



# Open Enrollment Handbook

2022-2023 School Year

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State of Iowa  
Department of Education  
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## Introduction

The purpose of the Open Enrollment Handbook is to provide parents, guardians, and school districts with updated information following several changes to Iowa law regarding open enrollment. This handbook is divided into the following sections:

- Application Information for Parents and Guardians,
- Instructions for School Districts, and
- Frequently Asked Questions (FAQs).

### What is Open Enrollment?

It is a cost-free option by which parents or guardians residing in an Iowa district may enroll their children into another Iowa school district under the terms and conditions of [Iowa Code section 282.18](#) and the administrative rules contained in [Iowa Administrative Code 281—17](#).

### What Are the Differences Between a Resident District, Receiving District, and Alternate Receiving District?

#### Resident District

The resident district is the district where the student lives.

#### Receiving District

The receiving district is the district that student open enrolls to.

#### Alternate Receiving District

If the student is already open enrolled in a district but wishes to open enroll in a different district, the different district is the alternate receiving district.

# Application Information for Parents and Guardians

## Requirements

If a parent or guardian wishes to open enroll their child or children, they must:

- Complete an application (available in any Iowa public school district's central office and on the Iowa [Department of Education's \[Department\] website](#)),
- Submit an application for each child in their family, and
- Send the application to both the resident and receiving school districts.

If the student is currently open enrolled but would like to open enroll to a new school district, see the following Currently Open Enrolled Student Applications to an Alternate Receiving District section.

## Important Notes

- Approval for one child in a family does not guarantee approval for other children in the same family. A parent or guardian must file an open enrollment request for each child in the family.
- A parent or guardian may apply to more than one school district at the same time.
- Notify (in writing) the districts concerned if there is any change in the residence of the student during the open enrollment period.
- If terminating the open enrollment, notify both districts involved.

## Currently Open Enrolled Student Applications to an Alternate Receiving District

If a current open enrolled student would like to open enroll to a new school district, the parent or guardian files a new application with:

- The district the student is currently attending and open enrolled into (receiving district),
- The resident district, and
- The district the student wants to attend (alternate receiving district) and should write on the application the child is currently open enrolled and would like to open enroll to a new school district.

The new district (alternate receiving district) will notify:

- The parent or guardian,
- The original district of residence, and
- The previous receiving district of acceptance or denial (281—IAC 17.8(4)).

## Appeal Process

As a general rule, appeals of open enrollment decisions should be filed as an original court action in [Iowa District Court](#). Iowa District Court appeals should be filed in district court in the county in which the primary business office of the resident district is located (281—IAC 17.8(9)).

## Athletic Eligibility

Students who open enroll in grades nine through 12 are not eligible to participate in varsity contests and competitions during the first 90 school days of transfer (not counting summer school) unless an exception applies allowing immediate eligibility. For a list of exceptions to this rule, please see [Iowa Administrative Code subrule 281—36.15\(4\)](#).

A student may be eligible for an exception if one of the following applies:

- The open enrollment meets the criteria, as outlined in [House File 847 and Changes to Athletic Eligibility Guidance](#);
- The board of directors or superintendent of the resident district issues or implements a decision that suspends the discontinuation or suspension of varsity interscholastic sports activities in the district of residence; or
- The board of directors of the resident and receiving district agree to waive ineligibility.

A student who is academically ineligible in their resident district remains ineligible in the receiving district for the remaining period of ineligibility declared by the resident district regardless of any of the circumstances above.

For additional guidance, see the [HF 847 and Changes to Athletic Eligibility](#) guidance. For other questions regarding eligibility, please contact the [Iowa Girls' High School Athletic Union](#) (IGHSAU) at 515-288-9741 or the [Iowa High School Athletic Association](#) (IHSAA) at 515-432-2011.

## Transportation

Parents are responsible for transporting children open enrolled to another district. This applies to all students, including those with an individualized educational program (IEP). As a general rule, if the need for transportation is stated in the IEP as a related service, the parent is responsible for this obligation under open enrollment (281—IAC 17.11).

If a child open enrolls to a district that is contiguous to (or borders) the home district and the parents' income meets economic eligibility requirements, the family may receive a stipend for transportation or be provided transportation by the resident district (281—IAC 17.9). For additional information, see the [transportation assistance guidance](#) on the [Transportation Assistance webpage](#).

## Additional Open Enrollment Guidance and Questions

For additional guidance, see the Department's [Open Enrollment webpage](#) and read the following frequently asked questions.

### Questions Related to Open Enrolling to an Approved Online School

For questions related to open enrolling to an approved online school, please contact Janet Boyd ([janet.boyd@iowa.gov](mailto:janet.boyd@iowa.gov) or 515-745-3385) and/or visit the Online Learning webpage.

### Questions Related to District Open Enrollment Billing

For questions related to district open enrollment billing, contact Scott Dryer ([scott.dryer@iowa.gov](mailto:scott.dryer@iowa.gov) or 515-402-8700) and/or visit the [Open Enrollment webpage](#).

### Questions Related to Open Enrollment Transportation Billing

For questions related to open enrollment transportation assistance billing, contact Max Christensen ([max.christensen@iowa.gov](mailto:max.christensen@iowa.gov) or 515-281-4749) and/or visit the [Open Enrollment Transportation Assistance webpage](#).

### All Other Open Enrollment Questions

For all other open enrollment questions, contact Sara Nickel ([sara.nickel@iowa.gov](mailto:sara.nickel@iowa.gov) or 515-281-3778) or Marietta Rives ([marietta.rives@iowa.gov](mailto:marietta.rives@iowa.gov) or 515-281-6038).

## Instructions for School Districts

The purpose of this section of the handbook is to provide school districts with updated open enrollment instructions following several changes to Iowa’s open enrollment law. It is organized around the following topics:

- Board or Superintendent Actions,
- Billing Instructions for School Districts,
- Students in Foster Care, and
- Record Keeping to Keep an Accurate Count of Open Enrolled Students.

### Board or Superintendent Actions

#### Which District Acts on an Open Enrollment Request?

| Action  | Receiving District   | Resident District   |
|---|--|---|
| <b>Notification</b> (281–IAC 17.3(2))                   | By September 30 of each school year, the district must notify parents or guardians (including those who transfer into the district during the school year) of: <ul style="list-style-type: none"> <li>• Open enrollment deadlines,</li> <li>• Transportation assistance, and</li> <li>• Possible loss of athletic eligibility for open enrollment of students.</li> </ul>  | By September 30 of each school year, the district must notify parents or guardians (including those who transfer into the district during the school year) of: <ul style="list-style-type: none"> <li>• Open enrollment deadlines,</li> <li>• Transportation assistance, and</li> <li>• Possible loss of athletic eligibility for open enrollment of students.</li> </ul> |
| <b>Parent/Guardian Files an Open Enrollment Request</b> | Required actions include: <ul style="list-style-type: none"> <li>• The board may give the superintendent authority to approve but not deny applications.               <ul style="list-style-type: none"> <li>○ Denial – A district school board can deny an application for the following reasons:                   <ul style="list-style-type: none"> <li>■ The district is not able to provide the appropriate special education program (see the following Students with IEPs section).</li> <li>■ The student is under suspension or expulsion.</li> <li>■ The district has insufficient classroom space to accommodate the student (see #8 of the FAQ).</li> <li>■ The application would adversely affect the district's implementation of a court-ordered desegregation plan.<sup>1</sup></li> </ul> </li> </ul> </li> <li>• Within five days of board action, the superintendent must notify the parent or guardian and the resident district of whether the request was approved or denied.</li> </ul> | Superintendent must sign the application for receipt.   |

<sup>1</sup> At this time, this does not apply to any districts.

## Students with IEPs

If a parent or guardian requests open enrollment for a pupil requiring special education, the receiving district must consider the following:

- Appropriateness of program,
- Class size and caseload,
- Transportation, and
- Finance.

### *Appropriateness of program (281–IAC 17.11(1))*

The receiving district should only approve the open enrollment request if it can provide the appropriate special education program for the student within the district. The receiving district must make this determination in consultation with the resident district and the appropriate area education agency (AEA) or agencies before approval of the application.

### *Class size and caseload (281–IAC 17.11(2))*

The provisions of the insufficient classroom space policy also apply to open enrollment requests for a child with a disability. The following conditions apply:

- The enrollment of the child in the receiving district’s program would not cause the size of the class or caseload in receiving district’s special education instructional program to exceed the maximum class size or caseload set forth in the district’s insufficient classroom space policy.
- If the child would be assigned to a general education class, there is sufficient classroom space (as established in the insufficient classroom space policy) for the child in the general education class.

### *Transportation (281–IAC 17.11(3))*

District transportation requirements, parent or guardian responsibilities, and financial assistance for transportation (where applicable) as provided by rules 281–17.9 and 281–41.412.

### *Finance (281–IAC 17.11(4))*

The resident district must:

- Pay the receiving district for the actual costs incurred in providing the appropriate special education program.
- Ensure that an appropriate special education program is maintained.

The receiving district must provide the resident district with:

- Evaluation reports and information at least annually for each open enrolled student in special education.
- Notice of all staffing scheduled for each open enrolled student in special education.

The receiving AEA must provide the resident district with evaluation reports and information at least annually for each open enrolled student in special education.



## Billing Instructions for School Districts

The billing chart that follows contains the following columns by education program:

- **Tuition** – Open enrollment tuition is based on the state cost per pupil from the previous fiscal year (\$7,227) and is billed and paid on a semester basis (on or before February 15 and July 15) per Iowa Code section 282.20(3).
  - Termination or Suspension of Open Enrollment – Under special circumstances that terminate or suspend open enrollment status, a district must prorate tuition for payment on a per diem basis.
  - Partial Semester – Partial semesters should be based on a per diem rate, prorated for days served under open enrollment.
  - Competent Private Instruction (CPI) – For students under CPI for dual enrollment and are open enrolled in the district’s home school assistance program, combine the appropriate rows in the following billing chart.
  - Transportation – The resident district may deduct transportation expenses incurred from the amount of tuition it sends to the receiving district. However, for a qualifying student with an IEP, the cost of transportation is not deducted from the special education tuition.
- **Supplementary Weighting: Teacher Leadership and Compensation (TLC)** – Districts will bill and pay for open enrollment for TLC per pupil (\$349.07).
  - Termination or Suspension of Open Enrollment – Under special circumstances that terminate or suspend open enrollment status, the district must prorate the TLC amount for payment on a per diem basis.
- **Supplementary Weighting: Limited English Proficiency (LEP)** – Districts should only use this weighting if the English learner was included in the resident district’s October 2021 LEP supplementary weighting calculation.
- **Supplementary Weighting: Eligible Concurrent Enrollment (CE) and Project Lead the Way (PLTW) Courses** – For CE supplementary weighting calculations:
  - The receiving district will use the fall and spring Student Reporting in Iowa (SRI) application data to generate their billings. The list of CE and PLTW courses eligible for inclusion in the generation of supplementary weighting on October 1, 2022 is available under [Course Coding and Supplementary Weighting heading](#) on the [SRI webpage](#).
  - The resident district will use the CE and non-fall supplementary weighting applications to verify the amounts being billed.

## Billing Chart

| <b>Program (Citation)</b>   | <b>Tuition: \$7,227/pupil</b>  | <b>Supplementary Weighting: TLC</b> | <b>Supplementary Weighting: LEP</b> | <b>Supplementary Weighting: Eligible CE &amp; PLTW Courses</b>   |
|---|--|-------------------------------------|-------------------------------------|--|
| <b>Regular Education</b> (281—IAC 17.10(1))   | \$7,227  | \$349.07                            | 0.22 x \$7,227                      | Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year's cost per pupil   |
| <b>Special Education</b> (281—IAC 17.11)  | Actual cost of the program through tuition-in billing (TIB)  | \$349.07                            | 0.22 x \$7,227                      | Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year's cost per pupil   |
| <b>Home School Dual Enrollment for K-8</b> (281—IAC 17.10(2))   | 0.1 x \$7,227  | 0.1 x \$349.07                      | 0.22 x \$7,227                      | Not applicable   |
| <b>Home School Dual Enrollment for Grades 9-12 Extracurricular Activities</b> (281—IAC 17.10(2))  | 0.1 x \$7,227  | 0.1 x \$349.07                      | Not applicable                      | Not applicable   |
| <b>Home School Grades 9-12 Dual Enrollment for Academics</b> (281—IAC 17.10(2))   | Do not bill. Academic classes are included in the serving district's CE  | Do not bill                         | Do not bill                         | Do not bill  |
| <b>Home School Assistance Program</b> (281—IAC 17.10(3))  | 0.3 x \$7,227  | 0.3 x \$349.07                      | Not applicable                      | Not applicable   |
| <b>Regular Education Student Attending CAM, Clayton Ridge, or Any District in Iowa with an <a href="#">Approved Online School</a></b> (Iowa Code § 282.18(7)) | \$7,227. The resident district may deduct up to \$200 per activity for up to two activities per year (as applicable).                    | \$349.07                            | 0.22 x \$7,227                      | Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year cost per pupil   |
| <b>Special Education Student Attending CAM, Clayton Ridge, or Any District in Iowa with an <a href="#">Approved Online School</a></b> (Iowa Code § 282.18(7)) | Actual cost of the program. The resident district may deduct up to \$200 per activity for up to two activities per year (as applicable). | \$349.07                            | 0.22 x \$7,227                      | Course weighting factor x percent of time the student is enrolled in the course x resident district's current school year cost per pupil, as long as the course is not part of the student's IEP requirements. |

## Billing Timeline

| Situation                                   | Payment   |
|---|---|
| Open enrollment approved prior to October 1 | Tuition is paid to the receiving district. This <u>includes</u> applications filed for: <ul style="list-style-type: none"> <li>• Kindergarten students</li> <li>• Early childhood special education program children with an IEP</li> <li>• CPI or students from a private school that were not enrolled the previous year in a public school</li> <li>• CPI students who are dual enrolled (partial payment based on enrollment)</li> <li>• Student under open enrollment moves to a new district after October 1st but continues open enrollment</li> </ul> |
| Open enrollment filed after October 1       | <b>Tuition is <u>not</u> paid to the receiving after October 1.</b> The resident district is not obligated to pay tuition or additional costs such as special education weighting and transportation assistance if an application was filed after October 1 (count date).   |

## Students in Foster Care

### Chart of Authorized Applicant and Responsibility for Tuition

The following table provides information regarding the parental rights, who is authorized to open enroll, and who pays tuition for a student in foster care.

| Student in Foster Care | Parental Rights                             | Who is Authorized to Open Enroll the Student?  | Who is Responsible for Tuition or Expenses?  |
|------------------------|---|--|--|
| <b>IEP</b>             | Parents have rights                         | Parent   | Parent's resident district   |
| <b>IEP</b>             | Parents do not have rights (rights severed) | Department of Human Services (DHS) or designee | State of Iowa via TIB claim, unless a district counted the student for special education count |
| <b>Non-IEP</b>         | Parents have rights                         | Parent   | Foster care district   |
| <b>Non-IEP</b>         | Parents do not have rights (rights severed) | DHS or designee                                | Foster care district   |

### School of Origin and Transportation

The Every Student Succeeds Act (ESSA) requires that children in foster care remain in their school of origin (the school they were attending when entering foster care or when a change in foster care placement occurred) unless it is in the student's best interest to be placed outside of the school of origin. The ESSA also requires children in foster care to be transported to their school of origin unless a best-interest determination requires a school change.

If a child is participating in open enrollment when they enter foster care, the receiving school district is the school of origin. Transportation for those students is governed by the ESSA. For more information, see the [ESSA's Provisions for Educational Stability for Children in Foster Care legal lesson](#) and the [Education of Children in Foster Care webpage](#).

The student continues to be identified as a resident student of the district where the student is attending if the student:

- Is attending school in their resident district,
- Is placed into foster care outside their resident district or a change in foster care placement occurs, and
- Remains enrolled in the same school (school of origin).

Open enrollment is not utilized in the foster care situation to keep a student enrolled in their school of origin. This situation is similar to the Junior/Senior Rule (see #16) because a student continues to be counted as a resident student even when the student is not living in the district (Iowa Code §§ 282.19(2) & 282.31(1)“b”(1)).

## **Record-Keeping to Keep an Accurate Count of Open Enrolled Students**

The following suggestions are made to assist the district in keeping an accurate count of open enrollment students. While these are not requirements, the Department highly recommends these practices because they can reduce confusion about the status of students and decrease inaccurate billing between districts.

1. Have registration personnel check carefully for any change of address for an open enrolled pupil.
2. Ask teachers, bus drivers, and other personnel to alert administrative staff of any change of address for an open enrollment pupil occurring during the school year.
3. Exchange lists of open enrollment pupils with other districts prior to count day.
4. Have a process in place for notifying other districts of any movement of an open enrollment pupil either out of or into the district.
5. Check incoming kindergarten students to ensure they are residents. If they are not residents, they must complete an open enrollment application, or they will be responsible for tuition.

The resident district can be verified for two-thirds of the counties in Iowa by using the [Beacon](#) search.

# Frequently Asked Questions

## Procedural Questions

### 1. What is open enrollment?

It is a cost-free option by which parents or guardians residing in an Iowa district may enroll their children into another Iowa school district under the terms and conditions of [Iowa Code section 282.18](#) and the administrative rules contained in [Iowa Administrative Code 281—17](#).

### 2. How does a parent or guardian file for open enrollment?

If a parent or guardian wishes to open enroll their child or children, they must follow the procedures outlined in the previous Application Information for Parents and Guardians section.

### 3. Who approves or denies open enrollment requests?

The receiving district approves or denies the open enrollment request.

### 4. May a currently open enrolled student change enrollment to a different receiving district?

Yes. See the previous Currently Open Enrolled Student Applications to an Alternate Receiving District section.

### 5. May an open enrolled student return to their resident district?

Yes. A student who is open enrolled may return to their resident district and enroll at any time (unless under suspension or expulsion in the receiving district). The parent or guardian must notify the resident district and the receiving district in writing of their decision to enroll the pupil in the resident district. This will terminate open enrollment (281—IAC 17.8(10)).

### 6. Must the sending and receiving districts be contiguous to (or border) each other?

No. However, transportation assistance for income-eligible families is only available when a student open enrolls to a contiguous receiving district (281—IAC 17.9(2)). For income eligibility information, see the requirements in the [transportation assistance guidance](#).

### 7. Who is responsible for school transportation for an open enrolled student?

The parent or guardian is responsible for transporting the student to and from the receiving district, including if the student has an IEP and transportation is listed on the IEP. The family may apply for transportation assistance (281—IAC 17.9(1)). For income eligibility information, see the requirements in the [transportation assistance guidance](#).

### 8. May a district limit the number of students open enrolling into the district?

Yes. Each district must adopt a board policy that defines “insufficient classroom space” for the district (Iowa Code § 282.18(2)“c”). The board policy must be reviewed annually (281—IAC 17.6(3)).

### 9. May a parent or guardian designate a particular attendance center (school building) for enrollment within the receiving district?

No. Open enrollment is to another district, not to a specified attendance center. The receiving district has discretion in determining which attendance center an open enrolled student will attend (281—IAC 17.6(4)).

## 10. How long should a district maintain open enrollment records?

According to the Uniform Administrative Procedures Manual, general correspondence should be maintained for five years so open enrollment records should be maintained for five years after the student graduates or stops attending the receiving district.

## 11. Is a student on a visa eligible for open enrollment?

No. Visas are not governed by education law. They are regulated by [U.S. Immigration and Customs Enforcement \(ICE\)](#). For questions regarding students on visas, please contact ICE directly or review the [Department of Education website](#).

## 12. When does a student's open enrollment end?

Open enrollment ends when the student:

- Graduates,
- Moves into the receiving district,
- Moves out of state,
- Moves into another Iowa district and chooses to attend the new resident district,
- Attends an accredited nonpublic school, or
- Drops out of school (281—IAC 17.8(10)“a” & “b”).

If a student is placed temporarily in foster care, a juvenile detention center, a treatment facility, or similar placement, the open enrollment status will automatically be reinstated when the student returns to the receiving district (281—IAC 17.8(10)“a”). Open enrollment is terminated when the student attends the resident district.

## 13. Does an open enrollment request have to be renewed annually?

No. As long as the receiving district remains the same, open enrollment to that district continues until the student graduates, drops out of school, or until the parent or guardian notifies the district that they desire to terminate open enrollment (281—IAC 17.8(5)).

## 14. What options are available to an open enrolled student if their parent or guardian moves and their resident district changes?

If the parent or guardian moves and the move changes the resident district, the options are to:

- Have the student stay in the current receiving district;
- Open enroll the student to another Iowa district; or
- Enroll the student in the new resident district in Iowa,<sup>2</sup> which terminates the current open enrollment agreement (281—IAC 17.8(6)).

## 15. What options are available if an open enrolled student changes residence from one parent or guardian to the residence of a different parent or guardian?

If the student moves from the residence of one parent or guardian to the residence of a different parent or guardian, the student has the option to:

- Attend in the current receiving district;
- Open enroll the student to a different Iowa district; or
- Enroll the student in the new district of residence in Iowa, which terminates the current open enrollment agreement (281—IAC 17.8(6)).

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<sup>2</sup> As long as the new resident district is in Iowa, the student remains a resident of Iowa.

## **16. What is the “Junior/Senior Rule?”**

The Junior/Senior Rule allows 11th and 12th grade students who move out of a district to return to the Iowa resident district that they attended during the preceding school year until they graduate, even though they are no longer residents of the district. These students do not have to file open enrollment. This does not apply to students who move out of state (Iowa Code § 257.6(4)).

If the student has an IEP, special education law requires the new district to pay tuition. Parents do not complete open enrollment forms, but the new resident district is required to pay tuition. For district coding purposes, the district should code the student as being tuitioned in and select the Junior/Senior Rule indicator.

## **17. What happens if the application for open enrollment is denied?**

The parent or guardian may appeal the open enrollment decision. As a general rule, appeals of open enrollment decisions should be filed as an original court action in [Iowa District Court](#).

## **18. Are open enrollment forms public documents?**

Yes. As soon as the district has the application in its possession, it becomes public information. However, before releasing the form, districts must remove certain confidential information under Iowa’s open records law (Iowa Code § 22.7(1)).

## **Eligibility and Qualifications**

### **19. May a student who receives private instruction take advantage of open enrollment?**

Yes. If a parent or guardian wishes to open enroll their child or children, they must follow the procedures outlined in the previous Application Information for Parents and Guardians section.

### **20. At what age is a student eligible for open enrollment?**

- General education students that are five years or older on or before September 15 are eligible to open enroll for kindergarten through grade 12 (K-12). Kindergarten does not include preschool (In re Colby Miller, 20 D.o.E. App. Dec. 001).
- Students that are younger than five years old only qualify for open enrollment if the student has an IEP, where the student is eligible to be counted for certified enrollment.
  - A preschooler with an IEP is eligible for open enrollment if services are provided in an early childhood special education program, and they are eligible to be included in certified enrollment (Iowa Code § 282.18(8)).
- Students cannot open enroll into the [Statewide Voluntary Preschool Program \(SWVPP\) for Four-Year-Old Children](#). However, parents may enroll their student in any district in the state that offers the program (resident district does not affect this enrollment) without the need to open enroll.

### **21. May a student use open enrollment to attend a school district in another state?**

No. The open enrollment law in Iowa Code section 282.18 is solely for attendance in Iowa school districts.

### **22. May a student who was suspended or expelled from one district open enroll into another district?**

No. The suspended or expelled student cannot open enroll to another district until their attendance is reinstated in the district that suspended or expelled them (281—IAC 17.8(1)).

### **23. May a receiving district suspend or expel a student who open enrolled into the district?**

Yes. The policies and procedures of the receiving district apply to open enrolled students to the same extent as to resident students. If an open enrolled student is suspended or expelled by the receiving district, the student may not transfer back to the resident district or an alternative receiving district until the receiving district reinstates their attendance (281—IAC 17.8(8)).

### **24. What are the interscholastic athletic eligibility rules for high school students who open enroll?**

Students who open enroll in grades nine through 12 are not eligible to participate in varsity contests and competitions during the first 90 school days of transfer (not counting summer school) unless an exception applies allowing immediate eligibility. For additional information on athletic eligibility, see the previous Athletic Eligibility section.

### **25. Which district's rules and policies govern an open enrolled student?**

Those of the receiving district. An open enrolled student is governed by the receiving district's rules and policies. The receiving district is also responsible for providing Postsecondary Enrollment Options (PSEO), alternative education options (and related record disclosure under Iowa Code section 280.19A), and driver education programs (281—IAC 17.8(8)).

## **Special Education**

### **26. May a student who requires special education programs or services take advantage of open enrollment?**

Yes. The same open enrollment rules apply for students in special education and general education. The proposed receiving district must have an appropriate special education instructional program and adequate classroom space for the student with the district (281—IAC 17.11).

### **27. Can a receiving district terminate open enrollment of a student newly “staffed” into a special education program?**

A receiving district cannot unilaterally terminate the open enrollment of a special education student (or any other student). Open enrollment only ends under the circumstances listed in subrule 17.8(10) (see #12).

### **28. Can a receiving district terminate open enrollment if the district cannot provide appropriate programming for a student?**

A receiving district can deny an open enrollment application if it asserts it does not have an appropriate program (subject to procedural protections in rule 281—17.11). However, if the receiving district approves the student's open enrollment, it cannot be terminated if the district determines it does not have an appropriate placement or related services to meet the student's needs. In that case, the child's IEP team must meet and select a new placement (see #30 and #33 for more information).

### **29. If a sending district has a special education program that can meet the needs of a student with an IEP, can the application for open enrollment be denied?**

No. The appropriateness of the sending district's placement is not at issue (281—IAC 17.11).

### **30. Can the receiving district decide to place an open enrolled student with an IEP in a special education program in another district?**

No. If the receiving district's program is not appropriate, the receiving district must convene the child's IEP team to select a new placement. If a placement is made in another district, the open enrollment



transfers to the receiving district until the original receiving district has an appropriate special education program and the IEP team concurs with the transfer. If a parent disagrees with the decision to place the child in a placement outside of the receiving district, the parent may use any of the special education dispute resolution options (281—IAC 41.507).

### **31. If transportation is part of a student’s IEP, must the receiving district provide the student with transportation?**

If transportation is a related service on a child’s IEP and the child’s parents open enroll the child to another district, the parents waive transportation as a related service (281—IAC 41.412(6)“b”).

### **32. Can a parent demand that the receiving district create an appropriate program for an open-enrolled student with an IEP?**

No. A public school district must maintain and have available a continuum of alternative placements and related services to meet the needs of children with disabilities (281—IAC 41.115). However, the law does not require that the district have all points on the continuum available within district buildings. If the receiving district is not an appropriate placement for the child, the open enrollment request should be denied.

### **33. Must the resident district be involved in a child’s IEP team and placement team decisions?**

Yes. The resident district is responsible for the actual cost of the child’s special education (281—IAC 17.11(4)). Special education law requires that IEP teams include a public agency representative that:

- Is qualified to provide (or supervise the provision of) specially designed instruction (SDI) to meet the child’s needs,
- Knowledgeable about the general education curriculum and the availability of resources of the public agency, and
- Has the authority to commit such resources (281—IAC 41.321(1)“d;” U.S. Department of Education, Office of Special Education Programs [OSEP], 2000).<sup>3</sup>

The receiving district is to schedule meetings at a time and place convenient to both the child’s parents and the sending district. Please note that the sending district may participate by alternative means, such as through video or telephone conference calls.

If the resident district does not attend in some capacity, the receiving district may make educational decisions but cannot commit to any out-of-district placement. Only the resident district can commit to an out-of-district placement and the resident district must be given an opportunity to participate.

### **34. If a student under open enrollment is staffed into a special education program during the school year, how is the tuition calculated?**

The tuition will be prorated. The receiving district will bill the resident district the per diem amount of the prior year’s state cost per pupil for the number of days the student was served prior to implementation of the IEP. Beginning with the day the IEP is implemented, the receiving district will bill the resident district for actual costs of the special education program.

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<sup>3</sup> U.S. Department of Education, Office of Special Education Programs. (2000). Letter to Cormany (34 IDELR 9). <https://www2.ed.gov/policy/speced/guid/idea/letters/2000-2/cormany052600iep2q2000.pdf>

**35. If a student under open enrollment is “placed” in a psychiatric medical institute for children (PMIC) PMIC facility part way through the school year, how is tuition calculated?**

The tuition will be prorated. The receiving district will bill the resident district for the days that the student was served under open enrollment but will not bill for the days that the student was in PMIC placement. The district where the PMIC is located will bill the resident district directly for the days that district served the student. The student’s open enrollment status will be temporarily suspended during the PMIC placement; however, their open enrollment status will be reinstated when the student leaves placement and returns to the receiving district.

**36. What kinds of situations will result in open enrollment being suspended?**

The list is included in subrule 281–17.8(10) and covers situations where a child is placed in a facility. This would include situations such as a child being placed temporarily in foster care, a juvenile home (shelter or detention), mental health or substance abuse treatment facility (includes hospitals, mental health institutes [MHIs], PMICs), or similar placements. In such cases, the open enrollment status is reinstated automatically when the child returns to the serving district.

**37. If a child is open enrolled to the receiving district and is placed in a PMIC facility, which happens to be located in the receiving district, will the open enrollment status and tuition change?**

Yes. The tuition will be prorated between open enrollment tuition and regular tuition for the period of placement. The open enrollment status will be temporarily suspended during the placement and reinstated when the student leaves placement. If the student has an instructional IEP, actual costs are billed to the resident district (regardless of whether the student is under open enrollment or in a PMIC placement).

**38. An open enrolled student enters a grade level that is served under the whole grade sharing agreement (in the receiving district), does the student’s tuition switch from open enrollment to whole grade sharing tuition?**

No. The student’s open enrollment status continues, and their tuition does not change from open enrollment tuition. The student will not be included in the billing and tuition related to the whole grade sharing agreement. Only resident students not under open enrollment will be included in the negotiated whole grade sharing agreement.

**39. An open enrolled student enters a grade level that is served under the whole grade sharing agreement (in their own resident district), what happens to their tuition?**

The open enrollment status for this student will be suspended rather than terminated while they are served within their resident district. The student is not open enrolled during that time period and no tuition is paid. Open enrollment status is reinstated automatically when the child returns to the serving district.

## **Online or Virtual School**

**40. Is there a limit to the number of students that may open enroll (for the primary purpose of online education) per school district or statewide?**

No. All district and state caps on the number of students that may open enroll in an approved online school were removed.

**41. Which districts may students open enroll to (for the primary purpose of online education)?**

Students may open enroll for the primary purpose of online education to any district with an approved online school in the state (see the list of districts with approved online schools on the Department’s [Online Learning webpage](#)).

**42. Which districts have an approved online school?**

The list of districts with approved online schools is available on the Department’s [Online Learning webpage](#).

**43. May a student open enrolled (for the primary purpose of online education) participate in activities in the resident district?**

Yes, for up to two activities. Additional activities are allowed at the discretion of the resident district (Iowa Code § 282.18(12)). For additional guidance, see the [Virtual/Online Education in Iowa guidance](#).

**44. What activities can students open enrolled (for the primary purpose of online education) participate in at their resident district?**

Students open enrolled for the primary purpose of online education may participate in up to two cocurricular<sup>4</sup> or extracurricular activities<sup>5</sup> in their resident district each year (Iowa Code § 282.18(12)). Activities include interscholastic athletics, music, drama, and any other activity with a [General Fund](#) expenditure exceeding \$5,000 annually (Iowa Code § 282.18(7)“b”(2)).

**45. My child is open enrolled (for the primary purpose of online education) and wants to participate in vocal music in the resident district both semesters. How is this activity counted?**

For this activity (and other cocurricular activities), one semester equals one activity (Iowa Code § 282.18(7)“b”(2)). Participating in vocal music for two semesters equals two activities.

**46. Can a student open enrolled to a district without an online school (i.e., open enrolled student is in-person) participate in the resident district activities?**

No. Only students open enrolled for the primary purpose of online education may participate in the resident district activities (Iowa Code § 282.18(12)). Please see the list of approved online schools on the Department’s [Online Learning webpage](#).

**47. Are the eligibility requirements to participate in extracurricular and cocurricular activities different for a student open enrolled for the primary purpose of online education?**

No. A student open enrolled for the primary purpose of online education must meet the same eligibility requirements as a resident student to participate in extracurricular and cocurricular activities (Iowa Code § 282.18(12)).

**48. If the receiving district failed to provide the resident district with the requested documentation for the student (open enrolled for the primary purpose of online education), may the resident district deny the student’s participation in an activity?**

No. Receiving districts are required to provide resident districts with requested documentation (e.g., grade reports), but the failure of the receiving district to do so does not make the student ineligible to participate in a cocurricular or extracurricular activity.

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<sup>4</sup> Cocurricular activities: Activities that are outside of, but usually complementing, the regular curriculum.

<sup>5</sup> Extracurricular activities: School-based activities that are not tied to the curriculum.

**49. How is funding determined for students open enrolled for the primary purpose of online education? If a student withdraws from the activity, how is funding determined?**

The resident district may deduct up to \$200 per activity (for up to two activities per student) from the amount paid to the receiving district (Iowa Code § 282.18(7)“b”(2)). If the student withdraws from the activity, the \$200 activity cost is prorated based on the number of days the student participated (281— IAC 17.10(6)).

**50. If a student (open enrolled for the primary purpose of online education) has violated the resident district’s rules, may the resident district suspend the student’s participation in extracurricular or cocurricular activities?**

Yes. The student must comply with the resident district’s eligibility, good conduct, and other requirements relating to the activity, including expectations for conduct and consequences for not meeting those expectations (Iowa Code § 282.18(12)).

**51. If a cocurricular activity requires class attendance, is a student (open enrolled for the primary purpose of online education) required to attend the cocurricular class?**

Yes. Based on Iowa Code section 282.18, the student will be required to attend the class (e.g., vocal music class for choir concert, band class for band concert, band class for marching band).

**52. If a student (open enrolled for the primary purpose of online education) enrolls in a cocurricular music class in the resident district and drops during the first quarter may the student re-enroll during the second quarter?**

This is a local district decision.

**53. Can a student (open enrolled for the primary purpose of online education) participate in a cocurricular or extracurricular activity in both the resident and the receiving districts?**

Yes. Students open enrolled in a virtual school may participate in extracurricular activities in the receiving district and in up to two extracurricular activities in the resident district. The student will be automatically eligible in the resident district. Ineligibility rules apply in the receiving district (Iowa Code § 282.18).

**54. May a resident district decline to enroll a student open enrolled for the primary purpose of online education in an extracurricular activity or cocurricular class?**

Yes. A district can deny a student’s participation if the student does not meet the district’s rules for participation. However, the district must apply the same rules it uses for all in-person students who wish to participate in an extracurricular activity or cocurricular class, such as prerequisite courses, skills assessments or tryouts, or class size restrictions (Iowa Code § 282.18(12)). In determining whether a student is to be denied participation in an extracurricular activity or cocurricular class, a district cannot apply different rules to students who are open enrolled for the primary purpose of online education.

**55. Is there a specific age requirement for a student (open enrolled for the primary purpose of online education) to participate in the resident district’s extracurricular or cocurricular activities?**

No. A student may participate in any resident district-sponsored cocurricular or extracurricular activity offered to students in their grade or group, under the same conditions and requirements as the pupils enrolled in the resident district (Iowa Code § 282.18(12)).

## Contacts and Resources

The following table provides the relevant contact or contacts and resources for the particular open enrollment area.

| Open Enrollment Area                                 | Contact(s)  | Webpage(s)  |
|--|---|---|
| General Questions                                    | <b>Sara Nickel</b><br>515-281-3778 or <a href="mailto:sara.nickel@iowa.gov">sara.nickel@iowa.gov</a><br><br><b>Marietta Rives</b><br>515-281-6038 or <a href="mailto:marietta.rives@iowa.gov">marietta.rives@iowa.gov</a> | <a href="#">Open Enrollment</a>   |
| Open Enrollment to Approved Online Schools Questions | <b>Janet Boyd</b><br>515-745-3385 or <a href="mailto:janet.boyd@iowa.gov">janet.boyd@iowa.gov</a>   | <a href="#">Online Learning</a>   |
| District Open Enrollment Billing Questions           | <b>Scott Dryer</b><br>515-402-8700 or <a href="mailto:scott.dryer@iowa.gov">scott.dryer@iowa.gov</a>  | <a href="#">Open Enrollment</a>   |
| Transportation Assistance Billing Questions          | <b>Max Christensen</b><br>515-281-4749 or<br><a href="mailto:max.christensen@iowa.gov">max.christensen@iowa.gov</a>   | <a href="#">Open Enrollment</a><br><a href="#">Transportation Assistance</a>                      |
| Residency Information                                | <b>Thomas Mayes</b><br>515-281-5295 or <a href="mailto:thomas.mayes@iowa.gov">thomas.mayes@iowa.gov</a>   | <a href="#">Residency Issues</a>  |
| Student Visa Information                             | <b>Thomas Mayes</b><br>515-281-5295 or <a href="mailto:thomas.mayes@iowa.gov">thomas.mayes@iowa.gov</a>   | <a href="#">Foreign Exchange Students</a><br><a href="#">Student and Exchange Visitor Program</a> |
| Athletic Eligibility Questions                       | <a href="#">Iowa Girls' High School Athletic Union (IGHSAU)</a><br>515-288-9741<br><br><a href="#">Iowa High School Athletic Association (IHSAA)</a><br>515-432-2011  | <a href="#">IGHSAU</a><br><br><a href="#">IHSAA</a>   |

## Iowa Code and Administrative Rules

### Open Enrollment (Iowa Code § 282.18)

Please use <https://www.legis.iowa.gov/law> and type in 282.18 in the Iowa Code quick search.

### Open Enrollment Rules (281—IAC 17)

Please use <https://www.legis.iowa.gov/law> and type in 281.17 in the Iowa Administrative Code quick search.

### Enrollment (Iowa Code § 257.6)

Please use <https://www.legis.iowa.gov/law> and type in 257.6 in the Iowa Code quick search.

### Special Education (Iowa Code § 256B.2)

Please use <https://www.legis.iowa.gov/law> and type in 256B.2 in the Iowa Code quick search.

### Confidential Records (Iowa Code § 22.7)

Please use <https://www.legis.iowa.gov/law> and type in 22.7 in the Iowa Code quick search.

### Tuition (Iowa Code § 282.6)

Please use <https://www.legis.iowa.gov/law> and type in 282.6 in the Iowa Code quick search.