



## Parent/Guardian Open Enrollment Information

### Deadline and Cost

- Grades 1-12 March 1<sup>st</sup>
- Kindergarten and preschool school students with a special education IEP: September 1<sup>st</sup>.
- Parents/guardians must send a copy of the application to the resident and receiving districts.

### Exemptions to Deadline

#### Good Cause:

An open enrollment request for a prospective **kindergarten** student must be filed with the resident and receiving district by September 1 of the school year of enrollment into kindergarten. 281-IAC 17.7

The following circumstances are considered "good cause" and are acceptable conditions for a timeline waiver IF the change occurred / began AFTER March 1. 281-IAC 17.4

- Change in family district of residence
- Change in the marital status of the student's parents resulting in a change in resident district
- Placement of the child in foster care resulting in a change of residence
- Adoption
- Participation in a foreign exchange program
- Participation in a substance abuse or mental health treatment program resulting in a change of residence.
- Serious health need (see #15)
- Pervasive Harassment (see #14)

Failure of district negotiations to reorganization or rejection of a proposed reorganization plan after March 1. *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 whole grade sharing or rejection of a whole grade sharing agreement after March 1. *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.*
- Loss of accreditation or permanent closure of a private school after March 1.

#### Pervasive Harassment

The resident district determines if the applicant qualifies under the criteria of repeated and pervasive harassment. The following guidelines are used to determine if an applicant qualifies under the "good cause" provision. 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 prove the application should be granted. In re Hannah T., 25 D.o.E. App. Dec. 26 (2007).

- a 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.

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**b** 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:

- 1** Places the student in reasonable fear of harm to the student's person or property.
- 2** Has a substantially detrimental effect on the student's physical or mental health.
- 3** Has the effect of substantially interfering with a student's academic performance.
- 4** 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.

**c** The evidence must show that the harassment is likely to continue despite the efforts of school officials to resolve the situation.

**d** It can be reasonable anticipated that the changing the student's school district will alleviate the situation

The school board must be provided with the facts and circumstances of the case before making a decision. 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 exists. An official in the **resident** district determines if the applicant qualifies under the criteria of severe health need. In re Anna C., 24 D.o.E. App Dec 5

- a** 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.
- b** The serious health condition is neither short-term nor temporary.
- c** 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.
- d** 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.
- e** 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.
- f** It can be reasonably anticipated that a change in the child's school district will improve the situation.

Each case is to be decided on its own merits, keeping in mind that 282.18(5) is the one subsection of the Iowa Code in which the Legislature has specifically admonished 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.

## **Appeal Process**

Unless the application for open enrollment claims harassment or if the child has a serious health condition that the resident district cannot adequately address, all appeals are filed as an original court action in Iowa District Court. [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 17.3(2)

Appeals regarding **harassment or serious health condition** may be filed with the Iowa Department of Education within 30 days of the board decision. 281-IAC 17.5(2) If the application is denied by the resident district for either of these reasons, the parent / 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 of Education. The appeal should be addressed to: Administrative Law Judge, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, IA 50319-0146. The letter of appeal must be postmarked within 30 days of the board decision. The appeal letter must contain the following information:

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1. Name, address, and daytime phone number of the person appealing
2. Name and grade level of child/children involved in the appeal (in case of expulsion, open enrollment, suspension, etc.)
3. Name of the school district making the board decision that is being appealed
4. Date the local board decision was made
5. Brief statement of reasons why the decision is being appealed
6. Notarized signature of the person appealing the decision
7. Other information may be included if desired

## Athletic eligibility

Students who open enroll in grades 9 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. For a list of exceptions to this rule please see Iowa Administrative rule 281---36.15(4). During the 2016 legislative session a new exception was added to this list for open enrolled students that was passed by the legislature and signed by Governor Branstad which allows a student who has open enrolled to be immediately eligible “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.” Iowa Code 282.18 subsection 11. [Guidance on athletic eligibility due to pervasive harassment.](#)

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 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. 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. (See the transportation assistance guidance. 281- IAC 17.9)

### Open Enrollment Contact:

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