

**House File 385 - Introduced**

HOUSE FILE 385  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 109)

**A BILL FOR**

1 An Act relating to open enrollment of certain students and the  
2 determination of good cause and including applicability  
3 provisions.

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

1 Section 1. Section 282.18, subsection 2, paragraph a, Code  
2 2021, is 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 or for  
6 prekindergarten students enrolled in special education programs  
7 and included in the school district's basic enrollment under  
8 section 257.6, subsection 1, paragraph "a", subparagraph (1),  
9 the parent or guardian shall send notification to the district  
10 of residence and the receiving district, on forms prescribed  
11 by the department of education, that the parent or guardian  
12 intends to enroll the parent's or guardian's child in a public  
13 school in another school district. If a parent or guardian  
14 fails to file a notification that the parent intends to enroll  
15 the parent's or guardian's child in a public school in another  
16 district by the deadline specified in [this subsection](#), the  
17 procedures of [subsection 4](#) apply.

18 Sec. 2. Section 282.18, subsection 4, paragraph b, Code  
19 2021, is amended to read as follows:

20 b. For purposes of [this section](#), "good cause" means a change  
21 in a child's residence due to a change in family residence,  
22 a change in a child's residence from the residence of one  
23 parent or guardian to the residence of a different parent or  
24 guardian, a change in the state in which the family residence  
25 is located, a change in a child's parents' marital status,  
26 a guardianship or custody proceeding, placement in foster  
27 care, adoption, participation in a foreign exchange program,  
28 initial placement of a prekindergarten student in a special  
29 education program requiring specially designed instruction, or  
30 participation in a substance abuse or mental health treatment  
31 program, a change in the status of a child's resident district  
32 such as removal of accreditation by the state board, surrender  
33 of accreditation, or permanent closure of a nonpublic school,  
34 revocation of a charter school contract as provided in section  
35 256F.8, the failure of negotiations for a whole grade sharing,

1 reorganization, dissolution agreement or the rejection of a  
2 current whole grade sharing agreement, or reorganization plan.  
3 If the good cause relates to a change in status of a child's  
4 school district of residence, however, action by a parent  
5 or guardian must be taken to file the notification within  
6 forty-five days of the last board action or within thirty days  
7 of the certification of the election, whichever is applicable  
8 to the circumstances.

9 Sec. 3. Section 282.18, subsection 9, paragraph b, Code  
10 2021, is amended to read as follows:

11 b. If a request to transfer is due to a change in family  
12 residence, a change in a child's residence from the residence  
13 of one parent or guardian to the residence of a different  
14 parent or guardian, change in the state in which the family  
15 residence is located, a change in a child's parents' marital  
16 status, a guardianship proceeding, placement in foster care,  
17 adoption, participation in a foreign exchange program, or  
18 participation in a substance abuse or mental health treatment  
19 program, and the child who is the subject of the request is  
20 enrolled in any grade from kindergarten through grade twelve  
21 or who is a prekindergarten student enrolled in a special  
22 education program at the time of the request and is not  
23 currently using any provision of open enrollment, the parent or  
24 guardian of the child shall have the option to have the child  
25 remain in the child's original district of residence under open  
26 enrollment with no interruption in the child's ~~kindergarten~~  
27 ~~through grade twelve~~ educational program. If a parent or  
28 guardian exercises this option, the child's new district of  
29 residence is not required to pay the amount calculated in  
30 subsection 7 or 8, as applicable, until the start of the first  
31 full year of enrollment of the child.

32 Sec. 4. APPLICABILITY. This Act applies to school years  
33 beginning on or after July 1, 2021.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill modifies several provisions related to Iowa's open  
3 enrollment law.

4       Code section 282.18(2) establishes deadlines for requests  
5 to open enroll as March 1 of the preceding school year for  
6 students entering grades one through twelve and as September 1  
7 of the current school year for students entering kindergarten.  
8 The bill adds prekindergarten students enrolled in special  
9 education programs to the group of students subject to the  
10 September 1 deadline and makes corresponding changes to other  
11 provisions of Code section 282.18.

12       The bill also amends the definition of "good cause" for  
13 purposes of consideration and approval of open enrollment  
14 requests that fail to meet statutory deadlines to include  
15 a change in a child's residence from the residence of one  
16 parent or guardian to the residence of a different parent or  
17 guardian and the initial placement of a prekindergarten student  
18 in a special education program requiring specially designed  
19 instruction. The bill also makes corresponding changes  
20 to other provisions of Code section 282.18 to reflect the  
21 amendment to the definition of good cause.

22       The bill applies to school years beginning on or after July  
23 1, 2021.