another school district because the district  
3 in which the student previously attended school was dissolved  
4 and merged with one or more contiguous school districts under  
5 section 256.11, subsection 12. However, a pupil who has paid  
6 tuition and attended school, or has attended school pursuant  
7 to a mutual agreement between the two districts, in a district  
8 other than the pupil's district of residence for at least one  
9 school year prior to March 10, 1989, is eligible to  
10 participate in interscholastic athletic contests and athletic  
11 competitions under this section, but only as a member of a  
12 team from the district that pupil had attended.

13 Sec. 3. Section 1 of this Act, being deemed of immediate  
14 importance, takes effect upon enactment and is applicable to  
15 the school budget year beginning July 1, 1991.

16 EXPLANATION

17 This bill permits students whose school districts have been  
18 dissolved, due to failure to meet standards for accreditation,  
19 to use open enrollment after the merger and be permitted to  
20 participate in athletics immediately.

21 This bill requires payment of only the state aid portion of  
22 the district cost per pupil for the first year and any prior  
23 partial year, of attendance under open enrollment in the  
24 receiving district. The bill takes effect upon enactment for  
25 the school year beginning July 1, 1991.

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SENATE FILE 184

AN ACT

RELATING TO OPEN ENROLLMENT, PERMITTING STUDENTS WHOSE FORMER DISTRICT OF RESIDENCE WAS DISSOLVED AND MERGED WITH CONTIGUOUS DISTRICTS TO PARTICIPATE IMMEDIATELY IN ATHLETICS, AND PROVIDING FOR THE ACT'S APPLICABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 282.18, subsection 15, Code 1991, is amended to read as follows:

15. A pupil who participates in open enrollment for purposes of attending a grade in grades ten through twelve in a school district other than the district of residence is not eligible to participate in interscholastic athletic contests and athletic competitions during the first year of enrollment under this section except for the pupil may participate in an interscholastic sport in which the district of residence and the other school district jointly participate, or-unless when the sport in which the pupil wishes to participate is not offered in the district of residence, 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, 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, or 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. However, 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 prior to March 10, 1989, is eligible to participate 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.

Sec. 2. This Act shall apply to pupils participating in open enrollment as a result of whole grade sharing agreements entered into on or after July 1, 1990.

\_\_\_\_\_  
JOE J. WELSH  
President of the Senate

\_\_\_\_\_  
ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 184, Seventy-fourth General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved May 28, 1991

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor