

CHAPTER 282

SCHOOL ATTENDANCE AND TUITION

Referred to in §274.3, 321.194

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282.1 School age — nonresidents.

1. Persons between five and twenty-one years of age are of school age. Nonresident children shall be charged the maximum tuition rate as determined in [section 282.24](#), with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board. A school district discontinuing grades under [section 282.7, subsection 1 or 3](#), shall be charged tuition as provided in [section 282.24](#).

2. For purposes of [this section](#), “resident” means a child who meets either of the following requirements:

a. Is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

(1) Is in the district for the purpose of making a home and not solely for school purposes.

(2) Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. §11302(a) and (c).

(3) Lives in a juvenile detention center or residential facility in the district.

b. Is domiciled with the child’s parent or guardian who is on active duty in the military service of the United States and is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in this state.

3. The parent or guardian of a child who meets the requirements of [subsection 2, paragraph “b”](#), may enroll the child in a school district in a county in this state that is located contiguous to the out-of-state federal military installation. Notwithstanding [section 285.1](#) relating to transportation of resident pupils, the parent or guardian is responsible for transporting the child without reimbursement to and from a point on a regular school bus route of the district of enrollment.

4. Notwithstanding [section 282.6](#), if a parent or guardian enrolls a child in a school district in accordance with [subsection 3](#), the school district shall be free of tuition for such child.

[C73, §1795; C97, §2804; C24, 27, 31, 35, 39, §4268; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.1]

[83 Acts, ch 31, §3](#); [88 Acts, ch 1263, §6](#); [89 Acts, ch 210, §8](#); [92 Acts, ch 1130, §1](#); [2006 Acts, ch 1152, §38](#); [2009 Acts, ch 120, §6](#); [2010 Acts, ch 1061, §48](#); [2012 Acts, ch 1021, §61](#); [2018 Acts, ch 1172, §88, 89](#); [2019 Acts, ch 59, §237, 239](#)

Referred to in [§256E.8, 257.6, 282.8, 282.18](#)

282.1A Extended school programs. Repealed by [2006 Acts, ch 1152, §56](#).

282.2 Offsetting tax.

The parent or guardian whose child or ward attends school in a district of which the parent or guardian is not a resident shall be allowed to deduct the amount of school tax paid by the parent or guardian in said district from the amount of tuition required to be paid.

[C97, §2804; C24, 27, 31, 35, 39, §4269; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.2]
[88 Acts, ch 1158, §59](#)

282.3 Admission and exclusion of pupils.

1. The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by regular instruction, or any child who is found to be physically or mentally unable to attend school under [section 299.5](#), or whose presence in school has been found to be injurious to the health of other pupils, or is inefficiently taught for the scholastic year at a state institution. However, the board shall provide special education programs and services under [chapters 256B, 257, and 273](#) for all children requiring special education.

2. The conditions of admission to public schools for work in the year immediately preceding the first grade and in the first grade shall be as follows:

a. A child under the age of six years on the fifteenth of September of the current school year shall not be admitted to a public school unless the board of directors of the school has adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of education, and has employed a practitioner or practitioners for this work with standards of training approved by the board of educational examiners.

b. No child shall be admitted to school work for the year immediately preceding the first grade unless the child is five years of age on or before the fifteenth of September of the current school year.

c. No child shall be admitted to the first grade unless the child is six years of age on or before the fifteenth of September of the current school year; except that a child under six years of age who has been admitted to school work for the year immediately preceding the first grade under conditions approved by the department of education, or who has demonstrated the possession of sufficient ability to profit by first-grade work on the basis of tests or other means of evaluation recommended or approved by the department of education, may be admitted to first grade at any time before December 31.

3. [This section](#) does not prohibit a school board from requiring the attainment of a greater age than the age requirements set forth in [this section](#).

[C97, §2782; C24, 27, 31, 35, 39, §4270; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.3]
[89 Acts, ch 135, §85](#); [89 Acts, ch 210, §9](#); [89 Acts, ch 265, §36](#); [2010 Acts, ch 1061, §180](#);
[2020 Acts, ch 1063, §128](#)

Referred to in [§279.9A](#)

282.4 Suspension — expulsion.

1. The board may, by a majority vote, expel any student from school for a violation of the regulations or rules established by the board, or when the presence of the student is detrimental to the best interests of the school. The board may confer upon any teacher, principal, or superintendent the power temporarily to suspend a student, notice of the suspension being at once given in writing to the president of the board.

2. A student who commits an assault, as defined under [section 708.1](#), against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.

3. A student shall not be suspended or expelled pursuant to [this section](#) if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

4. Notwithstanding [section 282.6](#), if a student has been expelled or suspended from school and has not met the conditions of the expulsion or suspension, the student shall not be permitted to enroll in a school district until the board of directors of the school district approves, by a majority vote, the enrollment of the student.

[C73, §1735, 1756; C97, §2782; C24, 27, 31, 35, 39, §4271; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.4]

[89 Acts, ch 210, §10; 94 Acts, ch 1131, §7; 94 Acts, ch 1199, §66; 95 Acts, ch 218, §27; 96 Acts, ch 1215, §51; 2010 Acts, ch 1061, §180; 2013 Acts, ch 90, §71](#)

Referred to in [§279.9A, 280.21B, 282.5](#)

282.5 Readmission of student.

When a student is suspended by a teacher, principal, or superintendent, pursuant to [section 282.4](#), the student may be readmitted by the teacher, principal, or superintendent when the conditions of the suspension have been met, but when expelled by the board the student may be readmitted only by the board or in the manner prescribed by the board.

[R60, §2054; C73, §1735, 1756; C97, §2782; C24, 27, 31, 35, 39, §4272; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.5]

[94 Acts, ch 1091, §23; 95 Acts, ch 218, §28; 96 Acts, ch 1215, §52](#)

Referred to in [§279.9A](#)

282.6 Tuition.

1. For purposes of [this section](#), “resident” means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

- a. Is in the district for the purpose of making a home and not solely for school purposes.
- b. Meets the definitional requirements of the term “homeless individual” under 42 U.S.C. §11302(a) and (c).
- c. Lives in a residential correctional facility in the district.

2. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to resident veterans as defined in [section 35.1](#), as many months after becoming twenty-one years of age as they have spent in the armed forces of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school or driver education program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person.

3. [This section](#) shall not apply to tuition authorized by [chapter 260C](#).

[C73, §1724, 1727; C97, §2773; S13, §2773; C24, 27, 31, 35, 39, §4273; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.6]

[89 Acts, ch 210, §11; 92 Acts, ch 1135, §2; 99 Acts, ch 180, §14; 2010 Acts, ch 1069, §80; 2011 Acts, ch 25, §23](#)

Referred to in [§282.1, 282.4](#)

282.7 Attending in another corporation — payment.

1. The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having accredited school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the accredited school district designated for attendance. Only entire grades may be discontinued under [this subsection](#) and if a grade is discontinued, all higher grades in that district shall also be discontinued. A school district that has discontinued one or more grades under [this subsection](#) has complied with the requirements of [section 275.1](#) relating to the maintenance of kindergarten and twelve grades. A pupil who graduates from another school district under [this subsection](#) shall receive a diploma from the receiving district. The boards of directors entering into an agreement under [this section](#) shall provide for sharing the costs and expenses as provided in [sections 282.10 through 282.12](#). The agreement shall provide for transportation and authority and liability of the affected boards.

2. If the career and technical education program offered by a school district does not meet standards for program approval adopted by the state board for career and technical education, the district shall be granted one year to meet the standards for approval. If a district chooses to waive the one-year grace period, or the district fails to meet the approval standards after one year, the director of the department of education shall delegate the authority to the regional career and technical education planning partnership established pursuant to [section 258.14](#) to direct the district to contract with another school district or a community college which has an approved program, for the provision of career and technical education for students of the district. The district that has waived the one-year grace period or has failed to meet the approval standards shall pay to the district or community college that has an approved program an amount equal to the percent of the school day in which a pupil is receiving career and technical education in the approved program times the district cost per pupil of the district of residence of the pupil. The regional career and technical education planning partnership established pursuant to [section 258.14](#) shall contract with an approved program for delivery of career and technical education in the district which has failed to meet the approval standards or has waived the one-year grace period. Transportation to and from the approved program shall be provided by the school district that has waived the one-year grace period or has failed to meet approval standards. Reasonable effort shall be made to conduct the approved program at an attendance center in the district that has failed to meet the approval standards or has waived the one-year grace period.

3. Notwithstanding [sections 28E.9](#) and [282.8](#), a school district may negotiate an agreement under [subsection 1](#) for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in [this subsection](#). Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent to those that would be provided in this state by an area education agency. The school district shall also obtain approval by the department of education of the sharing proposal, before the agreement becomes effective. Six months before making the request for approval, the district shall request a feasibility study from the department of education. If the state board of this state and the corresponding state board in the contiguous state agree that the school districts of their respective states meet substantially similar requirements and have substantially similar services available to the school district, and if the Iowa department of education approves the proposed contract, the two state boards may sign a reciprocal agreement for attendance of their pupils in the school district of the other state, subject to the agreement signed between the boards of directors of the two districts. A school district that

negotiates an agreement with a school district in a contiguous state under [this subsection](#) is not eligible for supplementary weighting under [section 257.11](#) as a result of that agreement.

[C51, §1143; R60, §2024; C73, §1793; C97, §2803; C24, 27, 31, 35, 39, §4274; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.7]

[83 Acts, ch 31, §4, 5; 85 Acts, ch 212, §13; 86 Acts, ch 1245, §1484; 87 Acts, ch 224, §59; 88 Acts, ch 1263, §7; 89 Acts, ch 135, §86; 89 Acts, ch 278, §7; 2008 Acts, ch 1032, §108; 2016 Acts, ch 1108, §67; 2017 Acts, ch 29, §83](#)

Referred to in [§256.9, 275.1, 275.2, 282.1, 282.10, 282.24](#)

282.8 Attending school outside state.

1. The boards of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and secondary school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states. Notwithstanding [section 282.1](#), arrangements between districts pursuant to the reciprocal agreements made under [this section](#) shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition fee established shall not be less than the lower of the tuition fee established pursuant to [section 282.24](#) for the school district or the equivalent tuition rate for the non-Iowa school district for the previous school year, and the transportation fee established shall not be less than the lower average transportation cost per mile for yellow school buses as described in [section 321.373](#) for the previous school year of the two affected school districts. The agreement shall provide that if the tuition fee for the school district in the adjoining state is a variable rate, the test of which tuition fee is lower shall be determined for each student by the affected boards.

2. A person attending school in another state pursuant to [this section](#) shall continue to be treated as a pupil of the district of residence for state school foundation aid purposes under [section 257.6](#).

3. Notwithstanding the tuition provisions of [subsection 1](#), the tuition fee established for a child requiring special education under [chapter 256B](#) shall be equal to the actual cost of the special education instructional program provided to that child under the child's individualized education program.

4. If the chief state school officers of the respective states have not entered into a reciprocal agreement under [this section](#), or the agreement has expired or been terminated, or the distance to the public school in the adjoining state is not nearer than an appropriate public school in the pupil's district of residence or an appropriate public school in Iowa, the pupil attending school outside the state shall be considered a nonresident child for purposes of tuition payments to the receiving district and shall not be treated as a pupil of the district of residence for state school foundation aid purposes under [section 257.6](#).

5. The whole grade sharing provisions of [sections 282.10 through 282.12](#) and the open enrollment provisions of [section 282.18](#) shall not apply to agreements made between districts under [this section](#).

[C31, 35, §4274-c1, -c2, 4275; C39, §4274.01, 4274.02, 4275; C46, §282.8, 282.9, 282.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.8, 282.17; [81 Acts, ch 89, §1](#)]

[87 Acts, ch 4, §1; 2006 Acts, ch 1152, §39; 2016 Acts, ch 1036, §6](#)

Referred to in [§275.1, 282.7](#)

282.9 Enrollment of person listed on sex offender registry.

1. Notwithstanding [sections 256E.7, 256F.4, 275.55A, and 282.18](#), or any other provision to the contrary, prior to knowingly enrolling an individual who is required to register as a sex offender under [chapter 692A](#), but who is otherwise eligible to enroll in a public school, the board of directors of a school district shall determine the educational placement of the individual. Upon receipt of notice that a student who is enrolled in the district is required to register as a sex offender under [chapter 692A](#), the board shall determine the educational placement of the student. The tentative agenda for the meeting of the board of directors at

which the board will consider such enrollment or educational placement shall specifically state that the board is considering the enrollment or educational placement of an individual who is required to register as a sex offender under [chapter 692A](#). If the individual is denied enrollment in a school district under [this section](#), the school district of residence shall provide the individual with educational services in an alternative setting.

2. Notwithstanding [section 692A.121](#), or any other provision of law to the contrary, the county sheriff shall provide to the boards of directors of the school districts located within the county the name of any individual under the age of twenty-one who is required to register as a sex offender under [chapter 692A](#).

[2004 Acts, ch 1140, §1](#); [2009 Acts, ch 119, §41](#); [2021 Acts, ch 112, §17](#)

Referred to in [§692A.120](#)

Subsection 1 amended

282.10 Whole grade sharing.

1. Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to [section 256.13](#), [280.15](#), or [282.7, subsection 1 or 3](#). Whole grade sharing may either be one-way or two-way sharing.

2. One-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and does not receive a substantial number of pupils from those districts in return.

3. Two-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and receives a substantial number of pupils from those school districts in return.

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of funding provided under [chapter 284](#), including the teacher leadership supplement state cost per pupil as provided in [section 257.9](#), unless all of the districts subject to the agreement are receiving such funding.

[87 Acts, ch 224, §60](#); [88 Acts, ch 1263, §8](#); [2008 Acts, ch 1181, §75](#); [2012 Acts, ch 1021, §62](#); [2013 Acts, ch 88, §19](#); [2016 Acts, ch 1036, §7](#); [2017 Acts, ch 172, §31](#); [2019 Acts, ch 24, §38](#)

Referred to in [§256.9](#), [256.13](#), [257.11](#), [275.2](#), [280.15](#), [282.7](#), [282.8](#), [285.1](#)

282.11 Procedure for whole grade sharing agreements.

1. For the purposes of [this section](#), “*affected pupils*” are those who under the whole grade sharing agreement are attending or scheduled to attend the school district specified in the agreement, other than the district of residence, during the term of the agreement.

2. Not less than ninety days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is negotiating, extending, or renewing a sharing agreement, shall publicly announce its intent to negotiate a sharing agreement under [section 21.4, subsection 1](#). Within thirty days of the board’s public notice, a petition may be filed with the department of education requesting that a feasibility study be completed. The petition shall be signed by twenty percent of the eligible electors in the district. The director of the department of education may determine that a feasibility study conducted by the board satisfies the request, provided that the study conforms with the criteria contained in [section 256.9](#).

3. Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement.

4. a. Within the thirty-day period prior to the signing of the agreement, the parent or

guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. The request shall be based upon one of the following:

- (1) That the agreement will not meet the educational program needs of the pupil.
- (2) That adequate consideration was not given to geographical factors.

b. The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. If the board disallows the request, the board shall indicate the reasons why the request is disallowed and shall notify the parent or guardian that the decision of the board may be appealed as provided in [this section](#).

c. If the board disallows the request of a parent or guardian of an affected pupil, the parent or guardian, not later than March 1, may appeal the sending of that pupil to the school district specified in the agreement, to the state board of education. The basis for the appeal shall be the same as the basis for the request to the board. An appeal shall specify a contiguous school district to which the parent or guardian wishes to send the affected pupil.

d. If the parent or guardian appeals, the standard of review of the appeal is a preponderance of evidence that the parent's or guardian's hardship outweighs the benefits and integrity of the sharing agreement. The state board may require the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, or may deny the appeal by the parent or guardian. If the state board requires the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, the tuition shall be equal to the tuition established in the sharing agreement. The decision of the state board is binding on the boards of directors of the school districts affected, except that the decision of the state board may be appealed by either party to the district court.

[87 Acts, ch 224, §61](#); [88 Acts, ch 1263, §10](#); [93 Acts, ch 160, §16](#); [2010 Acts, ch 1069, §81](#)

Referred to in [§256.9, 256.13, 257.11, 280.15, 282.7, 282.8, 291.6](#)

282.12 Funding of whole grade sharing agreements.

1. An agreement for whole grade sharing shall establish a method for determination of costs, if any, associated with the sharing agreement.

2. For one-way sharing, the sending district shall pay no less than one-half of the district cost per pupil of the sending district.

3. For two-way sharing, the costs shall be determined by mutual agreement of the boards.

4. The number of pupils participating in a whole grade sharing agreement shall be determined on the date specified in [section 257.6, subsection 1](#), and on the second Friday of January of each year.

[87 Acts, ch 224, §62](#); [2006 Acts, ch 1152, §40](#); [2016 Acts, ch 1036, §8](#)

Referred to in [§256.13, 257.11, 280.15, 282.7, 282.8](#)

282.13 through 282.17 Reserved.

282.18 Open enrollment.

1. a. It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that [this section](#) be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.

b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in [this section](#).

2. a. By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten or for prekindergarten students enrolled in special education programs and included in the school district's basic enrollment under [section 257.6, subsection 1](#), paragraph "a", subparagraph (1), the parent or guardian shall send notification to the district of residence and the receiving district, 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. 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 specified in [this subsection](#), the procedures of [subsection 4](#) apply.

b. 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 has insufficient classroom space for the pupil. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year. A denial of a request by the board of a receiving district is not subject to appeal.

c. Every school district shall adopt a policy which defines the term “*insufficient classroom space*” for that district.

3. a. The superintendent of a district subject to 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, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under [subsection 2](#) prior to implementation of the desegregation order by the district. If a transfer request would facilitate implementation of a desegregation order, the district shall give priority to granting the request over other requests.

b. A parent or guardian whose request has been denied because of the district's implementation of the desegregation order may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located.

c. The board of directors of a school district subject to court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order and criteria for prioritizing requests that do not have an adverse impact on the order.

4. a. After March 1 of the preceding school year and until the date specified in [section 257.6, subsection 1](#), the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause, as defined in paragraph “b”, exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. For purposes of [this section](#):

(1) “*Good cause*” means a change in a child's residence due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance abuse or mental health treatment program, 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, revocation of a charter school contract as provided in [section 256E.10](#) or [256F.8](#), the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement, the rejection of a current whole grade sharing agreement, or reorganization plan, or if the child's assigned attendance center in the district of residence is identified as

in significant need for improvement. 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.

(2) "*Significant need for improvement*" means a school attendance center designated by the department of education under the priority category under the Iowa school performance profiles for two or more of the immediately preceding school years or identified for comprehensive support and improvement under the federal Every Student Succeeds Act, Pub. L. No. 114-95, or an equivalent objective federal standard, for two or more of the immediately preceding school years.

c. If a resident district believes that a receiving district is violating [this subsection](#), the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

d. The director, or the director's designee, shall attempt to mediate the dispute to reach approval by both boards as provided in [subsection 15](#). If approval is not reached under mediation, the director or the director's designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving district. Within five days of the director's decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in [chapter 290](#).

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in [subsection 4](#) shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district. A decision of either board to deny an application filed under [this subsection](#) involving repeated acts of harassment of the student that the resident district cannot adequately address, a consistent failure of the resident district to reasonably respond to a student's failure to meet basic academic standards after notice provided by a parent or guardian, or a serious health condition of the student that the resident district cannot adequately address is subject to appeal under [section 290.1](#). The state board shall adopt by rule the criteria for determining a resident district's consistent failure to reasonably respond to a student's failure to meet basic academic standards and shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

6. 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 March 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 the district unless there is insufficient classroom space in the district or the district is subject to court-ordered desegregation and enrollment of the pupil would adversely affect implementation of the desegregation order. A denial of a request to change district enrollment within the approved period is not subject to appeal. 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.

7. a. 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](#).

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in [section 257.9](#) or the teacher leadership supplement foundation aid for the previous fiscal year as provided in [section 284.13, subsection 1](#), paragraph "d", if both the district of residence and

the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under [section 280.4, subsection 3](#), for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under [section 261E.6](#), the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in [section 261E.7](#).

(2) If a pupil participates in cocurricular or extracurricular activities in accordance with [subsection 12](#), the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in subparagraph (1). For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

8. a. If a request filed under [this section](#) is for a child requiring special education under [chapter 256B](#), the request to transfer to the other district shall only be granted if the following conditions are met:

(1) The receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class or caseload in that special education instructional program in the receiving district to exceed the maximum class size or caseload established pursuant to rules adopted by the state board of education.

(2) If the child would be assigned to a general education class, there is sufficient classroom space for the general education class to which the child would be assigned.

b. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

c. For children requiring special education, the receiving district shall complete and provide to the district of residence the documentation necessary to seek Medicaid reimbursement for eligible services.

9. a. If a parent or guardian of a child, who is participating in open enrollment under [this section](#), moves to a different school district during the course of either district's academic year, the child's first district of residence as determined on the date specified in [section 257.6, subsection 1](#), shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, 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, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve or who is a prekindergarten student enrolled in a special education program at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in [subsection 7 or 8](#), as applicable, until the start of the first full year of enrollment of the child.

c. The receiving district shall bill the resident district determined under paragraph "a" according to the timeline in [section 282.20, subsection 3](#). Payments shall be made to the receiving district in a timely manner.

d. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

e. A district of residence may apply to the school budget review committee if a student was not included in the resident district's enrollment count during the fall of the year preceding the student's transfer under open enrollment.

10. a. Notwithstanding [section 285.1](#) relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of [this subsection](#), "a point on a regular school bus route of the receiving district" includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b. A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under [this section](#), for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.

c. If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. The economic eligibility requirements established by the department of education and state board of education shall minimally include those pupils with household incomes of two hundred percent or less of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under [this subsection](#) may withhold, from the district cost per pupil amount that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

11. a. A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first ninety school days of enrollment in the district. However, a pupil may participate immediately in a varsity interscholastic sport under any of the following circumstances:

(1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade.

(2) If the district of residence and the other school district jointly participate in the sport.

(3) If the sport in which the pupil wishes to participate is not offered in the district of residence.

(4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under [section 256.11, subsection 12](#).

(5) If the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade.

(6) If the parent or guardian of the pupil participating in open enrollment is an active

member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in [section 280.28](#) while attending school in the district of residence.

(8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause under [subsection 4](#), paragraph “b”.

(9) If the board of directors or superintendent of the district of residence issues or implements a decision that results in the discontinuance or suspension of varsity interscholastic sports activities in the district of residence.

(10) If the board of directors of the district of residence and the board of directors of the receiving district both agree to waive the ineligibility period.

(11) For open enrollment applications approved for the school year beginning July 1, 2021, if the pupil’s district of residence had a voluntary diversity plan in effect on January 1, 2021, and applicable to the school year beginning July 1, 2021.

b. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil’s district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under [this section](#), but only as a member of a team from the district that pupil had attended.

c. If a pupil is declared ineligible for interscholastic athletic contests and athletic competitions in the pupil’s district of residence due to the pupil’s academic performance, upon participating in open enrollment, in addition to any other period of ineligibility under [this subsection](#), the pupil shall be ineligible in the receiving district for the remaining period of ineligibility declared by the district of residence.

d. For purposes of [this subsection](#), “*school days of enrollment*” does not include enrollment in summer school. For purposes of [this subsection](#), “*varsity*” means the same as defined in [section 256.46, subsection 3](#).

12. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with [section 256.7, subsection 32](#), may participate in any cocurricular or extracurricular activities offered to children in the pupil’s grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student’s participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

13. If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under [this section](#) if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

14. If a request under [this section](#) is for transfer to a laboratory school, as described in [chapter 265](#), the student, who is the subject of the request, shall not be included in the basic enrollment of the student’s district of residence, and the laboratory school shall report the enrollment of the student directly to the department of education, unless the number of students from the district attending the laboratory school during the current school year, as a result of open enrollment under [this section](#), exceeds the number of students enrolled in the laboratory school from that district during the 1989-1990 school year. If the number of students enrolled in the laboratory school from a district during the current year exceeds

the number of students enrolled from that district during the 1989-1990 school year, those students who represent the difference between the current and the 1988-1989 school year enrollment figures shall be included in the basic enrollment of the students' districts of residence and the districts shall retain any moneys received as a result of the inclusion of the student in the district enrollment. The total number of students enrolled at a laboratory school during a school year shall not exceed six hundred seventy students. The regents institution operating the laboratory school and the board of directors of the school district in the community in which the regents institution is located shall develop a student transfer policy designed to protect and promote the quality and integrity of the teacher education program at the laboratory school, the viability of the education program of the local school district in which the regents institution is located, and to indicate the order in which and reasons why requests to transfer to a laboratory school shall be considered. A laboratory school may deny a request for transfer under the policy. A denial of a request to transfer under [this subsection](#) is not subject to appeal under [section 290.1](#).

15. An application for open enrollment may be granted at any time with approval of the resident and receiving districts.

16. The director of the department of education shall recommend rules to the state board of education for the orderly implementation of [this section](#). The state board shall adopt rules as needed for the implementation of [this section](#).

88 Acts, ch 1113, §1; 89 Acts, ch 12, §1; 89 Acts, ch 319, §81; 90 Acts, ch 1182, §1, 5; 90 Acts, ch 1233, §10; 91 Acts, ch 97, §62; 91 Acts, ch 202, §1; 92 Acts, ch 1135, §3 – 5; 92 Acts, ch 1163, §64; 93 Acts, ch 149, §1; 94 Acts, ch 1091, §24; 94 Acts, ch 1131, §8; 94 Acts, ch 1175, §10; 96 Acts, ch 1157, §1 – 3; 97 Acts, ch 23, §31, 32; 2002 Acts, ch 1129, §4; 2002 Acts, ch 1140, §17 – 23; 2002 Acts, ch 1124, §13, 16; 2003 Acts, ch 79, §5, 7, 8; 2003 Acts, ch 180, §35, 36, 72; 2005 Acts, ch 79, §2; 2005 Acts, ch 179, §93 – 95; 2006 Acts, ch 1152, §41 – 43; 2008 Acts, ch 1071, §1; 2008 Acts, ch 1181, §64; 2009 Acts, ch 18, §1; 2009 Acts, ch 133, §104; 2009 Acts, ch 177, §54, 57; 2010 Acts, ch 1069, §39, 40; 2012 Acts, ch 1021, §63; 2013 Acts, ch 121, §57, 75; 2016 Acts, ch 1036, §9, 10; 2016 Acts, ch 1079, §1, 2; 2017 Acts, ch 54, §44; 2018 Acts, ch 1026, §99; 2018 Acts, ch 1119, §15, 16; 2019 Acts, ch 24, §103; 2020 Acts, ch 1022, §5; 2020 Acts, ch 1045, §21; 2021 Acts, ch 50, §1; 2021 Acts, ch 90, §2, 4; 2021 Acts, ch 112, §18; 2021 Acts, ch 139, §13 – 19, 21, 22

Referred to in [§85.20](#), [85.61](#), [256.43](#), [256.46](#), [256E.8](#), [256F.4](#), [256F.9](#), [257.6](#), [261E.7](#), [275.15](#), [282.8](#), [282.9](#), [284.13](#), [290.1](#), [321.178](#), [321.194](#)

Subsection 11, paragraph a, subparagraph (9) applies retroactively to July 1, 2020; [2021 Acts, ch 139, §22](#)

March 1 deadlines established under this section shall not apply to applications submitted for the school year beginning July 1, 2021, and ending June 30, 2022, if a voluntary diversity plan was in effect in the school district of residence during the school year beginning July 1, 2020, and ending June 30, 2021; [2021 Acts, ch 90, §3](#)

Special provisions relating to the ineligibility period for extracurricular interscholastic contests or competitions for the school year beginning July 1, 2020, and the school year beginning July 1, 2021; [2021 Acts, ch 139, §20](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsections 2 – 6 and 8 – 11 amended

282.19 Child living in substance abuse or foster care placement.

1. A child who is living in a facility that provides residential treatment as “*facility*” is defined in [section 125.2](#), which is located in a school district other than the school district in which the child resided before entering the facility may enroll in and attend an accredited school in the school district in which the child is living.

2. A child who is living in a licensed individual or agency child foster care facility, as defined in [section 237.1](#), or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid

as provided in [section 282.31, subsection 1](#), paragraph “b”, or for students who require special education shall be paid as provided in [section 282.31, subsection 2 or 3](#).

[C24, 27, 31, 35, §4283; C39, §4275.1, 4283, 4283.01; C46, 50, 54, 58, 62, §282.18, 282.22, 282.23; C66, 71, 73, 75, 77, 79, 81, §282.18, 282.22, 282.23, 282.25; 81 Acts, ch 90, §1]

85 Acts, ch 212, §21; 86 Acts, ch 1244, §34; 86 Acts, ch 1245, §1485; 87 Acts, ch 233, §480; 89 Acts, ch 319, §74; 2009 Acts, ch 120, §7

Referred to in [§282.31](#)

282.20 Tuition fees — payment.

1. The school corporation in which the student resides shall pay from the general fund to the secretary of the corporation in which the student is permitted to enroll, a tuition fee as prescribed in [section 282.24](#).

2. It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board members responsible for such unlawful act shall each be personally liable to a fine of not to exceed one hundred dollars. Action to recover such penalty or action to enjoin such unlawful act may be instituted by the board of any school district or by a taxpayer in any school district.

3. On or before February 15 and July 15 of each year the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of such tuition fees.

[SS15, §2733-1a; C24, 27, 31, 35, 39, §4277; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.20]

83 Acts, ch 31, §6; 2013 Acts, ch 88, §20

Referred to in [§256E.8, 282.18](#)

282.21 Collection of tuition fees.

If payment is not made, the board of the creditor corporation shall file with the auditor of the county of the pupil’s residence a statement certified by its president specifying the amount due for tuition, and the time for which the same is claimed. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation, and the county treasurer shall pay the same accordingly.

[SS15, §2733-1a; C24, 27, 31, 35, 39, §4278; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.21]

Referred to in [§275.26, 331.502, 331.552](#)

282.22 and 282.23 Reserved.

282.24 Tuition fees established.

1. The maximum tuition fee that may be charged for elementary and secondary school students residing within another school district or corporation except students attending school in another district under [section 282.7, subsection 1 or 3](#), is the district cost per pupil of the receiving district as computed in [section 257.10](#).

2. A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. The appraisal shall be updated at least once every five years.

3. [This section](#) does not prevent the corporation or district in which the student resides from paying a tuition in excess of the maximum computed tuition rates, if the actual per

pupil cost of the preceding year so warrants, but the receiving district or corporation shall not demand more than the maximum rate.

[C35, §4233-e3; C39, §4233.3; C46, §279.18; C50, 54, 58, 62, 66, 71, 73, 75, §279.18, 282.24; C77, 79, 81, §282.24]

83 Acts, ch 31, §7; 85 Acts, ch 212, §21; 87 Acts, ch 224, §63; 88 Acts, ch 1263, §9; 89 Acts, ch 135, §87; 2009 Acts, ch 54, §10; 2010 Acts, ch 1069, §82; 2013 Acts, ch 90, §72; 2016 Acts, ch 1036, §11, 12

Referred to in §257.11, 257.41, 275.55A, 282.1, 282.8, 282.20, 282.27, 291.6

282.25 Reserved.

282.26 High school students attending advanced courses.

1. The board of any community college may, by mutual agreement with any college or university, permit any specially qualified high school student to attend advanced courses of academic instruction at the college or university.

2. The state board of regents and the state board of education may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a college or university may be applied toward credit for high school graduation. Public school funds shall not be expended for payment of tuition or other costs for such attendance at a college or university, unless the payment is expressly permitted or required by law.

3. Subsections 1 and 2 shall also apply to colleges and universities in adjacent states when the institutions are located nearer to the homes or schools of the school district than the closest college or university within the state.

[C66, 71, 73, 75, 77, 79, 81, §282.26]

90 Acts, ch 1233, §11; 90 Acts, ch 1253, §89; 2009 Acts, ch 133, §105

282.27 Children living in psychiatric hospitals or institutions — payment.

1. The public school district in which a psychiatric unit of a hospital licensed under chapter 135B or a psychiatric medical institution for children licensed under chapter 135H, which is not operated by the state, is located shall be responsible for the provision of educational services to children residing in the unit or institution. Children residing in the unit or institution shall be included in the basic enrollment of their districts of residence, as defined in section 282.31, subsection 4.

2. The board of directors of each district of residence shall pay to the school district in which such psychiatric unit or institution is located, for the provision of educational services to the child, a portion of the tuition rate prescribed by section 282.24 for students residing within another school district for each of such children who does not require special education, based upon the proportion that the time each child is provided educational services while in such unit or institution is to the total time for which the child is provided educational services during a normal school year. The actual special education instructional costs incurred for a child who resides in the unit or institution shall be paid by the district of residence of the child to the district in which the unit or institution is located.

3. Notwithstanding section 282.24, if a child for whom all of the following applies is placed in the psychiatric unit or institution, the district of residence may use amounts received as supplementary weighting pursuant to section 257.11, subsection 4, to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum and the costs exceed the maximum tuition rate prescribed by section 282.24:

- a. The child does not require special education.
- b. The child is not placed by the department of human services or a court in a day program treatment program in such psychiatric unit or institution.
- c. The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

4. Notwithstanding section 282.24, if a child for whom all of the following applies is

placed in the psychiatric unit or institution, the district of residence may use the funding for programs for returning dropouts and dropout prevention calculated pursuant to [section 257.41](#), to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum, the costs exceed the maximum tuition rate prescribed by [section 282.24](#), and the child meets the definition of a returning dropout or potential dropout in [section 257.39](#):

- a. The child does not require special education.
- b. The child is not placed by the department of human services or a court in a day program treatment program in such psychiatric unit or institution.
- c. The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

5. Notwithstanding [section 282.31, subsection 1](#), paragraph "b", subparagraph (1), if a child placed in the psychiatric unit or institution was not enrolled in the educational program of the district of residence of the child on October 1 of the current school year, the district of residence may include that student in a claim submitted to the department of education pursuant to [section 282.31, subsection 1](#), paragraph "b", subparagraph (2).

[92 Acts, ch 1230, §10; 2015 Acts, ch 22, §1](#)

282.28 Children at Eldora and Toledo. Repealed by [2003 Acts, ch 178, §59](#).

282.29 Children placed by district court.

Notwithstanding [section 282.31, subsection 1](#), a child who has been identified as requiring special education, who has been placed in a facility, home, or other placement by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services are provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be paid as provided in [section 282.31, subsection 2 or 3](#).

[87 Acts, ch 233, §482; 2009 Acts, ch 120, §8](#)

Referred to in [§256.7, 282.31](#)

282.30 Special programs.

1. a. An area education agency shall provide or make provision for an appropriate educational program for each child living in the following types of facilities located within its boundaries:

- (1) An approved or licensed shelter care home, as defined in [section 232.2, subsection 34](#).
- (2) An approved juvenile detention home, as defined in [section 232.2, subsection 32](#).

b. The area education agency shall provide the educational program by any one of, but not limited to, the following:

(1) Providing for the enrollment of the child in the district of residence of the child, subject to the approval of the district in which the child is living.

(2) Cooperating with the district of residence of the child and obtaining the course of study and textbooks of the child for use in the special facility into which the child has been placed.

(3) Providing for the enrollment of the child in the district in which the child is living, subject to the approval of the district in which the child is living.

c. An area education agency shall not provide educational services to a facility specified in paragraph "a" unless the facility makes a request for educational services to the area education agency by either of the following dates:

(1) December 1 of the school year prior to the beginning of the school year for which the services are being requested.

(2) Ninety days prior to the beginning of the time for which the services are being requested if the facility is a newly established facility.

2. The area education agency where the child is living, the school district of residence, the other appropriate area education agency or agencies, and other appropriate agencies involved with the care or placement of the child shall cooperate with the school district where

the child is living in sharing educational information, textbooks, curriculum, assignments, and materials in order to plan and to provide for the appropriate education of the child living in such facility specified in [subsection 1](#).

[87 Acts, ch 233, §483](#); [2000 Acts, ch 1121, §1, 2](#)

Referred to in [§256.7, 282.31](#)

282.31 Funding for special programs.

1. *a.* A child who lives in a facility pursuant to [section 282.30, subsection 1](#), paragraph “*a*”, and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The area education agency shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the department of administrative services and the area education agency of its action by February 1. The department of administrative services shall pay the approved budget amount for an area education agency in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state’s resources. The department of administrative services shall transfer the approved budget amount for an area education agency from the moneys appropriated under [section 257.16](#) and make the payment to the area education agency. The area education agency shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines pursuant to [section 256.7, subsection 10](#), and shall notify the department of administrative services of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of administrative services to the area education agency and any differences added to or subtracted from the October payment made under this paragraph for the next school year. Any amount paid by the department of administrative services shall be deducted monthly from the state foundation aid paid under [section 257.16](#) to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year in which the deduction is made.

b. (1) A child who lives in a facility or other placement pursuant to [section 282.19](#), and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or other placement pursuant to [section 282.19](#), and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or other placement is located.

(2) However, on June 30 of a school year, if the board of directors of a school district determines that the number of days for which a school district generated funding for children under this paragraph “*b*” who were counted in the basic enrollment of the school district in that school year in accordance with [section 257.6, subsection 1](#), is less than the sum of the number of days enrolled for all children enrolled in the school district under this paragraph “*b*” during the school year, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the quotient of the excess number of enrolled days for children under this paragraph “*b*” divided by the number of days in the district’s board-approved calendar for the previous year. The amount of the claim shall be paid by the department of administrative services to the school district by October 1. The department of administrative services shall transfer the total amount of the approved claim of a school district from the moneys appropriated under [section 257.16](#) and the amount paid shall be deducted monthly from the state foundation aid paid to all

school districts in the state during the remainder of the subsequent fiscal year in the manner provided in paragraph “a”.

2. a. The actual special education instructional costs incurred for a child who lives in a facility or other placement pursuant to [section 282.19](#) or for a child who is placed in a facility or home pursuant to [section 282.29](#), who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility, home, or other placement is located, shall be paid by the district of residence of the child to the district in which the facility, home, or other placement is located, and the costs shall include the cost of transportation.

b. A child shall not be denied special education programs and services because of a dispute over the determination of district of residence of the child. The director of the department of education shall determine the district of residence when a dispute arises regarding the determination of the district of residence for a child who requires special education pursuant to [this subsection](#).

3. The actual special education instructional costs, including transportation, for a child who requires special education shall be paid by the department of administrative services to the school district in which the facility or home is located, only when a district of residence cannot be determined, and the child was not included in the weighted enrollment of any district pursuant to [section 256B.9](#), and the payment pursuant to [subsection 2](#), paragraph “a”, was not made by any district. The district shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the district by February 1. The district shall submit a claim by August 1 following the school year for the actual cost of the program. The department shall review and approve or modify the claim and shall notify the department of administrative services of the approved claim amount by September 1. The total amount of the approved claim shall be paid by the department of administrative services to the school district by October 1. The total amount paid by the department of administrative services shall be deducted monthly from the state foundation aid paid under [section 257.16](#) to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved claims that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for the budget year in which the deduction is made. The department of administrative services shall transfer the total amount of the approved claims from moneys appropriated under [section 257.16](#) for payment to the school district.

4. For purposes of [this section](#), “*district of residence*” means the school district in which the parent or legal guardian of the child resides or the district in which the district court is located if the district court is the guardian of the child.

5. Programs may be provided during the summer and funded under [this section](#) if the school district or area education agency determines a valid educational reason to do so.

[87 Acts, ch 233, §484; 88 Acts, ch 1284, §48; 90 Acts, ch 1272, §72; 92 Acts, ch 1163, §66; 95 Acts, ch 214, §6, 7; 2003 Acts, ch 145, §286; 2006 Acts, ch 1152, §44; 2007 Acts, ch 22, §66; 2009 Acts, ch 120, §9, 10; 2021 Acts, ch 60, §1, 2](#)

Referred to in [§256.7](#), [282.19](#), [282.27](#), [282.29](#), [282.32](#)

2021 amendment to subsection 1, paragraph b, subparagraph (2) applies to school budget years beginning on or after July 1, 2021; 2021 Acts, ch 60, §2

Subsection 1, paragraph b, subparagraph (2) amended

282.32 Appeal.

An area education agency or local school district may appeal a decision made pursuant to [section 282.31](#) to the state board of education. The decision of the state board is final.

[87 Acts, ch 233, §485; 2003 Acts, ch 178, §57](#)

282.33 Funding for children residing in state mental health institutes or institutions.

1. A child who resides in an institution for children under the jurisdiction of the director of human services referred to in [section 218.1](#), [subsection 3](#), [4](#), [5](#), or [6](#), and who is not enrolled in the educational program of the district of residence of the child, shall receive

appropriate educational services. The institution in which the child resides shall submit a proposed program and budget based on the average daily attendance of the children residing in the institution to the department of education and the department of human services by January 1 for the next succeeding school year. The department of education shall review and approve or modify the proposed program and budget and shall notify the department of administrative services of its action by February 1. The department of administrative services shall pay the approved budget amount to the department of human services in monthly installments beginning September 15 and ending June 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of administrative services, taking into consideration the relative budget and cash position of the state's resources. The department of administrative services shall pay the approved budget amount for the department of human services from the moneys appropriated under [section 257.16](#) and the department of human services shall distribute the payment to the institution. The institution shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines adopted pursuant to [section 256.7, subsection 10](#), and shall notify the department of administrative services of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of administrative services to the department of human services and any differences added to or subtracted from the October payment made under [this subsection](#) for the next school year. Any amount paid by the department of administrative services shall be deducted monthly from the state foundation aid paid under [section 257.16](#) to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year in which the deduction is made.

2. Programs may be provided during the summer and funded under [this section](#) if the institution determines a valid educational reason to do so and the department of education approves the program in the manner provided in [subsection 1](#).

[2003 Acts, ch 145, §286; 2003 Acts, ch 178, §58; 2004 Acts, ch 1101, §32](#)

Referred to in [§256.7](#)

282.34 Educational programs for children's residential facilities.

1. A children's residential facility operating under a certificate of approval issued under [chapter 237C](#) shall do all of the following:

a. Provide an educational program and appropriate education services to children residing in the children's residential facility by contracting with the school district in which the children's residential facility is located, contracting with an accredited nonpublic school, or becoming accredited as a nonpublic school through the standards and accreditation process described in [section 256.11](#) and adopted by rule by the state board of education.

b. Display prominently in all of its major publications and on its internet site a notice accurately describing the educational program and educational services provided by the children's residential facility.

c. Include in any promotional, advertising, or marketing materials regarding the children's residential facility available in print, broadcast, or via the internet or by any other means all fees charged by the children's residential facility for the services offered or provided by the children's residential facility and its refund policy for the return of refundable portions of any fees. This paragraph shall not apply to sponsorship by a children's residential facility of public radio or public television broadcasts.

2. The state board of education shall adopt by rule pursuant to [chapter 17A](#) standards for the following:

a. Educational programs and appropriate educational services provided under [this section](#).

b. Contracts between children's residential facilities and school districts or accredited nonpublic schools.

c. Notices displayed in accordance with [subsection 1](#), paragraph “b”.

3. The department of education shall comply with the requirements of [section 237C.4](#), [subsection 7](#), regarding standards, rules, and modifications, and the responsibilities set forth for publication, notification, and receipt and maintenance of information filed with the department.

4. A contract that fails to comply with any of the requirements of [subsection 1](#), or with standards adopted by the state board of education under [subsection 2](#), is void.

5. Rules adopted under [this section](#) shall not regulate religious education curricula at children’s residential facilities.

[2016 Acts, ch 1114, §11](#)

Referred to in [§237C.4](#), [237C.6](#), [237C.9](#)