



## Parent/Guardian Open Enrollment Information

### Introduction

The purpose of this guidance is to provide parents and guardians with updated information following several changes to Iowa law regarding open enrollment. This document is organized around the following topics: Application Information and Deadlines, Appeal Process, Athletic Eligibility, and Transportation.

### Application Information and Deadlines

If a parent or guardian wishes to open enroll their child(ren), they must:

- Submit an application for each child in their family and
- Send the application to both the resident and receiving school districts on or before the established deadline to be considered for approval (Iowa Code § 282.18(2), as amended by House File (HF) 847):

Deadline	Explanation
September 1, 2021	Open enrollment application deadline for incoming kindergarten students (all districts) for the 2021-2022 school year.
September 1, 2021/current school year for which the student enrolls	Open enrollment application deadline for preschool students who receive special education services (all districts).
March 1, 2022	Application deadline to open enroll out of the Davenport, Des Moines, Postville, Waterloo, and West Liberty school districts for the remainder of the 2021-2022 school year.
March 1, 2022	Application deadline to open enroll out of the Davenport, Des Moines, Postville, Waterloo, and West Liberty school districts for the 2022-2023 school year.
March 2, 2022	Applications will be denied unless the parent or guardian is able to demonstrate “good cause” (see the following “Good Cause” Exemptions to Deadlines section).

### 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 this application with the district the student is currently attending and open enrolled into (receiving district) and the district the student wants to attend (alternate receiving district) by the March 1 deadline.
- 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.

## “Good Cause” Exemptions to Deadlines

The following circumstances are considered "good cause" and are acceptable conditions for a timeline waiver if the change occurred or began after March 1 (Iowa Code § 282.18(4)“b”(1), as amended by HF 847):

- Change in the family’s district of residence
- Change in child’s residence from one parent or guardian to the residence of a different parent or guardian
- Change in the state in which the family residence is located
- Change in the marital status of the student's parents that results in a change in resident district
- Guardianship or custody proceeding
- Placement of the child in foster care resulting in a change of residence
- Adoption
- Participation in a foreign exchange program
- Initial placement of a preschool student in a special education program requiring specially designed instruction
- Participation in a substance abuse or mental health treatment program that results in a change of residence
- Change in the status of a child’s resident district such as removal of accreditation by the Iowa State Board of Education (State Board), surrender of accreditation, or permanent closure of a private school after March 1
- Revocation of a charter school contract as provided in section 256F.8
- Failure of district negotiations for whole grade sharing or the rejection of a whole grade sharing agreement after March 1
  - *The open enrollment request must be filed within 45 days of last board action or within 30 days of certification of an election, whichever is applicable. This is only applicable to affected students.*
- Failure of district negotiations for reorganization or rejection of a proposed reorganization plan after March 1
  - *The open enrollment request must be filed within 45 days of the last board action or within 30 days of certification of an election, whichever is applicable. This is only applicable to affected students.*
- Failure of district negotiations for a dissolution agreement after March 1
  - *The open enrollment request must be filed within 45 days of the last board action or within 30 days of certification of an election, whichever is applicable. This is only applicable to affected students.*
- Child’s school building is identified in need of significant need for improvement as defined by:
  - The Iowa School Performance Profiles under the priority category for two or more of the immediately preceding school years or
  - The federal Every Student Succeeds Act as in need of comprehensive support and improvement (or an equivalent objective federal standard) for two or more immediately preceding school years.

Circumstances not defined above that would be considered good cause (and subject to the approval of the board of the resident district and the board of the receiving district) include:

- Repeated student harassment that the resident district cannot adequately address,

- A school district's consistent failure to reasonably respond to a student's failure to meet basic academic standards after providing notice to a parent or guardian (*Note: The State Board will establish rules to implement this provision*), or
- The child has a serious health condition that a school district cannot adequately address (Iowa Code § 282.18(5), as amended by House File 847).

#### PERVASIVE HARASSMENT

A parent or guardian who files an application for open enrollment after the March 1 deadline and alleges repeated acts of harassment is entitled to a hearing before the resident school board to present their rationale for why the application should be granted. The resident district determines if the applicant meets all of the following State Board-established criteria for repeated and pervasive harassment:

- The harassment must have occurred after March 1, or the student or parent is able to demonstrate that the extent of the harassment could not have been known until after March 1.
- The harassment must be specific electronic, written, verbal, or physical acts or conduct toward the student which created an objectively hostile school environment that meets one or more of the following conditions:
  - Places the student in reasonable fear of harm to the student's person or property.
  - Has a substantially detrimental effect on the student's physical or mental health.
  - Has the effect of substantially interfering with a student's academic performance.
  - Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- The evidence must show that the harassment is likely to continue despite the efforts of school officials to resolve the situation.
- It is reasonable to anticipate that changing the student's school district will alleviate the situation. (In re Hannah T., 25 D.o.E. App. Dec. 26 (2007))

It is important to note that parents and guardians must provide accurate and complete documentation of the facts and circumstances of the repeated harassment to the school board prior to any decision being made (In re 27 D.o.E. App. Dec. 960 (2016)).

#### SEVERE HEALTH NEED

An applicant may qualify under the severe health need provision if all of the following are true. An official in the resident district determines if the applicant qualifies under the criteria of severe health need.

- The serious health condition of the child is one that has been diagnosed by an appropriate healthcare provider, and the diagnosis has been provided to the district of residence.
- The serious health condition is neither short-term nor temporary.
- The district has been provided with the specifics of the child's health needs caused by the serious health condition and knows, or should know, what specific steps its staff must take to meet the child's needs.
- School officials, upon notification of the serious health condition and the steps to be taken to meet the child's needs, must have failed to implement such steps or, despite the district's efforts, its implementation of the steps was unsuccessful.
- A reasonable person could not have known before March 1 that the district could not, or would not, adequately address the child's health needs.
- It can be reasonably anticipated that a change in the child's school district will improve the situation. (In re Anna C., 24 D.o.E. App. Dec. 5 (2005)).

Each case is to be decided on its own merits, keeping in mind that Iowa Code section 282.18(5) is the one subsection of code in which the Legislature has warned districts and the State Board to act "in the best interest of the affected child." Where there is doubt, the benefit of that doubt is to be accorded to the child.

## CONSISTENT FAILURE OF A STUDENT'S FAILURE TO MEET BASIC ACADEMIC STANDARDS

An applicant may qualify for good cause for applying after the March 1 deadline if the resident district cannot adequately address a consistent failure of a student to meet basic academic standards after notice is provided by a parent or guardian. *Note:* The State Board will establish rules to implement this provision.

## RESIDENTS OF DAVENPORT, DES MOINES, POSTVILLE, WATERLOO, OR WEST LIBERTY SCHOOL DISTRICTS

[HF 228](#) passed the 2021 legislative session and was signed by Governor Reynolds. This legislation eliminates district implementation of a voluntary diversity plan as a reason to deny open enrollment requests (see the [voluntary diversity plan guidance](#) for more information).

## 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 (Iowa Admin. Code r. 281—17.8(9)).

## Appeals Regarding Repeated Harassment, Serious Health Conditions, or District Failure to Respond to Student Academic Failure

Appeals should only be filed with the Iowa Department of Education (Department) if the application for open enrollment involves:

- Claims of repeated student harassment that the resident district cannot adequately address,
- A district's consistent failure to respond to a student's failure to meet basic academic standards after notice was provided to a parent or guardian, or
- The child has a serious health condition that the resident district cannot adequately address (Iowa Code § 282.18(5), as amended by House File 847).

In these three circumstances, a parent or guardian may file an appeal with the Department within 30 days of the board decision (Iowa Admin. Code r. 281—17.5(2)).

If the application is denied by the resident district for one of these reasons, the parent or guardian may appeal to the local board of directors. If an application is denied by the local board of directors, the applicant may appeal to the State Board. The appeal should be addressed to:

Administrative Law Judge  
Iowa Department of Education  
Grimes State Office Building  
400 East 14th Street  
Des Moines, Iowa 50319-0146

The letter of appeal must be postmarked within 30 days of the board decision. The appeal letter must contain the following information:

- Name, address, and daytime phone number of the person appealing
- Name and grade level of child(ren) involved in the appeal (e.g., in case of expulsion, open enrollment, suspension)
- Name of the school district making the board decision that is being appealed
- Date the local board decision was made
- Brief statement of reasons why the decision is being appealed
- Notarized signature of the person appealing the decision
- Other information may be included (if desired)

## Athletic Eligibility

Students who open enroll in grades nine through 12 shall not be eligible to participate in varsity contests and competitions during the first 90 school days of transfer unless an exception applies allowing immediate eligibility. The student is eligible if one of the following applies:

- The open enrollment meets the definition of good cause;
- 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;
- The board of directors of the resident and receiving district agree to waive ineligibility;
- The student is from a district with a voluntary diversity plan (Davenport, Des Moines, Postville, Waterloo, and West Liberty only) and is approved for open enrollment for the 2021-2022 school year (this is only valid for the 2021-2022 school year); or
- During the 2020-2021 school year, a student was enrolled in District A on the first day of school, enrolled in District B for a portion of the school year, and then re-enrolled in District A prior to July 1, 2021.

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.

## Athletic Eligibility Guidance and Questions

For more information related to athletic eligibility, see the [athletic eligibility guidance](#). For other questions regarding eligibility, please contact the Iowa Girls High School Athletic Union at 515-288-9741 or the Iowa High School Athletic Association 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). If the need for transportation as a related service is stated in the IEP, as a general rule, the parent is responsible for this obligation under open enrollment (Iowa Admin. Code r. 281—IAC 17.11).

If a child open enrolls to a district that is contiguous (borders) to 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 (Iowa Admin. Code r. 281—IAC 17.9). For additional information, see the [transportation assistance guidance](#).

## Additional Open Enrollment Guidance and Questions

For additional guidance, see the Department's [Open Enrollment webpage](#). 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). All other open enrollment questions should be directed to 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).