

JAN 22 1998  
EDUCATION

HOUSE FILE  
BY BRAUNS

*2069*

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

**A BILL FOR**

1 An Act relating to open enrollment deadlines.

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

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*HF 2069*

1 Section 1. Section 282.18, subsection 2, Code Supplement  
2 1997, is amended to read as follows:

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

18 The board of directors of a school district may adopt a  
19 policy granting the superintendent of the district authority  
20 to approve open enrollment applications ~~that are timely filed.~~  
21 However, the board of directors shall not grant the  
22 superintendent authority to deny open enrollment applications,  
23 except as provided in subsection 3. The board of the district  
24 of residence, or the superintendent with the board's authority  
25 to only approve applications, shall take action on the request  
26 ~~no later than February 1 of the preceding school year~~ no later  
27 than the next regularly scheduled board meeting and shall  
28 transmit any approved request within five days after board  
29 action on the request. The parent or guardian may withdraw  
30 the request at any time ~~prior to the start of the school year.~~  
31 The board of the receiving district, or the superintendent  
32 with the board's authority to approve applications only, shall  
33 take action to approve or disapprove the request ~~no later than~~  
34 ~~March 1 of the preceding school year~~ as soon as practicable  
35 after receipt of the request. The board of the receiving

1 district shall enroll the pupil in a school in the receiving  
2 district ~~for the following school year~~ at a time mutually  
3 agreed upon by the parent or guardian and the board unless the  
4 receiving district does not have classroom space for the  
5 pupil. If the request is granted, the board shall transmit a  
6 copy of the form to the school district of residence within  
7 five days after board action.

8 Sec. 2. Section 282.18, subsections 4 and 16, Code  
9 Supplement 1997, are amended by striking the subsections.

10 Sec. 3. Section 282.18, subsections 6 and 7, Code  
11 Supplement 1997, are amended to read as follows:

12 6. ~~A request under this section is for a period of not~~  
13 ~~less than one year.~~ If ~~the request is for more than one year~~  
14 ~~and the~~ a parent or guardian desires to have the pupil enroll  
15 in a different district other than the district applied to  
16 under subsection 2, the parent or guardian may petition the  
17 current receiving district ~~by January 1 of the previous school~~  
18 ~~year~~ for permission to enroll the pupil in a different  
19 district ~~for a period of not less than one year~~ other than the  
20 current receiving district. Upon receipt of such a request,  
21 the current receiving district board may act on the request to  
22 transfer to the other school district at the next regularly  
23 scheduled board meeting after the receipt of the request. The  
24 new receiving district shall enroll the pupil in a school in  
25 the district unless there is insufficient classroom space in  
26 the district or unless enrollment of the pupil would adversely  
27 affect the court-ordered or voluntary desegregation plan of  
28 the district. A denial of a request to change district  
29 enrollment ~~within the approved period~~ is subject to appeal  
30 under section 290.1. However, a pupil who has been in  
31 attendance in another district under this section may return  
32 to the district of residence and enroll at any time, once the  
33 parent or guardian has notified the district of residence and  
34 the receiving district in writing of the decision to enroll  
35 the pupil in the district of residence.

1 7. A pupil participating in open enrollment shall be  
2 counted, for state school foundation aid purposes, in the  
3 pupil's district of residence. A pupil's residence, for  
4 purposes of this section, means a residence under section  
5 282.1. The board of directors of the district of residence  
6 shall pay to the receiving district the state cost per pupil  
7 for the previous school year, plus any moneys received for the  
8 pupil as a result of the non-English speaking weighting under  
9 section 280.4, subsection 3, for the previous school year  
10 multiplied by the state cost per pupil for the previous year.  
11 The district of residence shall also transmit the phase III  
12 moneys allocated to the district for the previous year for the  
13 full-time equivalent attendance of the pupil, who is the  
14 subject of the request, to the receiving district specified in  
15 the request for transfer. However, the district of residence  
16 shall pay to the receiving district only that percentage of  
17 the amounts identified in this subsection equal to the number  
18 of days the pupil was enrolled in the receiving district  
19 during the school year divided by the number of days the pupil  
20 was enrolled in the district of residence and in the receiving  
21 district during the school year.

22 Sec. 4. Section 282.18, subsection 9, unnumbered paragraph  
23 1, Code Supplement 1997, is amended to read as follows:

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

33 Sec. 5. Section 282.18, subsection 9, unnumbered paragraph  
34 2, Code Supplement 1997, is amended by striking the unnumbered  
35 paragraph.

1 Sec. 6. Section 282.18, subsection 9, unnumbered paragraph  
2 4, Code Supplement 1997, is amended to read as follows:

3 If the transfer of a pupil from one district to another  
4 results in a transfer from one area education agency to  
5 another, the sending district shall forward a copy of the  
6 request to the sending district's area education agency. The  
7 receiving district shall forward a copy of the request to the  
8 receiving district's area education agency. Any moneys  
9 received by the area education agency of the sending district  
10 for the pupil who is the subject of the request shall be  
11 forwarded to the receiving district's area education agency.  
12 However, the sending district's area education agency shall  
13 pay to the receiving district's area education agency only  
14 that percentage of the amounts identified in this subsection  
15 equal to the number of days the pupil was enrolled in the  
16 receiving district during the school year divided by the  
17 number of days the pupil was enrolled in the sending district  
18 and in the receiving district during the school year.

19 Sec. 7. Section 282.18, subsection 9, unnumbered paragraph  
20 5, Code Supplement 1997, is amended by striking the unnumbered  
21 paragraph.

22 Sec. 8. Section 282.18, subsection 13, Code Supplement  
23 1997, is amended to read as follows:

24 13. A pupil who participates in open enrollment for  
25 purposes of attending a grade in grades ten through twelve in  
26 a school district other than the district of residence is  
27 ineligible to participate in interscholastic athletic contests  
28 and athletic competitions during the pupil's first ninety  
29 school days of enrollment in the district except that the  
30 pupil may participate immediately in an interscholastic sport  
31 if the district of residence and the other school district  
32 jointly participate in the sport, if the sport in which the  
33 pupil wishes to participate is not offered in the district of  
34 residence, if the pupil chooses to use open enrollment to  
35 attend school in another school district because the district

1 in which the student previously attended school was dissolved  
2 and merged with one or more contiguous school districts under  
3 section 256.11, subsection 12, if the pupil participates in  
4 open enrollment because the pupil's district of residence has  
5 entered into a whole grade sharing agreement with another  
6 district for the pupil's grade, or if the parent or guardian  
7 of the pupil participating in open enrollment is an active  
8 member of the armed forces and resides in permanent housing on  
9 government property provided by a branch of the armed  
10 services. ~~A pupil who has paid tuition and attended school,~~  
11 ~~or has attended school pursuant to a mutual agreement between~~  
12 ~~the two districts, in a district other than the pupil's~~  
13 ~~district of residence for at least one school year prior to~~  
14 ~~March 10, 1989, is also eligible to participate immediately in~~  
15 ~~interscholastic athletic contests and athletic competitions~~  
16 ~~under this section, but only as a member of a team from the~~  
17 ~~district that pupil had attended.~~ For purposes of this  
18 subsection, "school days of enrollment" do not include  
19 enrollment in summer school.

20 EXPLANATION

21 This bill strikes references to open enrollment calendar  
22 deadlines and the references to good cause related to denial  
23 of an open enrollment request, and replaces the calendar dates  
24 with time frames by which school districts or school district  
25 superintendents must act on a request for open enrollment.

26 Current Code section 282.18 provides that a parent or  
27 guardian must provide notification to the school district of  
28 residence by January 1, the district of residence must act by  
29 February 1, and the receiving district must act by March 1.  
30 Under the bill, a parent or guardian may provide notification  
31 at any time and, unless the receiving district does not have  
32 the classroom space or the district of residence is involved  
33 in voluntary or court-ordered desegregation, the pupil shall  
34 be enrolled at a time mutually agreed upon by the parent or  
35 guardian and the school board of the receiving district.

1 Moneys paid by a district of residence and the area  
2 education agency that serves the district, to a receiving  
3 district and the area education agency that serves the  
4 receiving district, shall be prorated.

5 The bill also strikes obsolete Code language related to an  
6 open-enrolled pupil's immediate participation in  
7 interscholastic athletic contests and competitions.

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