

H-3/14/96 Education  
H-3/19/96 Do Pass  
FILED FEB 15 1996

SENATE FILE 2201  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2132)

Passed Senate, <sup>(P.793)</sup> Date 3-14-96 Passed House, <sup>(P.1419)</sup> Date 4/8/96  
Vote: Ayes 47 Nays 0 Vote: Ayes 93 Nays 4  
Approved 4/23/96  
*Passed 4-9-96*  
*vote 50-0*

A BILL FOR

1 An Act relating to the open enrollment application and  
2 implementation process.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF. 2201

1 Section 1. Section 282.18, subsection 2, Code 1995, is  
2 amended to read as follows:

3 2. By ~~October-30~~ February 1 of the preceding school year,  
4 the parent or guardian shall send notification to the district  
5 of residence, on forms prescribed by the department of  
6 education, that the parent or guardian intends to enroll the  
7 parent's or guardian's child in a public school in another  
8 school district. ~~The parent or guardian shall describe the~~  
9 ~~reason for enrollment in the receiving district.~~ If a parent  
10 or guardian fails to file a notification that the parent  
11 intends to enroll the parent's or guardian's child in a public  
12 school in another district by the deadline of ~~October-30~~  
13 February 1 of the previous year, and one of the criteria  
14 defined in subsection 18 exists for the failure to meet the  
15 deadline or if the request is to enroll a child in  
16 kindergarten in a public school in another district, the  
17 parent or guardian shall be permitted to enroll the child in  
18 the other district in the same manner as if the deadline had  
19 been met.

20 The board of directors of a school district may adopt a  
21 policy granting the superintendent of the district authority  
22 to approve open enrollment applications that are timely filed.  
23 However, the board of directors shall not grant the  
24 superintendent authority to deny open enrollment applications,  
25 except as provided in subsection 4. The board of the district  
26 of residence, or the superintendent with the board's authority  
27 to only approve applications, shall take action on the request  
28 no later than ~~November-30~~ March 1 of the preceding school year  
29 and shall transmit any approved request within five days after  
30 board action on the request. The parent or guardian may  
31 withdraw the request at any time prior to the start of the  
32 school year. The board of the receiving district, or the  
33 superintendent with the board's authority to approve  
34 applications only, shall take action to approve or disapprove  
35 the request no later than ~~December-31~~ April 1 of the preceding

1 school year. The board of the receiving district shall enroll  
2 the pupil in a school in the receiving district for the  
3 following school year unless the receiving district does not  
4 have classroom space for the pupil. If the request is  
5 granted, the board shall transmit a copy of the form to the  
6 school district of residence within five days after board  
7 action.

8 Sec. 2. Section 282.18, subsections 7, 8 and 18, Code  
9 1995, are amended to read as follows:

10 7. A request under this section is for a period of not  
11 less than one year. If the request is for more than one year  
12 and the parent or guardian desires to have the pupil enroll in  
13 a different district, the parent or guardian may petition the  
14 current receiving district by ~~October-30~~ February 1 of the  
15 previous school year for permission to enroll the pupil in a  
16 different district for a period of not less than one year.  
17 Upon receipt of such a request, the current receiving district  
18 board may act on the request to transfer to the other school  
19 district at the next regularly scheduled board meeting after  
20 the receipt of the request. The new receiving district shall  
21 enroll the pupil in a school in the district unless there is  
22 insufficient classroom space in the district or unless  
23 enrollment of the pupil would adversely affect the court-  
24 ordered or voluntary desegregation plan of the district. A  
25 denial of a request to change district enrollment within the  
26 approved period is subject to appeal under section 290.1.  
27 However, a pupil who has been in attendance in another  
28 district under this section may return to the district of  
29 residence and enroll at any time, once the parent or guardian  
30 has notified the district of residence and the receiving  
31 district in writing of the decision to enroll the pupil in the  
32 district of residence.

33 8. A pupil participating in open enrollment shall be  
34 counted, for state school foundation aid purposes, in the  
35 pupil's district of residence. A pupil's residence, for

1 purposes of this section, means a residence under section  
2 282.1. The board of directors of the district of residence  
3 shall pay to the receiving district the lower-district state  
4 cost per pupil of for the two-districts previous school year,  
5 plus any moneys received for the pupil as a result of the non-  
6 English speaking weighting under section 280.4, subsection 4,  
7 for each the previous school year multiplied by the state cost  
8 for the previous year. The district of residence shall also  
9 transmit the phase III moneys allocated to the district for  
10 the previous year for the full-time equivalent attendance of  
11 the pupil, who is the subject of the request, to the receiving  
12 district specified in the request for transfer.

13 18. For purposes of this section, "good cause" means a  
14 change in a child's residence due to a change in family  
15 residence, a change in the state in which the family residence  
16 is located, a change in a child's parents' marital status, a  
17 guardianship proceeding, placement in foster care, adoption,  
18 participation in a foreign exchange program, or participation  
19 in a substance abuse or mental health treatment program, or a  
20 similar set of circumstances consistent with the definition of  
21 good cause; a change in the status of a child's resident  
22 district, such as removal of accreditation by the state board,  
23 surrender of accreditation, or permanent closure of a  
24 nonpublic school, the failure of negotiations for a whole-  
25 grade sharing, reorganization, dissolution agreement or the  
26 rejection of a current whole-grade sharing agreement, or  
27 reorganization plan, or a similar set of circumstances  
28 consistent with the definition of good cause. If the good  
29 cause relates to a change in status of a child's school  
30 district of residence, however, action by a parent or guardian  
31 must be taken to file the notification within forty-five days  
32 of the last board action or within thirty days of the  
33 certification of the election, whichever is applicable to the  
34 circumstances.

35 Sec. 3. Section 282.18, subsection 12, Code 1995, is

1 amended by striking the subsection.

2

EXPLANATION

3 This bill changes open enrollment application deadlines,  
4 eliminates the requirement that parents give a reason for open  
5 enrolling on the application, permits the board of directors  
6 of a school district to grant the district superintendent the  
7 authority to approve, but not deny, open enrollment  
8 applications timely filed, provides that the amount paid for  
9 open enrollment students is the state per pupil cost for the  
10 previous year, strikes a requirement that a pupil attend the  
11 open enrollment district, and adds the removal or surrender of  
12 accreditation and the closing of a nonpublic school as good  
13 cause for making late application for open enrollment.

14 The deadline for making application for open enrollment is  
15 moved from October 30 to February 1. The date by which the  
16 board of the district of residence must take action on the  
17 application is moved from November 30 to March 1, and the date  
18 by which the receiving district must take action on the  
19 request is moved from December 31 to April 1.

20 The board of directors of the district of residence shall  
21 pay to the receiving district the state cost per pupil for the  
22 previous school year, rather than the lower of the two  
23 districts' cost, plus any moneys received for the pupil as a  
24 result of the non-English speaking weighting under section  
25 280.4, subsection 4, for the previous school year multiplied  
26 by the state cost for the previous year. The district of  
27 residence is also required to transmit to the receiving  
28 district the phase III moneys allocated to the district of  
29 residence for the previous year for the full-time equivalent  
30 attendance of the pupil.

31 The definition of "good cause" for purposes permitting a  
32 parent to submit, and a district to approve, a late  
33 application is expanded to include the removal of  
34 accreditation by the state board, the surrender of  
35 accreditation, and the permanent closure of a nonpublic

1 school.

2 A provision requiring a child to attend school in the  
3 district approved under the application process is struck from  
4 the Code.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

## SENATE FILE 2201

S-5164

1 Amend Senate File 2201 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. NEW SECTION. 282.9 ENROLLMENT  
5 OPTIONS IN ADJOINING STATES.

6 1. Iowa students and students residing in  
7 adjoining states that have reciprocal agreements may  
8 enroll in school districts in the other state. In  
9 order to qualify for this option the students must be  
10 residents of a county which is contiguous to a state  
11 border.

12 The intention of an out-of-state student to enroll  
13 in an Iowa school district shall be made known to the  
14 affected school district before July 1 of the school  
15 year of enrollment.

16 2. A non-Iowa student who resides in a school  
17 district in a county that borders Iowa may enroll in  
18 an Iowa school district if either the school board of  
19 the district in which the student resides or the state  
20 in which the student resides pays tuition to the Iowa  
21 school district in which the student is enrolled,  
22 provided adequate classroom space is available in the  
23 Iowa school district as determined by the board of the  
24 school district. The tuition must be comparable to  
25 the tuition established according to section 282.24.

26 In each odd-numbered year, before March 1, the  
27 state board of education shall agree to rates of  
28 tuition for Iowa elementary and secondary students  
29 attending in other states for the next two fiscal  
30 years. The board shall negotiate equal, reciprocal  
31 rates with the designated authority in each state  
32 applicable to students who reside in another adjoining  
33 state and enroll in an Iowa school district.

34 3. It is the primary responsibility of a parent or  
35 guardian to provide transportation for students  
36 attending school pursuant to this section. However,  
37 for any student attending school pursuant to this  
38 section, the provision of student transportation may  
39 be negotiated between the districts of residence and  
40 attendance with consideration given to differing  
41 transportation needs. Transportation options may  
42 include bus service to and from the district boundary  
43 or to and from a student's home."

44 2. Title page, line 2, by inserting after the  
45 word "process" the following: ", and to student  
46 enrollment options across state boundaries for  
47 students residing in bordering counties".

48 3. By renumbering as necessary.

By WILMER RENSINK  
BERL E. PRIEBE  
JOHN P. KIBBIE

## SENATE FILE 2201

S-5099

Amend Senate File 2201 as follows:

1. Page 2, by inserting after line 7 the following:
- "Sec. \_\_\_\_ . Section 282.18, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:
- In all districts involved with voluntary or court-ordered desegregation, minority and nonminority pupil ratios shall be maintained in each building according to the desegregation plan or order. The superintendent of a district subject to voluntary or 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 or plan. However, a school district's policy of using district-wide desegregation goals shall not be a basis for denying an open enrollment application. ~~If, however,~~ a transfer request would facilitate a voluntary or court-ordered desegregation plan, the district shall give priority to granting the request over other requests."
2. By renumbering as necessary.

By MERLIN E. BARTZ

S-5099 FILED FEBRUARY 22, 1996

WITHDRAWN  
3.14.96

(P.793)

SENATE FILE 2201

H-5849

1 Amend Senate File 2201, as passed by the Senate, as  
2 follows:

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

5 "Sec. \_\_\_\_ . INSTRUCTIONAL SUPPORT FOR REORGANIZED  
6 SCHOOL DISTRICTS. Notwithstanding section 257.18,  
7 subsection 3, and section 257.27, a school district  
8 participating in an instructional support program on  
9 or after July 1, 1995, which reorganizes effective  
10 July 1, 1996, may continue to participate in the  
11 instructional support program for the budget year  
12 beginning July 1, 1996. The percent of income surtax  
13 imposed for the budget year beginning July 1, 1996, by  
14 the board of directors of the school district that  
15 reorganizes effective July 1, 1996, shall not exceed  
16 seventeen percent."

17 2. Title page, line 2, by inserting after the  
18 word "process" the following: "and to instructional  
19 support for reorganized school districts".

By GRIES of Crawford

H-5849 FILED APRIL 3, 1996

*Adopted*  
*4-8-96*  
*(p. 1419)*

SENATE FILE 2201

H-5544

1 Amend Senate File 2201, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 3, by striking the word  
4 "February" and inserting the following: "January".

5 2. Page 1, line 13, by striking the word  
6 "February" and inserting the following: "January".

7 3. Page 1, line 28, by striking the word "March"  
8 and inserting the following: "February".

9 4. Page 1, line 35, by striking the word "April"  
10 and inserting the following: "March".

11 5. Page 2, line 14, by striking the word  
12 "February" and inserting the following: "January".

By GRUNDBERG of Polk

H-5544 FILED MARCH 25, 1996

*Adopted*  
*4-8-96*  
*(p. 1419)*

HOUSE AMENDMENT TO  
SENATE FILE 2201

S-5688

- 1 Amend Senate File 2201, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 3, by striking the word  
4 "February" and inserting the following: "January".  
5 2. Page 1, line 13, by striking the word  
6 "February" and inserting the following: "January".  
7 3. Page 1, line 28, by striking the word "March"  
8 and inserting the following: "February".  
9 4. Page 1, line 35, by striking the word "April"  
10 and inserting the following: "March".  
11 5. Page 2, line 14, by striking the word  
12 "February" and inserting the following: "January".  
13 6. Page 4, by inserting after line 1 the  
14 following:  
15 "Sec. \_\_\_\_ . INSTRUCTIONAL SUPPORT FOR REORGANIZED  
16 SCHOOL DISTRICTS. Notwithstanding section 257.18,  
17 subsection 3, and section 257.27, a school district  
18 participating in an instructional support program on  
19 or after July 1, 1995, which reorganizes effective  
20 July 1, 1996, may continue to participate in the  
21 instructional support program for the budget year  
22 beginning July 1, 1996. The percent of income surtax  
23 imposed for the budget year beginning July 1, 1996, by  
24 the board of directors of the school district that  
25 reorganizes effective July 1, 1996, shall not exceed  
26 seventeen percent."  
27 7. Title page, line 2, by inserting after the  
28 word "process" the following: "and to instructional  
29 support for reorganized school districts".  
30 8. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5688 FILED APRIL 8, 1996

*Senate Concurred 4-9-96*

*(P.1283)*

Neuhauser  
Dvorsky  
Iverson

S  
SF

ed By  
2201

SSB.2132  
Education

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

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

A BILL FOR

1 An Act relating to the open enrollment application and  
2 implementation process.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 Section 1. Section 282.18, subsection 2, Code 1995, is  
2 amended to read as follows:

3 2. By ~~October-30~~ February 1 of the preceding school year,  
4 the parent or guardian shall send notification to the district  
5 of residence, on forms prescribed by the department of  
6 education, that the parent or guardian intends to enroll the  
7 parent's or guardian's child in a public school in another  
8 school district. ~~The parent or guardian shall describe the~~  
9 ~~reason for enrollment in the receiving district.~~ If a parent  
10 or guardian fails to file a notification that the parent  
11 intends to enroll the parent's or guardian's child in a public  
12 school in another district by the deadline of ~~October-30~~  
13 February 1 of the previous year, and one of the criteria  
14 defined in subsection 18 exists for the failure to meet the  
15 deadline or if the request is to enroll a child in  
16 kindergarten in a public school in another district, the  
17 parent or guardian shall be permitted to enroll the child in  
18 the other district in the same manner as if the deadline had  
19 been met.

20 The board of directors of a school district may adopt a  
21 policy granting the superintendent of the district authority  
22 to approve open enrollment applications that are timely filed.  
23 However, the board of directors shall not grant the  
24 superintendent authority to deny open enrollment applications,  
25 except as provided in subsection 4. The board of the district  
26 of residence, or the superintendent with the board's authority  
27 to only approve applications, shall take action on the request  
28 no later than ~~November-30~~ March 1 of the preceding school year  
29 and shall transmit any approved request within five days after  
30 board action on the request. The parent or guardian may  
31 withdraw the request at any time prior to the start of the  
32 school year. The board of the receiving district, or the  
33 superintendent with the board's authority to approve  
34 applications only, shall take action to approve or disapprove  
35 the request no later than ~~December-31~~ April 1 of the preceding

1 school year. The board of the receiving district shall enroll  
2 the pupil in a school in the receiving district for the  
3 following school year unless the receiving district does not  
4 have classroom space for the pupil. If the request is  
5 granted, the board shall transmit a copy of the form to the  
6 school district of residence within five days after board  
7 action.

8 Sec. 2. Section 282.18, subsections 7, 8 and 18, Code  
9 1995, are amended to read as follows:

10 7. A request under this section is for a period of not  
11 less than one year. If the request is for more than one year  
12 and the parent or guardian desires to have the pupil enroll in  
13 a different district, the parent or guardian may petition the  
14 current receiving district by ~~October-30~~ February 1 of the  
15 previous school year for permission to enroll the pupil in a  
16 different district for a period of not less than one year.  
17 Upon receipt of such a request, the current receiving district  
18 board may act on the request to transfer to the other school  
19 district at the next regularly scheduled board meeting after  
20 the receipt of the request. The new receiving district shall  
21 enroll the pupil in a school in the district unless there is  
22 insufficient classroom space in the district or unless  
23 enrollment of the pupil would adversely affect the court-  
24 ordered or voluntary desegregation plan of the district. A  
25 denial of a request to change district enrollment within the  
26 approved period is subject to appeal under section 290.1.  
27 However, a pupil who has been in attendance in another  
28 district under this section may return to the district of  
29 residence and enroll at any time, once the parent or guardian  
30 has notified the district of residence and the receiving  
31 district in writing of the decision to enroll the pupil in the  
32 district of residence.

33 8. A pupil participating in open enrollment shall be  
34 counted, for state school foundation aid purposes, in the  
35 pupil's district of residence. A pupil's residence, for

1 purposes of this section, means a residence under section  
2 282.1. The board of directors of the district of residence  
3 shall pay to the receiving district the ~~lower-district~~ state  
4 cost per pupil ~~of~~ for the ~~two-districts~~ previous school year,  
5 plus any moneys received for the pupil as a result of the non-  
6 English speaking weighting under section 280.4, subsection 4,  
7 for ~~each~~ the previous school year multiplied by the state cost  
8 for the previous year. The district of residence shall also  
9 transmit the phase III moneys allocated to the district for  
10 the previous year for the full-time equivalent attendance of  
11 the pupil, who is the subject of the request, to the receiving  
12 district specified in the request for transfer.

13 18. For purposes of this section, "good cause" means a  
14 change in a child's residence due to a change in family  
15 residence, a change in the state in which the family residence  
16 is located, a change in a child's parents' marital status, a  
17 guardianship proceeding, placement in foster care, adoption,  
18 participation in a foreign exchange program, or participation  
19 in a substance abuse or mental health treatment program, or a  
20 similar set of circumstances consistent with the definition of  
21 good cause; a change in the status of a child's resident  
22 district, such as removal of accreditation by the state board,  
23 surrender of accreditation, or permanent closure of a  
24 nonpublic school, the failure of negotiations for a whole-  
25 grade sharing, reorganization, dissolution agreement or the  
26 rejection of a current whole-grade sharing agreement, or  
27 reorganization plan, or a similar set of circumstances  
28 consistent with the definition of good cause. If the good  
29 cause relates to a change in status of a child's school  
30 district of residence, however, action by a parent or guardian  
31 must be taken to file the notification within forty-five days  
32 of the last board action or within thirty days of the  
33 certification of the election, whichever is applicable to the  
34 circumstances.

35 Sec. 3. Section 282.18, subsection 12, Code 1995, is

1 amended by striking the subsection.

2

EXPLANATION

3 This bill changes open enrollment application deadlines,  
4 eliminates the requirement that parents give a reason for open  
5 enrolling on the application, permits the board of directors  
6 of a school district to grant the district superintendent the  
7 authority to approve, but not deny, open enrollment  
8 applications timely filed, provides that the amount paid for  
9 open enrollment students is the state per pupil cost for the  
10 previous year, strikes a requirement that a pupil attend the  
11 open enrollment district, and adds the removal or surrender of  
12 accreditation and the closing of a nonpublic school as good  
13 cause for making late application for open enrollment.

14 The deadline for making application for open enrollment is  
15 moved from October 30 to February 1. The date by which the  
16 board of the district of residence must take action on the  
17 application is moved from November 30 to March 1, and the date  
18 by which the receiving district must take action on the  
19 request is moved from December 31 to April 1.

20 The board of directors of the district of residence shall  
21 pay to the receiving district the state cost per pupil for the  
22 previous school year, rather than the lower of the two  
23 districts' cost, plus any moneys received for the pupil as a  
24 result of the non-English speaking weighting under section  
25 280.4, subsection 4, for the previous school year multiplied  
26 by the state cost for the previous year. The district of  
27 residence is also required to transmit to the receiving  
28 district the phase III moneys allocated to the district of  
29 residence for the previous year for the full-time equivalent  
30 attendance of the pupil.

31 The definition of "good cause" for purposes permitting a  
32 parent to submit, and a district to approve, a late  
33 application is expanded to include the removal of  
34 accreditation by the state board, the surrender of  
35 accreditation, and the permanent closure of a nonpublic

1 school.

2 A provision requiring a child to attend school in the  
3 district approved under the application process is struck from  
4 the Code.

5 BACKGROUND STATEMENT

6 SUBMITTED BY THE AGENCY

7 With five years of experience implementing Iowa's open  
8 enrollment statute, the department is proposing changes  
9 designed to streamline the open enrollment application and  
10 implementation process. Many of the provisions in this bill  
11 are recommendations from an open enrollment task force  
12 comprised of superintendents, district administrators, and  
13 department consultants.

14 Section 1 moves the application deadline from October 30 to  
15 February 1. Iowa currently has the earliest open enrollment  
16 deadline date of any state. This change would cut down on the  
17 large number of late applications and allow parents to make an  
18 open enrollment decision after the first semester of the  
19 school year.

20 Section 1 also eliminates the need for parents to give a  
21 reason for open enrolling. Legal precedent indicates that any  
22 timely filed open enrollment application cannot be denied.  
23 Some boards have improperly denied applications because they  
24 did not like the reason the parent provided on the  
25 application. In addition, the accuracy of the reasons is  
26 questionable.

27 In addition, section 1 permits a school board to delegate  
28 to the superintendent the authority to approve timely filed  
29 applications. Given the current legal precedent, timely filed  
30 applications cannot be denied. As such, districts can  
31 streamline the applications process by delegating this  
32 function to the superintendent.

33 Section 2 states that the amount to be paid for open  
34 enrollment students will be the state per pupil cost for the  
35 previous year. This would greatly reduce the amount of time

1 spent by billing agents as they would no longer have to check  
2 the per pupil cost of every relevant district.

3 Section 2 also adds the removal or surrender of  
4 accreditation or the closing of a nonpublic school as a good  
5 cause reason for allowing a late application. This allowed  
6 exception for late filing is needed given the inability to  
7 predict the loss of accreditation or the closing of a  
8 nonpublic school.

9 Section 3 strikes the requirement that a pupil attend the  
10 open enrollment district. This section is no longer  
11 necessary. It was originally intended to stop parents or  
12 guardians from requesting open enrollment, sending their child  
13 to a nonpublic school and keeping the open enrollment option  
14 open. A prohibition on this type of "place saving" is covered  
15 by department rule.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 2201

AN ACT

RELATING TO THE OPEN ENROLLMENT APPLICATION AND IMPLEMENTATION  
PROCESS AND TO INSTRUCTIONAL SUPPORT FOR REORGANIZED SCHOOL  
DISTRICTS.

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

Section 1. Section 282.18, subsection 2, Code 1995, is amended to read as follows:

2. By ~~October-30~~ January 1 of the preceding school year, the parent or guardian shall send notification to the district of residence, 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. ~~The parent or guardian shall describe the reason for enrollment in the receiving district.~~ If a parent or guardian fails to file a notification that the parent

intends to enroll the parent's or guardian's child in a public school in another district by the deadline of ~~October-30~~ January 1 of the previous year, and one of the criteria defined in subsection 18 exists for the failure to meet the deadline or if the request is to enroll a child in kindergarten in a public school in another district, the parent or guardian shall be permitted to enroll the child in the other district in the same manner as if the deadline had been met.

The board of directors of a school district may adopt a policy granting the superintendent of the district authority to approve open enrollment applications that are timely filed. However, the board of directors shall not grant the superintendent authority to deny open enrollment applications, except as provided in subsection 4. The board of the district of residence, or the superintendent with the board's authority to only approve applications, shall take action on the request no later than ~~November-30~~ February 1 of the preceding school year and shall transmit any approved request within five days after board action on the request. The parent or guardian may withdraw the request at any time prior to the start of the school year. The board of the receiving district, or the superintendent with the board's authority to approve applications only, shall take action to approve or disapprove the request no later than ~~December-31~~ March 1 of the preceding school year. The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district does not have classroom space for the pupil. If the request is granted, the board shall transmit a copy of the form to the school district of residence within five days after board action.

Sec. 2. Section 282.18, subsections 7, 8, and 18, Code 1995, are amended to read as follows:

7. 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 by ~~October-30~~ January 1 of the previous school year 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 a school in the district unless there is insufficient classroom space in the district or unless enrollment of the pupil would adversely affect the court-ordered or voluntary desegregation plan of the district. A denial of a request to change district enrollment within the approved period is subject to appeal under section 290.1. However, 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.

8. 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. The board of directors of the district of residence shall pay to the receiving district the ~~lower-district state~~ cost per pupil of for the two-districts previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 4, for each the previous school year multiplied by the state cost for the previous year. The district of residence shall also transmit the phase III moneys allocated to the district for

the previous year for the full-time equivalent attendance of the pupil, who is the subject of the request, to the receiving district specified in the request for transfer.

18. For purposes of this section, "good cause" means a change in a child's residence due to a change in family residence, 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, or a similar set of circumstances consistent with the definition of good cause; 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, 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, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

Sec. 3. Section 282.18, subsection 12, Code 1995, is amended by striking the subsection.

Sec. 4. INSTRUCTIONAL SUPPORT FOR REORGANIZED SCHOOL DISTRICTS. Notwithstanding section 257.18, subsection 3, and section 257.27, a school district participating in an instructional support program on or after July 1, 1995, which reorganizes effective July 1, 1996, may continue to participate in the instructional support program for the budget year beginning July 1, 1996. The percent of income surtax imposed for the budget year beginning July 1, 1996, by

the board of directors of the school district that reorganizes effective July 1, 1996, shall not exceed seventeen percent.

---

LEONARD L. BOSWELL  
President of the Senate

---

RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2201, Seventy-sixth General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved 4/23, 1996

---

TERRY E. BRANSTAD  
Governor

SF 2201