

Senate Study Bill 2132

Conference Committee Text

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1 1 Section 1. Section [282.18](#), subsection 2, Code 1995, is
1 2 amended to read as follows:
1 3 2. By

~~October 30~~

- February 1 of the preceding school year,
1 4 the parent or guardian shall send notification to the district
1 5 of residence, on forms prescribed by the department of
1 6 education, that the parent or guardian intends to enroll the
1 7 parent's or guardian's child in a public school in another
1 8 school district.

~~The parent or guardian shall describe the~~

1 9

~~reason for enrollment in the receiving district.~~

- If a parent
1 10 or guardian fails to file a notification that the parent
1 11 intends to enroll the parent's or guardian's child in a public
1 12 school in another district by the deadline of

~~October 30~~

1 13 February 1 of the previous year, and one of the criteria
1 14 defined in subsection 18 exists for the failure to meet the
1 15 deadline or if the request is to enroll a child in
1 16 kindergarten in a public school in another district, the
1 17 parent or guardian shall be permitted to enroll the child in
1 18 the other district in the same manner as if the deadline had
1 19 been met.

1 20 The board of directors of a school district may adopt a
1 21 policy granting the superintendent of the district authority
1 22 to approve open enrollment applications that are timely filed.
1 23 However, the board of directors shall not grant the
1 24 superintendent authority to deny open enrollment applications,
1 25 except as provided in subsection 4. The board of the district
1 26 of residence, or the superintendent with the board's authority
1 27 to only approve applications, shall take action on the request
1 28 no later than

~~November 30~~

- March 1 of the preceding school year
1 29 and shall transmit any approved request within five days after
1 30 board action on the request. The parent or guardian may
1 31 withdraw the request at any time prior to the start of the
1 32 school year. The board of the receiving district, or the
1 33 superintendent with the board's authority to approve
1 34 applications only, shall take action to approve or disapprove
1 35 the request no later than

~~December 31~~

- April 1 of the preceding
2 1 school year. The board of the receiving district shall enroll
2 2 the pupil in a school in the receiving district for the
2 3 following school year unless the receiving district does not

2 4 have classroom space for the pupil. If the request is
2 5 granted, the board shall transmit a copy of the form to the
2 6 school district of residence within five days after board
2 7 action.
2 8 Sec. 2. Section 282.18, subsections 7, 8 and 18, Code
2 9 1995, are amended to read as follows:
2 10 7. A request under this section is for a period of not
2 11 less than one year. If the request is for more than one year
2 12 and the parent or guardian desires to have the pupil enroll in
2 13 a different district, the parent or guardian may petition the
2 14 current receiving district by

~~October 30~~

- February 1 of the

2 15 previous school year for permission to enroll the pupil in a
2 16 different district for a period of not less than one year.
2 17 Upon receipt of such a request, the current receiving district
2 18 board may act on the request to transfer to the other school
2 19 district at the next regularly scheduled board meeting after
2 20 the receipt of the request. The new receiving district shall
2 21 enroll the pupil in a school in the district unless there is
2 22 insufficient classroom space in the district or unless
2 23 enrollment of the pupil would adversely affect the court-
2 24 ordered or voluntary desegregation plan of the district. A
2 25 denial of a request to change district enrollment within the
2 26 approved period is subject to appeal under section 290.1.
2 27 However, a pupil who has been in attendance in another
2 28 district under this section may return to the district of
2 29 residence and enroll at any time, once the parent or guardian
2 30 has notified the district of residence and the receiving
2 31 district in writing of the decision to enroll the pupil in the
2 32 district of residence.

2 33 8. A pupil participating in open enrollment shall be
2 34 counted, for state school foundation aid purposes, in the
2 35 pupil's district of residence. A pupil's residence, for
3 1 purposes of this section, means a residence under section
3 2 282.1. The board of directors of the district of residence
3 3 shall pay to the receiving district the

~~lower district~~

- state

3 4 cost per pupil

~~of~~

- for the

~~two districts~~

- previous school year,

3 5 plus any moneys received for the pupil as a result of the non-
3 6 English speaking weighting under section 280.4, subsection 4,
3 7 for

~~each~~

- the previous school year multiplied by the state cost

3 8 for the previous year. The district of residence shall also
3 9 transmit the phase III moneys allocated to the district for
3 10 the previous year for the full-time equivalent attendance of
3 11 the pupil, who is the subject of the request, to the receiving
3 12 district specified in the request for transfer.

3 13 18. For purposes of this section, "good cause" means a
3 14 change in a child's residence due to a change in family
3 15 residence, a change in the state in which the family residence
3 16 is located, a change in a child's parents' marital status, a
3 17 guardianship proceeding, placement in foster care, adoption,
3 18 participation in a foreign exchange program, or participation
3 19 in a substance abuse or mental health treatment program, or a
3 20 similar set of circumstances consistent with the definition of

3 21 good cause; a change in the status of a child's resident
3 22 district, such as removal of accreditation by the state board,
3 23 surrender of accreditation, or permanent closure of a
3 24 nonpublic school, the failure of negotiations for a whole-
3 25 grade sharing, reorganization, dissolution agreement or the
3 26 rejection of a current whole-grade sharing agreement, or
3 27 reorganization plan, or a similar set of circumstances
3 28 consistent with the definition of good cause. If the good
3 29 cause relates to a change in status of a child's school
3 30 district of residence, however, action by a parent or guardian
3 31 must be taken to file the notification within forty-five days
3 32 of the last board action or within thirty days of the
3 33 certification of the election, whichever is applicable to the
3 34 circumstances.

3 35 Sec. 3. Section [282.18](#), subsection 12, Code 1995, is
4 1 amended by striking the subsection.

4 2 EXPLANATION

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

4 14 The deadline for making application for open enrollment is
4 15 moved from October 30 to February 1. The date by which the
4 16 board of the district of residence must take action on the
4 17 application is moved from November 30 to March 1, and the date
4 18 by which the receiving district must take action on the
4 19 request is moved from December 31 to April 1.

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

4 31 The definition of "good cause" for purposes permitting a
4 32 parent to submit, and a district to approve, a late
4 33 application is expanded to include the removal of
4 34 accreditation by the state board, the surrender of
4 35 accreditation, and the permanent closure of a nonpublic
5 1 school.

5 2 A provision requiring a child to attend school in the
5 3 district approved under the application process is struck from
5 4 the Code.

5 5 BACKGROUND STATEMENT

5 6 SUBMITTED BY THE AGENCY

5 7 With five years of experience implementing Iowa's open
5 8 enrollment statute, the department is proposing changes
5 9 designed to streamline the open enrollment application and
5 10 implementation process. Many of the provisions in this bill
5 11 are recommendations from an open enrollment task force
5 12 comprised of superintendents, district administrators, and
5 13 department consultants.

5 14 Section 1 moves the application deadline from October 30 to
5 15 February 1. Iowa currently has the earliest open enrollment
5 16 deadline date of any state. This change would cut down on the
5 17 large number of late applications and allow parents to make an

5 18 open enrollment decision after the first semester of the
5 19 school year.

5 20 Section 1 also eliminates the need for parents to give a
5 21 reason for open enrolling. Legal precedent indicates that any
5 22 timely filed open enrollment application cannot be denied.
5 23 Some boards have improperly denied applications because they
5 24 did not like the reason the parent provided on the
5 25 application. In addition, the accuracy of the reasons is
5 26 questionable.

5 27 In addition, section 1 permits a school board to delegate
5 28 to the superintendent the authority to approve timely filed
5 29 applications. Given the current legal precedent, timely filed
5 30 applications cannot be denied. As such, districts can
5 31 streamline the applications process by delegating this
5 32 function to the superintendent.

5 33 Section 2 states that the amount to be paid for open
5 34 enrollment students will be the state per pupil cost for the
5 35 previous year. This would greatly reduce the amount of time
6 1 spent by billing agents as they would no longer have to check
6 2 the per pupil cost of every relevant district.

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

6 9 Section 3 strikes the requirement that a pupil attend the
6 10 open enrollment district. This section is no longer
6 11 necessary. It was originally intended to stop parents or
6 12 guardians from requesting open enrollment, sending their child
6 13 to a nonpublic school and keeping the open enrollment option
6 14 open. A prohibition on this type of "place saving" is covered
6 15 by department rule.

6 16 LSB 3375DP 76

6 17 kh/jw/5.1