

## Open Enrollment Guidelines

**Deadline:** Applications must be sent to the resident and receiving districts by March 1<sup>st</sup> for grades 112 and September 1<sup>st</sup> for kindergarten and Preschool special education students.

**Good Cause Exemptions to the March 1<sup>st</sup> deadline:** The following circumstances are considered "good cause" and are acceptable conditions for a timeline waiver if the change occurred 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 criteria below)
- Pervasive Harassment (see criteria below)
- 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 after the March 1<sup>st</sup> deadline:** The resident district determines if the applicant qualifies under the criteria of 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 try to prove that the application should be granted.

- 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:
  - a. Places the student in reasonable fear of harm to the student's person or property.
  - b. Has a substantially detrimental effect on the student's physical or mental health.
  - c. Has the effect of substantially interfering with a student's academic performance.
  - d. Has the effect of substantially interfering with the student's ability to participate in or to 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. Changing the student's school district will alleviate the situation. *In re Hannah T.*, 25 D.o.E. App. Dec. 26 (2007).

**Severe Health Need after the March 1<sup>st</sup> deadline-** An applicant may qualify under the severe health need provision if one of the following exists. An official in the resident district determines if the applicant qualifies under the criteria of severe health need:

1. 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.

2. The serious health condition is neither short-term nor temporary.
3. 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.
4. 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.
5. 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.
6. It can be reasonably anticipated that a change in the child's school district will improve the situation.

**Diversity Plan-**The following districts have a diversity plan on file with the Department of Education: Davenport, Des Moines, Postville, Waterloo, and West Liberty. The resident district acts first.

**Home School (Private Instruction)** students may open enroll. The deadline for applications is March 1. Dual enrollment for academics, extra-curricular, and Home School Assistance Programs are available to students open enrolling from one district to another. Students may open enroll for home school without dual enrollment.

**Transportation assistance:** Parents are responsible for transporting children open enrolled to another district. This applies to all students, including those with an IEP. As a general rule, if the need for transportation as a related service is stated in the IEP, the parent is responsible for this obligation under open enrollment. If a child open enrolls to a district that is contiguous (borders) to the resident district, and the parents' income meets economic eligibility requirements, the family may receive a stipend for transportation or be provided transportation by the district. The stipend for 20162017 was \$480 annually per student up to three (3) elementary and one (1) secondary (Grades 9-12) student. Income verification must be provided to the resident district.

**Athletic Eligibility:** Students that open enroll in Grades 9-12, **shall not be eligible** to participate in **varsity** contests and competitions during the first ninety (90) school days of transfer. Please contact the Iowa Girls High School Athletic Union at (515) 288-9741 or the Iowa High School Athletic Association at (515) 432-2011 for questions regarding eligibility.

**Appeal process for denied applications:** Open enrollment applications claiming child experienced pervasive harassment or serious health need may be appealed to the Iowa Department of Education. All other appeals must be made to Iowa District Court in the county in which the resident district's administrative office is located.

Appeals for pervasive harassment or serious health condition 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:

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.