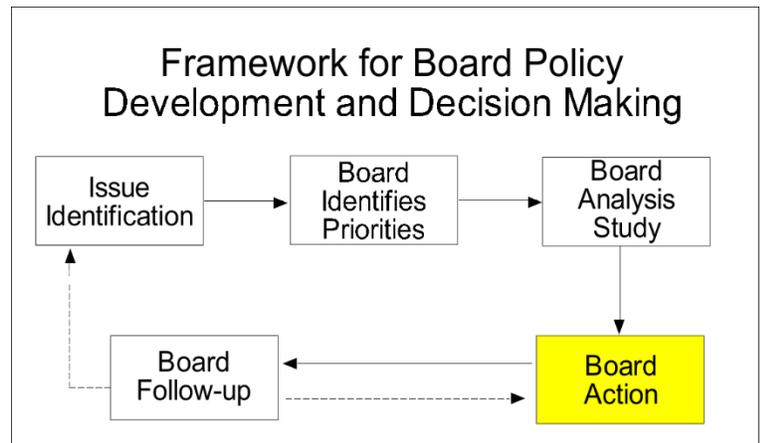


# Iowa State Board of Education

## Executive Summary

December 5, 2024



- Agenda Item:** Rules – Chapter 17, “Open Enrollment and Other Enrollment Options” (Notice of Intended Action)
- State Board Priority:** Goal 1
- State Board Role/Authority:** The State Board has the authority to provide notice of intended rulemaking under Iowa Code section 256.7.
- Presenter(s):** Thomas A. Mayes  
General Counsel
- Attachment(s):** One
- Recommendation:** It is recommended that the State Board give notice of its intent to amend Chapter 17.
- Background:** This proposed rulemaking clarifies language regarding transportation for open enrollment. It incorporates statutory amendments from 2024 Iowa Acts, House File 2278, which allows districts to provide transportation across district boundaries in certain circumstances, and 2024 Iowa Acts, Senate File 2435, which restores deadlines, makes exceptions to those deadlines, and limits open enrollment by students who are truant.
- The Department held a public hearing on the regulatory analysis of this proposed rulemaking on November 19, 2024. The Department received no public comment at the hearing or otherwise.

## **EDUCATION DEPARTMENT[281]**

### **Notice of Intended Action**

The State Board of Education hereby proposes to amend Chapter 17, “Open Enrollment and Other Enrollment Options,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 256.7(5).

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 282.18.

#### *Purpose and Summary*

This proposed rulemaking clarifies language regarding transportation for open enrollment. It incorporates statutory amendments from 2024 Iowa Acts, House File 2278, which allows districts to provide transportation across district boundaries in certain circumstances, and 2024 Iowa Acts, Senate File 2435, which restores deadlines, makes exceptions to those deadlines, and limits open enrollment by students who are truant.

The Department held a public hearing on the regulatory analysis of this proposed rulemaking on November 19, 2024. The Department received no public comment at the hearing or otherwise.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the state of Iowa.

#### *Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Public Comment*

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the State Board no later than 4:30 p.m. on January 28, 2025. Comments should be directed to:

Thomas A. Mayes, General Counsel  
Grimes State Office Building  
400 East 14th Street  
Des Moines, Iowa 50319  
Phone: 515.281.8661  
Email: [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov)

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 28, 2025  
8 to 9:00 a.m.

Room B100  
Grimes State Office Building  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend subrule 17.2(1) as follows:

**17.2(1)** *Parent/guardian responsibilities.* Iowa Code section 282.18 governs the application process and responsibilities for parents/guardians and school districts. An application completed and submitted under this ~~rule~~ chapter will include all information set forth in, and within the timelines provided by, Iowa Code section 282.18(2) “a.”

ITEM 2. Adopt the following **new** subrules 17.6(6) and 17.6(7):

**17.6(6)** *Failure to meet deadlines in subrule 17.2(1).* Iowa Code section 282.18(3A) and 282.18(3B) as amended by 2024 Iowa Acts, Senate File 2435, govern applications that do not meet the applicable deadlines in subrule 17.2(1).

**17.6(7)** *Determination of truancy by receiving district.* Iowa Code section 282.18(11A) as amended by 2024 Iowa Acts, Senate File 2435, governs circumstances where the receiving district determines a student participating in open enrollment is “truant” as defined by Iowa Code section 299.8.

ITEM 3. Amend rule 281—17.8(282) as follows:

**281—17.8(282) Transportation.**

**17.8(1)** No change.

**17.8(2)** *Economic qualifications, eligibility and provisions for transportation assistance.*

Open enrollment pupils who meet the economic eligibility provisions established by the department of education will receive transportation assistance from their resident district under the terms and conditions established by the department and state board of education as outlined in Iowa Code section 282.18(8)“c.” The resident district may withhold from the amount it is required to pay to a receiving district for an open enrollment pupil the actual amount or the average cost per pupil transported amount it pays for transportation assistance, whichever is the lesser amount. A sending district shall not be responsible for paying a parent or guardian pursuant to this subrule if the pupil is transported by the receiving district to and from school in the receiving district pursuant to subrule 17.8(3).

**17.8(3)** *Exception to subrule 17.8(1).* The provisions about transportation in another district provided by subrule 17.8(1) are subject to the exceptions contained in Iowa Code section 282.18(8)“b” and “c” as amended by 2024 Iowa Acts, House File 2278.