

House File 104 - Introduced

HOUSE FILE 104

BY SALMON

A BILL FOR

1 An Act relating to open enrollment between public school
2 districts by establishing a property tax equalization fee
3 and a property tax equalization refund for certain parents
4 or guardians.

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

1 Section 1. Section 282.18, subsection 2, paragraphs a and b,
2 Code 2017, are amended to read as follows:

3 a. By March 1 of the preceding school year for students
4 entering grades one through twelve, or by September 1 of the
5 current school year for students entering kindergarten, the
6 parent or guardian shall send notification to the district
7 of residence and the receiving district, on forms prescribed
8 by the department of education, that the parent or guardian
9 intends to enroll the parent's or guardian's child in a public
10 school in another school district. For school years beginning
11 on or after July 1, 2018, the notification sent to the
12 district of residence shall be accompanied by the property tax
13 equalization fee as calculated under subsection 7, paragraph
14 "c", if applicable. If a parent or guardian fails to file a
15 notification that the parent intends to enroll the parent's
16 or guardian's child in a public school in another district by
17 the deadline specified in [this subsection](#), the procedures of
18 subsection 4 apply.

19 b. The board of the receiving district shall enroll the
20 pupil in a school in the receiving district for the following
21 school year unless the receiving district has insufficient
22 classroom space for the pupil. The board of directors
23 of a receiving district may adopt a policy granting the
24 superintendent of the school district authority to approve open
25 enrollment applications. If the request is granted, the board
26 shall transmit a copy of the form to the parent or guardian and
27 the school district of residence within five days after board
28 action, but not later than June 1 of the preceding school year.
29 The parent or guardian may withdraw the request at any time
30 prior to the start of the school year. A denial of a request
31 by the board of a receiving district is not subject to appeal.
32 The timely withdrawal of a request by the parent or guardian
33 or the denial of a request and upon conclusion of any appeals
34 resulting from such denial shall result in a refund of the
35 property tax equalization fee to the parent or guardian by the

1 district of residence, if applicable.

2 Sec. 2. Section 282.18, subsection 4, paragraph a, Code
3 2017, is amended to read as follows:

4 a. After March 1 of the preceding school year and until
5 the date specified in [section 257.6, subsection 1](#), the
6 parent or guardian shall send notification to the district
7 of residence and the receiving district, on forms prescribed
8 by the department of education, that good cause, as defined
9 in paragraph "b", exists for failure to meet the March 1
10 deadline. For school years beginning on or after July 1, 2018,
11 the notification sent to the district of residence shall be
12 accompanied by the property tax equalization fee as calculated
13 under subsection 7, paragraph "c", if applicable. The board
14 of directors of a receiving school district may adopt a policy
15 granting the superintendent of the school district authority
16 to approve open enrollment applications submitted after the
17 March 1 deadline. The board of the receiving district shall
18 take action to approve the request if good cause exists. If
19 the request is granted, the board shall transmit a copy of
20 the form to the parent or guardian and the school district of
21 residence within five days after board action. A denial of a
22 request by the board of a receiving district is not subject to
23 appeal. The parent or guardian may withdraw the request at
24 any time prior to a decision by the receiving district. The
25 withdrawal of a request by the parent or guardian or the denial
26 of a request and upon conclusion of any appeals resulting
27 from such denial shall result in a refund of the property tax
28 equalization fee to the parent or guardian by the district of
29 residence, if applicable.

30 Sec. 3. Section 282.18, subsections 5, 6, and 7, Code 2017,
31 are amended to read as follows:

32 5. Open enrollment applications filed after March 1
33 of the preceding school year that do not qualify for good
34 cause as provided in [subsection 4](#) shall be subject to the
35 approval of the board of the resident district and the

1 board of the receiving district. The parent or guardian
2 shall send notification to the district of residence and
3 the receiving district that the parent or guardian seeks to
4 enroll the parent's or guardian's child in the receiving
5 district. For school years beginning on or after July 1,
6 2018, the notification sent to the district of residence
7 shall be accompanied by the property tax equalization fee as
8 calculated under subsection 7, paragraph "c", if applicable.
9 A decision of either board to deny an application filed under
10 this subsection involving repeated acts of harassment of the
11 student or serious health condition of the student that the
12 resident district cannot adequately address is subject to
13 appeal under [section 290.1](#). The state board shall exercise
14 broad discretion to achieve just and equitable results that are
15 in the best interest of the affected child or children. The
16 parent or guardian may withdraw the request at any time prior
17 to a decision by the receiving district. The withdrawal of a
18 request by the parent or guardian or the denial of a request
19 and upon conclusion of any appeals resulting from such denial
20 shall result in a refund of the property tax equalization fee
21 to the parent or guardian by the district of residence, if
22 applicable.

23 6. A request under [this section](#) is for a period of not
24 less than one year. If the request is for more than one year
25 and the parent or guardian desires to have the pupil enroll
26 in a different district, the parent or guardian may petition
27 the current receiving district by March 1 of the previous
28 school year for permission to enroll the pupil in a different
29 district for a period of not less than one year. Upon receipt
30 of such a request, the current receiving district board may
31 act on the request to transfer to the other school district at
32 the next regularly scheduled board meeting after the receipt
33 of the request. The new receiving district shall enroll the
34 pupil in a school in the district unless there is insufficient
35 classroom space in the district or unless enrollment of the

1 pupil would adversely affect the court-ordered or voluntary
2 desegregation plan of the district. For school years beginning
3 on or after July 1, 2018, if the request to transfer to a new
4 receiving district is approved, the property tax equalization
5 fee, as calculated under subsection 7, paragraph "c", using the
6 consolidated levy rate of the new receiving district, shall
7 be sent by the district of residence to the new receiving
8 district, if applicable. A denial of a request to change
9 district enrollment within the approved period is not subject
10 to appeal. However, a pupil who has been in attendance
11 in another district under [this section](#) may return to the
12 district of residence and enroll at any time, once the parent
13 or guardian has notified the district of residence and the
14 receiving district in writing of the decision to enroll the
15 pupil in the district of residence.

16 7. a. A pupil participating in open enrollment shall be
17 counted, for state school foundation aid purposes, in the
18 pupil's district of residence. A pupil's residence, for
19 purposes of [this section](#), means a residence under section
20 282.1.

21 b. The board of directors of the district of residence
22 shall pay to the receiving district the sum of the state cost
23 per pupil for the previous school year plus either the teacher
24 leadership supplement state cost per pupil for the previous
25 fiscal year as provided in [section 257.9](#) or the teacher
26 leadership supplement foundation aid for the previous fiscal
27 year as provided in [section 284.13, subsection 1](#), paragraph "e",
28 if both the district of residence and the receiving district
29 are receiving such supplements, plus any moneys received for
30 the pupil as a result of the non-English speaking weighting
31 under [section 280.4, subsection 3](#), for the previous school
32 year multiplied by the state cost per pupil for the previous
33 year. If the pupil participating in open enrollment is also
34 an eligible pupil under [section 261E.6](#), the receiving district
35 shall pay the tuition reimbursement amount to an eligible

1 postsecondary institution as provided in [section 261E.7](#). For
 2 school years beginning on or after July 1, 2018, the district
 3 of residence shall also pay to the receiving district the
 4 property tax equalization fee paid by the parent or guardian,
 5 if payment of the fee is required pursuant to paragraph "c".
 6 At the same time the district of residence pays the specified
 7 sums under this paragraph "b" to the receiving district, the
 8 receiving district shall pay to the pupil's parent or guardian,
 9 from such sums received, the property tax equalization refund
 10 amount, if applicable, under paragraph "c".

11 c. (1) For school years beginning on or after July 1, 2018,
 12 if a parent or guardian of the pupil requesting open enrollment
 13 under this section is the owner of a homestead, within the
 14 meaning of section 425.11, located within the boundaries of
 15 the district of residence, any notification of intent to open
 16 enroll shall be accompanied by a property tax equalization fee
 17 unless the amount of such fee is calculated to be zero or less.

18 (2) The property tax equalization fee shall be an amount
 19 equal to the assessed valuation of the parent's or guardian's
 20 homestead located in the district of residence used to
 21 calculate property taxes due and payable during the fiscal year
 22 prior to the school year for which open enrollment is requested
 23 multiplied by an amount equal to the consolidated levy rate per
 24 one thousand dollars of assessed valuation in the receiving
 25 district for the same fiscal year minus the consolidated levy
 26 rate per one thousand dollars of assessed valuation in the
 27 district of residence for the same fiscal year. If the amount
 28 of the property tax equalization fee calculated under this
 29 subparagraph (2) is zero or less, a property tax equalization
 30 fee is not required to be paid by the parent or guardian.
 31 However, when the amount of the property tax equalization fee
 32 calculated under this subparagraph (2) is less than zero, the
 33 parent or guardian shall receive a property tax equalization
 34 refund from the receiving district under paragraph "b" in an
 35 amount equal to the number of dollars that the property tax

1 equalization fee was calculated to be less than zero.

2 (3) The property tax equalization fee shall be paid annually
3 to the district of residence by the parent or guardian of a
4 child participating in open enrollment. If the request for
5 open enrollment is for more than one year, the fee shall be
6 calculated for each year in the manner provided in subparagraph
7 (2). Unless the parent or guardian has children open enrolled
8 in more than one receiving district during a school year,
9 a parent or guardian is only required to pay one property
10 tax equalization fee and may only receive one property tax
11 equalization refund each school year regardless of the number
12 of the parent's or guardian's children who are open enrolled to
13 the receiving district.

14 Sec. 4. Section 282.18, subsection 9, Code 2017, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *Ob.* The property tax equalization fee,
17 if applicable under subsection 7, paragraph "c", paid by the
18 parent or guardian for the school year in which the move took
19 place shall remain with the receiving district and shall not be
20 transferred to the child's new district of residence.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 Code section 282.18 governs the criteria and procedures
25 for open enrollment of students between school districts
26 initiated by parents and guardians. Under this bill, for
27 school years beginning on or after July 1, 2018, if the parent
28 or guardian of a pupil requesting open enrollment is the owner
29 of a homestead located in the district of residence, the
30 notification of intent to open enroll sent by the parent or
31 guardian to the district of residence shall be accompanied by
32 a property tax equalization fee. The amount of the property
33 tax equalization fee is an amount equal to the assessed value
34 of the parent or guardian's homestead located in the district
35 of residence for the fiscal year prior to the school year for

1 which open enrollment is requested multiplied by an amount
2 equal to the consolidated levy rate in the receiving district
3 for the same fiscal year minus the consolidated levy rate in
4 the district of residence for the same fiscal year. If the
5 amount of the property tax equalization fee is zero or less, a
6 property tax equalization fee is not required to be paid by the
7 parent or guardian. However, when the amount of the property
8 tax equalization fee calculated is less than zero, the parent
9 or guardian shall receive a property tax equalization refund
10 from the receiving district in an amount equal to the number of
11 dollars that the property tax equalization fee was calculated
12 to be less than zero.

13 If the open enrollment request is granted, the district
14 of residence pays the property tax equalization fee received
15 from the parent or guardian to the receiving district along
16 with other amounts specified by current law. At the same time
17 the district of residence pays the specified sums of funding
18 to the receiving district, the receiving district shall pay
19 to the pupil's parent or guardian, from such sums received,
20 the property tax equalization refund amount, if applicable.
21 The property tax equalization fee must be paid annually to
22 the district of residence by the parent or guardian of a
23 child participating in open enrollment. If the request for
24 open enrollment is for more than one year, the fee shall be
25 calculated each year and paid in the manner provided in the
26 bill. Unless the parent or guardian has children open enrolled
27 in more than one receiving district during a school year, a
28 parent or guardian is only required to pay one property tax
29 equalization fee each school year regardless of the number of
30 the parent's or guardian's children who are open enrolled to a
31 receiving district.

32 The bill also provides that the withdrawal of an open
33 enrollment request by the parent or guardian or the denial of a
34 request, and upon conclusion of any appeals resulting from such
35 denial, results in a refund of the property tax equalization

H.F. 104

1 fee to the parent or guardian by the district of residence.