



IOWA DEPARTMENT OF EDUCATION

Frequently Asked Questions (FAQs) Regarding Tuition and Student Fees

December 2016

Note: *The FAQs in this document are a compilation of questions asked and answers provided to various entities regarding these topics. The Iowa Department of Education (Department) anticipates this document will expand as it works through additional implementation issues. **This represents the most current official position of the Department related to these questions and supersedes previous Department guidance on this topic.** The Department will continue to review previous and new FAQs to include here and to ensure complete alignment with these responses.*

Contents

Tuition.....	4
Adult Students.....	5
Non-Iowa Students.....	5
Nonpublic Students.....	6
Postsecondary Education.....	7
Enrollment Before Residency.....	8
Late Billing.....	8
Competent Private Instruction Dual Enrollment.....	9
Enrollment Count Errors.....	9
Parental Custody Arrangements.....	9
Across-the-Board Cuts.....	9
School Fees.....	10
Nonpayment of School Fees.....	15
School Supplies List.....	15
Foreign Students.....	16
Class Field Trips or Celebrations.....	16
Fee Waivers.....	17
Preschool, Not Statewide Voluntary Preschool Program.....	18
Driver Education.....	18
Residential Placement and Tuition.....	20
Open Enrollment and Limited English Proficient.....	23
Statewide Voluntary Preschool Program.....	25
Homeless Students.....	26
Payments on Behalf (GED/HiSET).....	26
Whole Grade Sharing and Physical Plant and Equipment Levy.....	26
Whole Grade Sharing Handbook.....	27
Open Enrollment Handbook.....	29
Junior-Senior Rule.....	30
Residency.....	31
Disasters.....	34
Teacher Leadership and Compensation/Teacher Leadership Supplement.....	35
Special Education.....	35
Individual with Disabilities Education Act.....	39
Placement of Children with Disabilities Outside District.....	40

Out-of-State Placements.....	42
Border Agreements.....	43
Links to Other Documents with Tuition/Student Fee Questions.....	44
Appendix A, Allowable Student Fees Chart.....	45

Tuition

1. **Question:** When must a district charge tuition and when is attendance tuition free?

Answer: Nonresident children shall be charged the maximum tuition rate as determined in Iowa Code section 282.24(1), with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board.

2. **Question:** What is a resident?

Answer: A resident is a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

- Is in the district for the purpose of making a home,
- Meets the definitional requirements of the term “homeless,” or
- Lives in a residential facility in the district.

Children in the last category, living in residential facilities, generally have residence established by operation of law. That residence could be in a different district.

3. **Question:** What is a “temporary resident” under Iowa Code?

Answer: A temporary resident would be a child who has a resident district, but who for some reason not related to school is staying in a district other than the district of residence for a short, but indeterminable, period of time. Examples would be students who are in the district with a parent who is the caregiver for a seriously ill or dying relative; children who are in the district with a parent in protective custody, or similar circumstances. It is normal for the resident district to count the student and to pay tuition to the district in which the student is temporarily residing. The districts should create a written inter-district contract. The definition of “temporary resident” is also used by the board as the reason to waive tuition for students in foreign exchange programs with J-1 visas.

4. **Question:** What is the maximum tuition rate?

Answer: The maximum tuition rate is the serving district’s cost per pupil (DCCP) as computed pursuant to Iowa Code section 257.10.

5. **Question:** If the nonresident student attends the district for less than a full year, how is tuition calculated?

Answer: Tuition is calculated on a per day basis when it is not based on actual costs under an Individualized Education Program (IEP). So for students without IEPs, the amount per day is the district cost per pupil (DCPP) divided by the number of days the high school is in session in the attending district.

6. **Question:** If the nonresident student is attending the district for one or more classes, but less than a full day, through an inter-district contract, how is that tuition calculated?

Answer: The tuition is calculated based on the time the individual classes bear to the total school year of total class periods available (including lunch and recess periods). The class time does not include the commuting time between the resident district and the serving district.

7. **Question:** Can the district in which the nonresident student is enrolled, require tuition in advance before the semester begins?

Answer: If the tuition is parent-paid; yes, the district may collect the tuition as a deposit. If the student leaves enrollment prior to the end of the time period for which the parent has paid, the remaining deposit is returned to the parent.

If the tuition is paid by another Iowa school district; no, because school districts may not pay for services not rendered or processed through the audit and allowance requirement. Iowa Code includes a procedure for the serving district to collect tuition if the resident district has not paid the tuition when due.

Adult Students

1. Question: If a regular education senior is receiving limited English proficient (LEP) services, but will meet graduation requirements at the end of the school year, can that student choose to continue attending our school district another year to receive more LEP services without paying tuition?

Answer: No. If the student is eligible to receive a regular diploma with the class in which the student was enrolled and that class has graduated, that student is no longer eligible for free public education. If the student chooses to attend an additional year, that student must pay tuition (Iowa Code section 282.6).

2. Question: If adults in the community wanted to enroll in high school courses such as Career and Technical Education (CTE) or art, would the adults be required to pay tuition?

Answer: Yes, unless they are under age 21 and have not received a diploma or equivalent. The tuition must be a sufficient tuition fee to cover the cost of providing the instruction to them and would be calculated as the maximum tuition rate prorated by the class periods for which the adults are enrolled.

3. Question: If adults in the community wanted to return to school to get a high school diploma rather than take a high school equivalency exam, would the adults be required to pay tuition?

Answer: Not if the student is under age 21. Otherwise, adult completion is a community college program.

4. Question: If a general education student passed the GED/HiSET exam, but before reaching age 21 decided that he/she wanted to obtain a high school diploma, can that student re-enroll in school without paying tuition?

Answer: No. The GED/HiSET is considered the equivalent to a diploma. The student must pay tuition to enroll in the school district.

Non-Iowa Students

1. Question: If a student was enrolled in an Iowa school district, but moves out-of-state during the school year and wants to continue attending in the Iowa school district, must that student pay tuition?

Answer: Yes.

2. Question: A parent that resides in Illinois is wanting to bring his child to an Iowa district to attend school. The parent states that he owns some land in the district and believes that enables him to enroll his child tuition-free even though he is not a resident. Our business manager says he might be able to reduce what he would have to pay to enroll with us because he owns land in our district. Can we require proof of ownership and payment of taxes? He also believes that immigration laws apply to his child and trump any state laws. The child was born in India and was adopted by him. He believes she can attend school wherever he chooses. Is any of this information correct and does it apply to payment of tuition to attend our district?

Answer: The child must reside in the district or pay tuition.

The parent is confusing homeless with immigration. The child is not homeless, and cannot attend school wherever he wants tuition-free. Homeless is in Iowa Code section 282.2(b). He is also incorrect that owning land in the district gives him the right to enroll his child tuition-free. He may be confusing this with the offsetting tax in Iowa Code section 282.2. The parent's tuition is reduced by any school tax (not property tax in general) that he/she pays on property within your district. You can ask him the exact address/description of the property as it is recorded in the county records. From there, the district will obtain the information from the county to know exactly how much to deduct from the tuition billing.

The offsetting tax works like this:

- The parents identify the property located within the district on which they are paying school taxes (legal description).
- The district takes that information to the county treasurer/assessor to determine ownership of the property.
- The district determines how much of the property taxes that will be paid this school year is actually school taxes (not full property taxes, just school taxes).
- Determine who was legally liable for those taxes.
- The amount of school taxes paid for which the parent was liable is deducted from the amount of tuition to be paid.

Normally the offsetting amount is small. If the property is new construction or in a Tax Increment Financing (TIF) area, there probably are no school taxes being paid at this point. If the home is recently purchased, the new home owners are only forwarding the property taxes of the previous owners—they are not paying school taxes which are their liability, so no offsetting taxes.

The district may want to require the parent to pay each semester's tuition in advance of that semester before allowing the child to attend, and then return any balance in the deposit if the child leaves before the end of the semester. The advance payment is a deposit. It can be difficult to obtain payment after the services have been provided; and without the district receiving tuition, the district had no obligation to serve that student.

Nonpublic Students

1. Question: A nonpublic school located within an Iowa school district wants public school services offered at the nonpublic school location. How would the public school district provide this and how would it be funded?

Answer: The opportunity for public school services to be provided at a nonpublic school location are very limited. These services are: area education agency (AEA) services, services paid from federal funding where the federal allocation requires the public school to provide services to nonpublic students, and special education services for which the students are eligible to be included on the special education headcount.

No students served at the nonpublic school location are eligible to be included for certified enrollment. In order for nonpublic students to be counted for certified enrollment purposes as nonpublic shared time, the nonpublic students must come into the public schools.

To obtain other classes or services at the nonpublic school location would require that the nonpublic school enter into a contract to purchase those teacher services from the school district in which the nonpublic school is located.

Parents cannot pay tuition to the public school district in lieu of nonpublic shared time eligibility or a purchased service contract by the nonpublic school.

2. Question: A nonpublic school which is not located within district B boundaries, has approached that district to allow one of the nonpublic students to enroll in a course in district B. Can the nonpublic school contact district B directly to enroll a student? Does it matter if district B is the resident district of the student? If the nonpublic school cannot contact district B directly, what options are available for this student to enroll in the district for a course?

Answer: The nonpublic school students may enroll in the public school district in which the nonpublic school is located (district A). So, in the circumstance described here, the nonpublic school cannot send a student to enroll in district B directly. The student may only attend district B if district A contracts with district B to provide this course to this student.

Another option available to the nonpublic school is to purchase from district B a portion of its teacher costs (shared contract) and the teacher would travel to the nonpublic school to provide instruction—the students are not eligible to be counted for nonpublic shared time and the student cannot travel to district B in order to receive this instruction. Likewise, the parents cannot tuition the student to district B in lieu of an inter-district contract between districts A and B. Resident district does not matter in the case of a nonpublic student.

Postsecondary Education

1. Question: If district A sends a student to district B's school district to take a concurrent enrollment class, does district A have a contract with district B or does district A have a contract with the community college?

Answer: District A has a contract with the community college. The course at district B is a community college course, not a district B course, even if the teacher is an employee of district B. District B is considered a satellite campus for the community college during the time period of that concurrent enrollment class. It would be the responsibility of the community college to work with district B regarding issues such as classroom space, etc., prior to signing the contract with district A.

2. Question: Are students that are weighted for special education permitted to enroll in concurrent enrollment courses for supplementary weighting?

Answer: Students with IEPs are eligible to take concurrent enrollment classes and those classes are eligible for supplementary weighting in the resident district, if those courses are not required/specified on the IEP (Iowa Code section 257.11(8)).

If the student is open enrolled to another district and enrolled in concurrent enrollment classes eligible for supplementary weighting, the billing for the concurrent enrollment classes is the same as for a student without an IEP.

a. If the open enrolled student is present in the resident district on October 1 of the school year, the resident district shall count the student, excluding a student under CPI, for supplementary weighting.

[Note CPI students are counted in receiving district.]

b. The concurrent enrollment course must qualify for supplementary weighting in the receiving district.

c. The resident district shall forward the weighting generated for the concurrent enrollment for that student using the DCPD of the school year. The amount generated is calculated as the supplementary weighting full-time equivalency for that one student for each qualified concurrent enrollment course multiplied by the current school year's DCPD in the resident district.

d. The receiving district shall pay the community college the tuition negotiated for the course. The tuition negotiated may cost the receiving district a different amount than that received from the resident district. No additional amount may be charged to the resident district, the student, or the parent, guardian, or legal custodian.

e. If the student was not present in the resident district on October 1 of the school year and is a late transfer, the receiving district bears all the tuition cost and shall not bill the resident district in the first year

classes are billed in the school year they were offered rather than when the resident district receives the state aid.

Some things need to be noted on a student with an IEP.

- The billed amount for the supplementary weighting is NOT actual costs. It is based on the supplementary weighting generated using the current year DCP.
- The concurrent enrollment course is a general education cost, not a special education cost. This means it will not be in the tuition-in-billing program nor on the (Certified Annual Report-Special Education Supplement) CAR-SES. The revenue for the supplementary weighting tuition will not be on the CAR-SES as a revenue either.

Enrollment Before Residency

1. Question: A family living in a border state is building a home in an Iowa district. The home is not complete on October 1, but the family believes it will be completed soon and they will move in. They want their children to begin the school year in Iowa. Is that possible?

Answer: Yes. The parents can pay tuition for their children to attend the Iowa school district until the day they actually move into the district and become residents. Tuition cannot be waived.

2. Question: If a family is not yet a resident, but will become a resident of the district on or before October 1, can the district waive tuition for that family for the days that they are nonresidents?

Answer: No. Nonresidents must pay tuition. So if this family enrolled in the district prior to becoming a resident and later becomes a resident, the family will pay tuition from the day enrolled prior to the day they physically move into the district and become residents.

3. Question: May a district charge a student for the cost of community college tuition if the student fails the course?

Answer: PSEO and concurrent enrollment are handled differently by Code. For concurrent enrollment, the district cannot charge the student no matter how many times the student takes the course or how many times she/he fails. Concurrent enrollment courses are also high school courses, and public education is tuition free.

PSEO, on the other hand, is different. It is a student choice to take a course that is not a part of the high school curriculum. Iowa Code section 261E.7(3) specifically states that a student who fails to complete and receive credit in the PSEO course is responsible to reimburse the district for all district costs.

Late Billing

1. Question: A district missed billing tuition for a nonresident student last year, can the district bill now that it has discovered the tuition should have been billed?

Answer: Yes.

2. Question: Must a district pay for concurrent enrollment tuition on a resident student that the community college left off the billing and billed for that student a year later?

Answer: Yes, assuming it was originally the district's responsibility. Even though late, it is still within the statute of limitations and is a just claim against the district and should be audited and allowed as such under Iowa Code section 279.35.

Competent Private Instruction Dual Enrollment

1. **Question:** A student is competent private instruction (CPI) and dual enrolled into district A. District A does not offer orchestra and the parents want to enroll the student in district B for that class. Can the parent pay tuition to district B for orchestra? Can the parent dual enroll into district B as well as district A? Could the student open enroll into district B for orchestra?

Answer: The student can only be enrolled in one school district. In this case, that is district A. Open enrollment is not available to district B because the student is enrolled and attending classes in district A which the student intends to continue. To dual enroll into district B would require open enrolling to district B. The parent does not have the option of tuitioning the student to any other school district while dual enrolled in district A. So, the only option for the student to attend orchestra in district B is for district A to contract with district B for the enrollment of the child.

Enrollment Count Errors

1. **Question:** If one district counted a student for certified enrollment purposes when another school district (resident district) should have counted, can the first district simply pay the resident district the DCPP instead of an auditor adjustment?

Answer: No. Each district will have an auditor adjustment to enrollment. There is no authority in Iowa Code to work out issues between districts for incorrect counts. Also, doing so would result in different amounts of state aid and property tax for each of the districts involved than would have been generated had the counts been correct originally. The Department of Management (DOM) makes the auditor adjustments in such a way that the districts are returned to what they would have generated had the counts been correct originally.

Parental Custody Arrangements

1. **Question:** A district has a family where the father lives in Iowa and the mother lives in a neighboring state. Until now, they have had equal, joint custody and the parents had selected the Iowa district as the resident district for the child. Now the mother will have primary custody and the child will be with the father one day a week and every other weekend. The mother wants the child to continue attending school in Iowa tuition free. Is that possible?

Answer: No. The child is now a resident of the neighboring state and resides there the majority of the time. Tuition would be due for the child to continue education in Iowa.

Across-the-Board Cuts

1. **Question:** When an across-the-board (ATB) cut occurs, can a district reduce the amount of tuition it pays to other districts, for example for open enrollment?

Answer: No; a district may not reduce the amount it pays to another district for regular education tuition, special education tuition, or for open enrollment tuition. Tuition is based on the DCPP (or state cost per pupil [SCPP] for open enrollment tuition) and the DCPP and SCPP have not been impacted by an ATB cut.

2. **Question:** Can a district reduce the educator quality funding under Iowa Code chapter 284 that follows its whole grade sharing tuition pursuant to Iowa Code section 282.10(4) when an ATB cut occurs?

Answer: No. All of the educator quality funding streams included in the aid and levy worksheet retain all of their budgetary authority.

School Fees

1. **Question:** What fees are permitted by Iowa Code?

Answer: Iowa Code authorizes districts to charge fees for:

1. Textbooks,
2. Transportation not otherwise required,
3. Eye protection,
4. Ear protection,
5. Driver education fee for instructional costs,
6. Summer school fee for instructional costs, and
7. School supplies.

All authorized fees must be accounted for in the General Fund for both fee revenues and the original purchases of supplies for which the fee is charged. Refer to Appendix A.

2. **Question:** Do mandatory fee waivers apply to these authorized fees?

Answer: Yes. Mandatory fee waivers apply to all fees that can be legally charged to students except nonresident tuition.

3. **Question:** Can the fees charged to students who are not eligible for fee waivers be increased to cover the amount of fees that were required to be waived on eligible students?

Answer: No. The fee is based on actual cost/value for each individual student.

4. **Question:** Is tuition a fee?

Answer: Tuition to nonresident students as used in Iowa Code section 282.1, 282.6, and 282.20 is payment for instruction and is a mandatory charge. Even though it is called a “tuition fee,” it is not subject to waiver.

It should be noted that charges for summer school instruction and driver education instruction is also called a “tuition fee,” but Iowa Code specifically allows the board to exempt a student from payment in a hardship case. Therefore, these fees are subject to the fee waiver.

5. **Question:** Is a fine considered a fee subject to fee waiver?

Answer: No. Iowa Code section 301.26 states the board shall hold students responsible for any damage, loss, or failure to return any textbook. The fine will be remaining value based on original cost (similar to straight line depreciation in accounting).

6. **Question:** Enterprise programs, such as school nutrition, preschool other than the Statewide Voluntary Preschool Program (SWVPP), and child care programs, charge “fees.” Are these fees subject to the fee waiver?

Answer: Although called “fees,” these are actually user charges for services provided outside of the district’s instructional program, and are not true fees. User charges are only subject to the fee waiver if state or federal law requires.

- School meals are subject to free/reduced federal guidelines.

- Child care programs are mandated to use a sliding “fee” schedule based on the school’s staffing costs/other program expenses and a family’s ability to pay pursuant to Iowa Code section 279.49.
- Preschool that is not SWVPP and is not special education early childhood is required to be funded through a fee to parents set by the board, grants, and donations. This is not subject to waiver.

In addition, items that the student can voluntarily purchase that are not required (such as activity tickets, school newspapers, yearbooks, class rings, etc.) are not subject to waiver.

7. Question: May a uniform supplies fee be charged to all students?

Answer: No. Any fee charged (1) cannot be for more than the actual cost/value (contract price); (2) must be for supplies that are used by the student individually and not those used in common by multiple students, and (3) no student may be charged a fee which exceeds the cost of supplies consumed by that student. This was part of a clarification by the Attorney General on February 1, 1980, regarding the initial opinion released on December 28, 1979.

8. Question: Can a district charge other fees at cost for classes or activities it provides to students?

Answer: The Attorney General’s opinion dated July 12, 1993, concluded that “a school district may not charge a tuition fee in the form of course fees, extracurricular fees, or other fees which are necessary or essential to the instruction of a course or which are not specifically authorized by statute.”

The cost of items which are necessary or essential to the instruction of a class must be properly characterized as tuition rather than school supplies. Examples are art supplies for art classes and chemicals for science classes. In contrast, pens and paper used by students to take notes would be properly characterized as school supplies (OAG #93-7-3(L)). • All facilities, supplies, and other items which are necessary or essential to instruction must be provided free of charge [except as expressly allowed by Code] in a tuition-free school which is required by law. A school district may purchase other supplies and distribute them to students, but they must be provided for free, rented for a reasonable fee, or sold at cost (OAG #79-12-22). • Public schools may not charge fees for courses offered as part of their educational program [except as expressly allowed by Code] as such fees constitute tuition. Schools may not charge fees for extracurricular activities as no express or necessarily implied statutory authority exists for such fees (OAG #81-8-29).

9. Question: Can a school district charge a registration fee?

Answer: No. Iowa Code does not authorize a school district board to charge a registration fee.

10. Question: Can a district charge a late fee to parents that do not attend on registration day and come in later to register their children for school.

Answer: No.

11. Question: Can a district give a discount to parents that register on or before registration day?

Answer: No.

12. Question: Is there a limit on how high a fee could be, such as a textbook fee?

Answer: There is not a dollar amount in Iowa Code. Instead Iowa Code chapter 301 refers to “cost” when selling and “reasonable” for fees. Reading “reasonable” and “cost” together would suggest that a fee should be no more than the cost spread over the years the textbook is expected to be used (similar to straight line depreciation) and could be less.

13. Question: When is a “school supply” eligible for a fee to be charged?

Answer: To determine whether a specific item is a school supply for which a fee can be charged, ask: Is the item tied to the school’s instructional process?

No. There is no authority for the charging of a fee unless Code specifically grants authority.

Yes. Then ask “Is the item essential to the instruction of the course?”

Yes. No fee can be charged.

No. Reasonable fees can be charged.

Refer to Appendix A.

14. Question: Can a district charge a rental fee for students to use district sports equipment after the season is over for a tournament that is not associated with the school?

Answer: Yes. This is equivalent to a normal rental fee for using district equipment by outside parties. The fee would be allowable as long as it is a reasonable fee and the district normally charges such fees for rental of school equipment by the community.

If the district does not normally charge rent for the community using school equipment, then the district could consider a deposit instead of a rental fee and then return the deposit when the equipment is returned in good condition.

15. Question: May a district charge a technology fee or a technology deposit to students?

Answer: A technology fee is allowable as a textbook rental fee and would follow the same requirements. Fees must be based on actual costs. If a technology fee is charged to students, the district is saying the technology is a textbook substitute, in which case the technology must have been purchased from the General Fund and not from PPEL/SAVE.

If a deposit is charged to students, it must be a reasonable amount. The district will deposit the check, but hold the deposits in liability account 491, Deposits Payable, and not use the deposits to pay any expenditure, such as repair or maintenance. The amount of the deposit would be returned to the student when the computer/technology is returned to the district; however, the district may reduce the amount of the deposit that it returns by the actual costs of damage inflicted by the student while the computer/technology was in his/her possession. Refundable deposits are not subject to the free/reduced waiver provisions.

If the computer/technology is stolen and the theft reported, it is a theft of school property and is handled in the same way the district handles a theft from its computer lab. The district should have a policy approved by its board on appropriate use, responsibilities, deposits, fees/fines, damage, and theft.

16. Question: Can the district collect fees from students or parents/guardians to cover insurance related to the computers?

Answer: No. There is no legally authorized “insurance fee.” The iPads or laptops are district equipment and the cost of insurance must be covered entirely by the district. Insurance protection cannot be passed off to students or parents.

Damage to the computers may or may not be chargeable to students or parents, depending on whether the damage is ordinary wear and tear or intentionally inflicted.

17. Question: Does Iowa Code section 279.8A give districts authority to charge parking fees, sell parking permits, or assess fines?

Answer: Iowa Code section 279.8A gives boards the authority to regulate parking on district property. Regulating parking can be accomplished without any fee charges to students or staff. When the bill to establish this Iowa Code section was introduced, the Legislature specifically removed from the bill a

provision that would have allowed districts to charge a parking fee. However, the board can charge a fine for damage that occurred as a result of something the individual did. The fine could not include a penalty, such as a punitive amount, where the violation did not cause the district to incur a cost as a result of the violation by the individual.

18. Question: Can a district establish a textbook fee specific to all students taking concurrent enrollment?

Answer: A district is granted authority to adopt textbooks and “to sell the same to the students of their respective districts at cost, loan such textbooks to such students free, or rent them to such students at such reasonable fee as the board shall fix” per Iowa Code section 301.1. This would include textbooks used in concurrent enrollment courses. Whatever policy the board follows related to textbooks in its district classes will also apply to textbooks in concurrent enrollment courses. However, a district cannot assess a rental fee for a textbook if no book is issued for the course. Doing so would equate to charging tuition, which is not allowed. For a similar reason, it also cannot assess and collect fees for textbooks that exceed the cost of the book. If the district elects to charge a “rental fee,” it must be done spreading the cost over the number of years that textbook is expected to be used (similar to straight line depreciation) or a lower cost. For example, if the textbook for a given course is purchased by the district for \$75, it cannot then rent the book for \$50 over and over.

19. Question: Can a district charge an allowable school fee to a child with an IEP?

Answer: Yes. A child with an IEP can be charged the same fees that non-disabled children are charged. When it comes to fees that are allowed by Iowa Code, all children are charged and treated the same. Of course, the student must be utilizing whatever the fee is covering. For example, to be charged a textbook fee, the student must be using a textbook/textbook substitute for his/her instruction.

20. Question: Can a district charge students for physical education uniforms?

Answer: No. If the district is requiring students to wear the uniform for the class, then it is the responsibility of the district to provide that uniform. Instead, the district may want to describe an outfit that students should bring to school to wear in physical education classes that could otherwise be considered street clothes; for example, a white tee shirt and navy shorts. The district could also specify athletic shoes dedicated to physical education to protect the finish on the gym floor.

21. Question: A consumable workbook that is used in a concurrent enrollment class contains the test that the students must take to obtain college credit. Can the district charge for the consumable workbook when it contains a test that is required in the class?

Answer: If the district charges other students in other courses for consumable workbooks, then it can charge students in the concurrent enrollment class for their consumable workbooks at cost or below. The fact that the test is inside is not an issue unless there is a greater cost (such as a license fee or something like that) for having the test printed within the workbook. If there is no difference in cost to the district whether or not the test was there, then it is okay. If there is a difference in the cost because there is a license fee or something similar, that portion of the cost must be paid by the school district and not passed on to students.

22. Question: Can a district charge a student for a duplicate student ID card? Can the district include in the actual cost such things as:

- Cost of blank card (pkg of 3000 cards cost \$810): 0.27
- Cost of ink (a ribbon kit costs \$145 and prints 500 cards): 0.29
- Cost of employee to print card (the person who prints the cards makes \$18.31/hr, which includes salary, IPERS, and FICA; one minute to make the card): 0.31
- Total per card: \$0.87
- Employee's time to collect and deposit the fee, cost of ID machine, shipping cost for supplies?
- Is rounding okay, in this case charging a dollar instead of the 0.87?

- Cost for staff time to enforce the policy that students be wearing their IDs while in school?
- Is it okay to use one minute for the employee's time even though on average it takes less time than that?
- Since we pay hourly employees by the quarter hour, can we use a 1/4 of the employee's hourly wage as part of the cost to print a duplicate card? (In this case \$4.58 instead of the 0.31)?

Answer: The fee is the actual costs of the card. The additional costs would not be added to a fee for replacing an ID any more than they would have been added for staff to order textbooks, inventory textbooks, etc. These are normal staff and supply costs for the district to operate. The actual cost (\$0.27) is so minimal that it would not be worth the staff time to calculate.

23. Question: Can a district charge a higher fee for summer school to nonresident students than it charges for resident students?

Answer: No. Fees are based on costs. It doesn't cost more to educate a non-resident student than to educate a resident student. A district probably could have a board policy to allow resident enrolled students to have first chance at the seats available and then nonresidents on a first come first served basis for the rest of the seats. But, the district can't charge different tuition fees to different enrolled students.

24. Question: Who is responsible for the Advanced Placement (AP) exam fee?

Answer: If the district requires the testing, all of the associated fees are covered by the district. So, if taking the associated AP exam is a condition of being in the class, the district would absorb the cost. If completing the exam is not required by the district, the student/parent would be responsible. The College Board does provide a fee reduction for eligible students with financial need.

25. Question: A district with a business education program has one component of the course that students could satisfy by attending a meeting in Des Moines that involves a registration fee and an overnight stay that would cost about \$150 per student. There are alternatives for students who choose not to go to Des Moines. Can the district require a student who chooses the meeting in Des Moines option to pay for the hotel and registration because no-cost options were available?

Answer: This is not an activity in the sense of a student activity because it is a component of a course for credit. If the district is providing options for the students to complete a component of a course—it is part of the course without regard to which option the student chooses or the cost of various options. All choices are provided by the district and are paid for by the district.

26. Question: Is a technology assessment a fee?

Answer: Yes.

27. Question: A district charges rent for textbooks to students each year. Could the district include in the rental fee the cost of the annual student-specific subscriptions such as a web-based typing program that students login to for individual self-paced lessons on learning to type or a web-based science lab that students login to for virtual labs simulating real lab situations?

Answer: Web-based programs that require individual student access codes qualify as an electronic textbook substitute under Iowa Code section 301.1(3). That means the district may charge a reasonable fee based on cost, as a textbook substitute, but may not pay for the annual subscriptions from any fund other than General Fund. The district cannot pay these subscription costs from PPEL or SAVE.

28. Question: In a vocal/band class, a district has a section where the students learn to use recorders. If students opt to take the recorders home after the section, can the district charge them for the cost of the recorders? Can the district charge a fee for all students enrolled in the class and allow them to

take the recorders home after the section is completed since the recorders cannot be reused by another student?

Answer: The recorders are necessary for the instruction in the course so must be provided to students by the district. If the students want to purchase the recorders to keep them, they may do so at cost.

29. Question: May a district charge higher school fees to nonresident students than it does to resident students?

Answer: No. This is prohibited by an Attorney General opinion.

Nonpayment of School Fees

1. Question: If a student is riding discretionary transportation (fee-based), but has not paid the fee, what are the district's options?

Answer: The district may stop allowing the student to ride the bus if the fees have not been paid as long as the transportation is not mandatory by Iowa Code. The district may also utilize small claims court to obtain fees due.

2. Question: If the legitimate student fees have not been paid, what can or cannot a district do?

Answer: The only real option available to school districts is small claims court action. The district cannot withhold or lower grades, transcripts, diplomas, etc., for nonpayment of fees. The district also cannot post, announce, or publish the names of students who have not paid their fees.

3. Question: Can a district exclude a student from participation in a school activity based on non-payment of a school textbook fee?

Answer: No. If the district is having difficulty collecting the fee, it can pursue the fees through small claims court.

4. Question: Can a district prevent a student from attending optional student activities such as prom or receiving his/her driver education certificate of completion if that student has unpaid fees (textbook, lunch, etc.)?

Answer: No. Districts do not have authority to devise collection tactics that are not otherwise in law.

School Supplies List

1. Question: Do the restrictions on allowable fees apply to lists of class supplies given to parents to provide?

Answer. Yes. If the school district would not have been allowed by law to charge students a fee for the item, then the district cannot require the parents to provide those items either. Those items, which are necessary or essential to the instruction of a class, must be provided by the district. Examples would be paints, crayons, art erasers, scissors, clay, or similar supplies used for art instruction.

Likewise, parents cannot be required to provide district or classroom supplies. These are the responsibility of the district to provide. Examples would be disinfecting wipes and other cleaning supplies, Band-Aids, handheld calculators required for a class, dry erase markers, hi-liters, multiple rolls of scotch tape, multiple bottles of glue, boxes of plastic bags, paper towels, etc.

In addition, allowable school supplies provided by students or their parents, remain the property of those students providing the supplies and do not become general classroom supplies. Examples would be pencils or other markers used in place of pencils, colors, notebooks, boxes of tissues, folders, backpacks or school bags, etc.

Foreign Students

1. Question: If a school district enrolls a non-resident foreign student, may the district charge tuition to that student?

Answer: A district that enrolls a non-exchange foreign student (one with an F-1 visa) is required by federal law to charge tuition, Public Law 104-208, Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

A district that enrolls a foreign exchange student (one with a J-1 visa) may charge tuition. However, the district may waive collection of tuition for students on J-1 visas based on the "nonresident children ... residing temporarily" in the district language of Iowa Code section 282.1. (Waiving tuition does not allow the district to count the student on a J-1 visa as a resident student for purposes of state foundation aid.) This answer deals exclusively with non-immigrant students; that is, students who are not residents of the United States and who are in this country temporarily.

If a student who is not a citizen of the United States nevertheless lives in Iowa with his or her parents, the school district of residence is required to provide a tuition-free education to that student. This is true even if the parents of the student are in this country illegally. See Supreme Court's 1982 decision in *Plyler v. Doe*, 457 U.S. 202, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982).

2. Question: May a district waive school fees on foreign students?

Answer: A district may not waive school fees on a non-exchange foreign student (one with an F-1 visa).

A district that enrolls a foreign exchange student (one with a J-1 visa) will use the host family's information to determine if a full or partial waiver applies. If not, the student will be charged school fees the same as a resident student would be charged.

If a student who is not a citizen of the United States lives in Iowa with his or her parents, the school district will use the family's information to determine if a full or partial waiver applies. If not, the student will be charged school fees the same as a resident student would be charged.

3. Question: May a district provide free or reduced price meals to foreign exchange students?

Answer: Foreign exchange students are only eligible for free or reduced price meals if someone in the host household where the student lives is also eligible for free or reduced price meals.

Class Field Trips or Celebrations

1. Question: Can a district charge an annual party fee to students to cover the costs of classroom celebrations?

Answer: No. That is not a fee authorized by Iowa Code.

2. Question: Can a district charge a field trip fee to students for the year's anticipated field trips?

Answer: No. That is not a fee authorized by Iowa Code.

3. Question: Can a board require parents to pay a fee for children to go on a field trip that is scheduled during regular school hours?

Answer: No. Any field trip offered on a day of school and for which the students have been counted as present and the school day has been counted as a day of instruction, would be paid by the district instead of a student fee.

4. Question: Can a district require students to bring a sack lunch or to pay a fee for a district-provided sack lunch to go on a field trip that is scheduled during regular school hours?

Answer: No. If the day of the field trip is a day of attendance, the district is required to provide the school lunch program the same as any other day. The district could provide a sack lunch from the school's kitchen, or purchase a lunch during the field trip for students. The student may, but cannot be required to, bring a sack lunch from home or bring money to purchase lunch if there is a place to purchase lunch during the field trip.

5. Question: May organizations donate money for field trips?

Answer: Yes. Organizations may raise funds and donate that money to the district to cover costs of field trips.

6. Question: If a district makes all field trips optional, and provides alternatives for students at school during the field trips, is it then permissible to charge a fee to those students that chose to go on the field trip?

Answer: No. If the field trip is during the school day and students that go on the field trip are counted as in attendance for a day of school, there can be no charge to the students for the trip, whether it is mandatory or optional.

Fee Waivers

Iowa Administrative Code (IAC) 281—18.2 provided that the district shall adopt a policy “regarding the charging and collecting of fees for course offerings and related activities, and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1.” There is not a specific list of items beyond what is provided in IAC 281—18. Generally, if the district is charging an allowable fee other than nonresident tuition – it would be subject to waiver.

1. Question: What is the fee waiver provision?

Answer: Fee waivers, full and partial, are governed by IAC 281—18. A full waiver of all fees shall be granted if the student or the student's family meets the financial eligibility criteria for free meals, for the Family Investment Program (FIP), for transportation assistance under open enrollment, or if the student is in foster care. A partial waiver is appropriate if the student or student's family meets the financial eligibility criteria for reduced-price meals, and is based on “a sliding scale related to an ability to pay.” One simple way to justify the amount of a partial waiver is to make sure that it corresponds to the percentage of the reduced-price meal from the full-price meal. Finally, each school district has discretion to grant a temporary waiver of one or more fees in the event of a temporary financial difficulty in the student's immediate family. This temporary waiver may be granted at any time during a school year; the maximum length of a temporary waiver shall be one year.

2. Question: Can school districts place a deadline on fee waiver applications?

Answer: No. A fee waiver can be applied for at any time. Districts can encourage parents to file by a set date to be certain all fees for the year are considered. However, school districts cannot leave the impression that if parents miss the time, they are ineligible for fee waivers.

3. Question: If a school district waives a student's fees and it is later determined that the student does not qualify for a fee waiver, can the school district collect the fees waived?

Answer: While the school district has the authority to collect the authorized fees, it may be impossible to do so.

4. Question: The standards for eligibility for the fee waiver include Supplemental Security Income (SSI) recipients. Who is the recipient?

Answer: In order to be eligible for the fee waiver using the SSI standard, it must be the student who is the SSI recipient. Parent SSI recipients do not cause the student to qualify for fee waivers.

Preschool, Not Statewide Voluntary Preschool Program

1. Question: If a district offers an enterprise regular education preschool program (not SWVPP), is the fee for that preschool program subject to waiver? Is there an automatic waiver for foster care children?

Answer: No. The regular education preschool program charge is not subject to waiver. Revenue in the regular education preschool fund includes a fee established by the board for the cost of participation in the program. If a fee is established, the parent or guardian of a child participating in a program shall be responsible for payment of any agreed-upon fee. If the board does not establish a fee, it must finance the program through grants or donations, and cannot use any other district funds to subsidize the program. Rules make the parents entirely responsible for the fee if they voluntarily enroll the child unless other grants or donations are available. There is no sliding scale based on need for the regular education preschool program. And the program is not subject to the waiver provision. If the foster parents are looking for a subsidy, they need to contact DHS to see if a subsidy is available.

Driver Education

1. Question: If a student is open enrolled or attends an accredited nonpublic school, who is responsible for providing the driver education course or to honor the waiver provisions?

Answer: The serving district is responsible for providing the course and honoring the waiver in the case of the open enrolled student. The district in which the nonpublic school is located is responsible for providing the driver education course and honoring the waiver.

Every school district in Iowa must make a driver education course available to resident students (other than students who open enrolled out of the district or who are enrolled in a nonpublic school not located within the resident district boundaries). [Iowa Code section 321.178](#) states, "Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under [Iowa Code section 282.18](#)."

School districts have authority under [Iowa Code section 282.6](#) to charge tuition and fees for the driver education course that the districts make available. A student who is eligible for free lunch must be given the full waiver when the student takes the course made available by the district; a student who is eligible

for reduced-price lunch must be given the partial waiver when the student takes the course. (Partial waiver should closely mirror the percentage reduction in the student's price of a hot lunch.)

Nonpublic students may qualify for free or reduced-price lunch on the same basis as public school students. Those students may be required to demonstrate eligibility, and this may be by a letter from the nonpublic school or by filling out the appropriate application. Some students, public and nonpublic, apply for fee waiver eligibility for the first time for driver education. If these students qualify for a full or partial waiver, they must be allowed to submit a waiver for all fees going forward, but there is no obligation to return fees already collected.

Finally, a district that chooses to meet its obligation in [Iowa Code section 321.178](#) to provide driver education by contracting with a third party must honor the full or partial waiver for eligible students.

However, if a student declines to take a driver education course offered (directly or indirectly) by the student's district and instead chooses to take driver education from an independent source, the student gives up any right to claim a fee waiver for driver education.

2. Question: Can a student take driver education through the resident district if that student is open enrolled to another Iowa school district or is enrolled in an accredited nonpublic school in another school district?

Answer: The student could pay tuition to the resident district to take the course if the course is offered during the summer. Waiver provisions would not apply because the student is not otherwise entitled to take the driver education course from this school district. During the school year, the student could not enroll in the resident district for a course while enrolled in a district or nonpublic school outside of the resident district without the serving district contracting with the resident district for that course.

3. Question: Who provides driver education to students and must honor the waiver for eligible students?

Answer: If the student is a resident student enrolled in the resident district, the resident district is responsible for offering the driver education course and honoring any waiver.

If the student is open enrolled into another Iowa school district, that receiving district is responsible for offering the driver education course and honoring any waiver.

If the student is enrolled in an accredited nonpublic school, the school district in which that nonpublic school is located is responsible for offering the driver education course and honoring any waiver.

If the student is HSAP, the district of enrollment for HSAP is the school district responsible for offering the driver education course and honoring any waiver.

If the student is homeschooled but not HSAP, the resident district is responsible for offering the driver education course and honoring any waiver.

4. Question: Does a school district have to waive driver's education fees if the course is provided by an outside contractor?

Answer: The law is clear that it is a school district's duty to make driver's education available to students, so the school district should waive the driver's education costs no matter the provider.

5. Question: If a student qualifies for the fee waiver for driver education, but does not pass the course, must the fee be waived if the student enrolls in driver education more than once?

Answer: Yes. The fee must be waived each time the student enrolls, if the student is eligible for the waiver at that time.

6. Question: May a district charge a higher fee for driver education to nonresident students than it does to resident students?

Answer: No. This is prohibited by an Attorney General opinion.

Residential Placement and Tuition

1. Question: Who is responsible for providing the educational program at facilities located in Iowa?

Answer:

- Schools operated by the state or state agencies (such as the Board of Regents or DHS) are funded from the budgets of those state agencies and will not be billed to school districts. DHS schools are off the top of state aid.
- Juvenile Shelters and Juvenile Detention Centers are the responsibility of the AEA in which they are located. The AEA is required to bill the resident district for students with IEPs. Students without IEPs are paid through the regular education foster claim process off the top of state aid.
- Psychiatric Medical Institutes for Children (PMICs) are the responsibility of the district in which the PMIC is located. That school district will bill the resident district for students with IEPs and students without IEPs.
- Foster Care, Substance Abuse Treatment Facilities, jails, and similar residential facilities are the responsibility of the district in which they are located. The district will bill the resident district for students with IEPs. The students without IEPs are paid through the claim process off the top of state aid if they were not otherwise residents of the district.
- Prisons and Correctional Facilities are the responsibility of the district in which they are located to the extent of special education services provided to students with IEPs. The resident district will be billed. The program for students without IEPs is funded from the budgets of those correctional facilities and will not be billed to school districts. In practice, the AEAs are providing these special education services on behalf of their districts, but the legal responsibility remains with the district in which the facility is located.
- Private boarding schools or other residential facilities for children which were not under the authority of a state agency were previously unrelated to the school district or AEA in which they were located, and no school district should have been billed. SF2304 enacted in 2016 changes that. Now those facilities must provide the education program under contract with the public school district in which it is located, or contract with an accredited nonpublic school, or itself become an accredited nonpublic school. As a practical matter, billings by the district of location will be similar to programs at foster care facilities and the foster care claims process, and billings related to nonpublic schools would be limited to the public school district of location offering special education classes as is currently done through the special education nonpublic claim process.

2. Question: Who is responsible for tuition when the placement in a PMIC was a parental placement or if the child was expelled in his/her resident district prior to the PMIC placement?

Answer: As a general rule, and supported by case law, parental placements are at the expense of the parents, including tuition. This applies to students with and without IEPs, except that the parent may not be required to pay tuition if the parent can prove that the special education program offered by the resident district could not provide a free appropriate public education (FAPE) for their child. The burden of proof is on the parent, and this exception does not apply to students without IEPs.

Iowa Code section 282.27 is an Iowa legislative exception to the general rule and applies to a very narrowly defined situation. Under Iowa Code section 282.27, students, living in a psychiatric unit of a hospital licensed under Iowa Code chapter 135B or a psychiatric medical institution for children licensed

under Iowa Code chapter 135H, where the hospital or the PMIC is not operated by the state, shall be provided an educational program by the district of location, and the resident district shall pay the tuition.

There is no exception to the “shall” in Iowa Code section 282.27 except that the hospital or PMIC cannot be a state-operated facility or program. Currently, this excludes programs such as The University of Iowa programs and Mental Health Institutes (MHIs).

This means that school-age students will be counted and tuition SHALL be paid without regard to who made the placement.

Certain criteria must be met:

- The students must be Iowa residents. Iowa law only applies to Iowa residents.
- The students must be school-age. Remember that preschool students with instructional IEPs are defined as “school-age.”
- The students must be LIVING at the PMIC facility; therefore, residential rather than day program.
- The PMIC must be an Iowa PMIC, located within the state of Iowa, and holding proper licensure from the appropriate state agency in Iowa. This does not apply to placements outside the state of Iowa.
- By statute, the PMIC (or hospital) cannot be a state-operated facility.
- The educational program is the regular session school year of the district of location (calendar) and does not include summer school except when extended school year (ESY) is on the IEP of the student. Summer school provided through Title I or early literacy funding would not be billed to the resident district.
- The student must be placed in the PMIC unit of the facility. This is important because some facilities have multiple licenses and a specific number of beds authorized under each specific license. Only those students placed in the PMIC unit, receiving the PMIC treatment, and in the PMIC authorized beds are eligible under Iowa Code section 282.27.
- The “receiving the PMIC treatment” is important because there is always a rare possibility that parental placement was for other than treatment purposes. Iowa Code section 256.46 allows students in mental health programs to be immediately eligible for participating in extracurricular interscholastic contests or competitions. As part of the admission process, the PMIC will determine that the child meets the level of care criteria.
- Substance abuse treatment centers fall under Iowa Code section 282.19 and not section 282.27.

Resident districts are required (no exceptions in Iowa Code section 282.27) to pay the tuition even if they did not count the student on certified enrollment because the student was not enrolled and participating in the educational program on October 1. This includes situations such as:

- The student was homeschooled.
- The student was enrolled in a private school.
- The student was enrolled in an accredited nonpublic school.
- The student was a dropout.
- The student was expelled.
- The student moved in after count date.
- The student was tuitioned out or open enrolled out.

The Legislature added a method for the resident district to recover the equivalent tuition that the resident district was required to pay when those students were not enrolled in the resident district on count date. The resident district is now permitted to include those resident students in the foster care claim process to recover the required tuition.

If the child was expelled prior to placement at the PMIC, the expulsion will not apply during the time the student is in PMIC placement, but will again apply when the child is no longer in the PMIC placement.

3. Question: A district has a special education student placed outside of its district at a private facility in another Iowa district. In order to participate in the program at that private facility, students are required to also participate in a treatment program. Is that treatment program cost a billable cost to the

resident district from either the private facility or the public school district in which the private facility is located?

Answer: The private facility is not an accredited public school by itself and therefore cannot bill any district. That facility, and similar residential facilities, are licensed by DHS to provide custodial care and treatment programs to students, but not educational programs. The educational program at a private facility is provided by the public school district in which the facility is located. If the treatment program is listed on the IEP for a student as necessary for the student to benefit from an educational program, the cost of the treatment program might be part of the actual costs of special education for that student and would be billed to the resident district if that treatment was not part of the facility's agreement with the placement agency.

If the treatment program is not listed on the IEP as necessary for the student to benefit from an education program, even though the student is required to participate in the treatment program by the private facility while residing there, the cost of the treatment program would not be billed to the resident district. The cost of the treatment program, in this case, would be paid from the private facility's regular funding streams pursuant to its licenses and agreements with DHS and Juvenile Justice.

If the student is a non-IEP student, residing at the facility, and the facility is not licensed as a PMIC, the cost of the treatment program would not be billed to any public school district.

If the student is a non-IEP student, but the facility is licensed as a PMIC and the treatment is PMIC, whether residential or day program, under special circumstances outlined in law, the resident district might be billed for the cost of the treatment program if that treatment was not part of the facility's agreement with the placement agency. If the resident district is billed, it may use its at-risk and dropout prevention funding for that purpose. These special circumstances are:

The instructional costs are necessary to address the behavior of a child during instructional time when those services are not otherwise provided to students who do not require special education, and the costs exceed the costs of instruction of students in a regular curriculum, and the costs exceed the maximum tuition rate prescribed in Iowa Code section 282.24, and the child has not been placed in a facility operated by the state, and all of the following apply:

- (1) The child does not require special education.
- (2) The child is not placed by the department of human services or a court in a residential or day treatment program where the treatment necessary to address the student's behavior was included in the contract with the placement agency.
- (3) The child is not placed in a hospital unit, health care facility, psychiatric medical institution for children or other treatment facility where the cost of treatment necessary to address the student's behavior is covered by insurance or Medicaid.
- (4) The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

4. Question: A district has a PMIC facility/hospital located within its boundaries. Its last day of school is June 12. The student's resident district completes its school year in May. Between the time that the resident district completes its school year and the district of location completes its school year, education is provided for the student at the PMIC. Does the district of location bill the resident school district?

Answer: Yes. The district of location is obligated to provide the educational program, and the resident district is obligated to pay for regular session without regard to its local schedule. The district of location is billing for the regular school session, not summer session. The dates for regular session are based on the regular school session of the district of location.

5. Question: A district has a PMIC facility located within its borders. A student is placed there who was enrolled in a nonpublic school. Who does the district of location bill for the tuition?

Answer: The district of location will bill the public resident district even though the student was not enrolled in the public school district. The public school district will be able to include this student on its foster care claim to recoup the tuition.

6. Question: A district has a PMIC facility located within its borders. A student is placed there who was expelled by the resident district. Who does the district of location bill for the tuition?

Answer: The district of location will bill the public resident district even though the student was expelled. Iowa Code requires that the student be enrolled in the educational program during placement. When the placement is terminated, the expulsion will again be in place.

7. Question: Can summer school be billed for students in residential placement?

Answer: Generally, no. Since summer school is tuition-based, any residential or day program would not have summer school for regular education students unless the parents have paid for it. IEP students would only have district-provided free summer school if it is on the IEP (ESY services).

8. Question: Can the AEA bill districts directly for providing special education services to students in Iowa prisons?

Answer: No. Providing special education services to students in the Iowa prison system is a responsibility of the district in which the prison is located. That district may contract with the AEA to provide the actual IEP services to those students. But the district of location is responsible for billing the resident districts for the cost of providing those IEP services and paying the AEA for services purchased from the AEA.

The AEA will also have responsibility to provide special education support services from AEA funding; but, no resident district should be billed for those AEA responsibilities.

9. Question: A student who has an IEP is court-placed by an Illinois court at an Illinois residential treatment facility. The child's mother has now moved to Iowa. Is the Iowa school district where the mother now resides responsible for the cost of the special education program?

Answer: No. This falls under the interstate compact. The Illinois court placed the student and Illinois continues to be responsible for his/her costs throughout his/her placement. The responsibility would not transfer to Iowa during his/her placement without regard to where the parents resident.

Under the interstate compact, the cost of instruction is never separated from the cost of custodial on any child--which would mean that the special education instructional costs would not transfer because the custodial costs cannot transfer during the placement.

Open Enrollment and Limited English Proficient

1. Question: Can open enrolled in students participate in the LEP program?

Answer: Yes.

2. Question: Can a serving district bill the resident district for LEP weighting for an open enrolled in student?

Answer: The serving district may bill the resident district for LEP weighting dollars generated in the current year. For LEP weighting dollars to be generated in the current year, the student must have been in the resident district and included in the LEP count on the prior year's certified enrollment. So, if the

student was not counted for LEP weighting on the resident district's prior year certified enrollment, then the serving district cannot bill for LEP weighting dollars.

3. Question: How is the LEP weighting amount to be billed calculated?

Answer: It is the LEP weighting rate from the prior year's certified enrollment multiplied by last year's SCPP.

4. Question: An open enrolled in student is in his/her first year of LEP services with our district and did not receive LEP services last school year from any district, can we bill the resident district for the LEP weighting?

Answer: No. The resident district would not have counted the student on its certified enrollment in the prior year for LEP weighting.

5. Question: An open enrolled in student is in his/her first year of LEP services in our district and was counted for weighting and received LEP services last school year from his/her resident district, can we bill the resident district for the LEP weighting?

Answer: Yes. The resident district will generate funding in the current year for counting the student for LEP weighting on the prior year's certified enrollment.

6. Question: If the open enrolled in student participated in the LEP program in his/her resident district prior to open enrolling into our district, does the LEP five-year count for weighting begin again in our district?

Answer: No. The five-year limit refers to the number of years a resident district may count that student for LEP weighting on its certified enrollment.

7. Question: If the open enrolled in student participated in the LEP program in his/her resident district for the five years prior to open enrolling into our district, and participates in our LEP program in the current year (which would be the student's sixth year in the program), can we bill the resident district?

Answer: Yes. The student was counted for LEP weighting by the resident district on its prior year's certified enrollment, and the resident district is generating funding in the current school year.

8. Question: Will the serving district be entitled to five years of weighting if it served an open enrolled in student in its LEP program?

Answer. Not necessarily. The serving district may only bill the resident district if the resident district counted the student for LEP weighting on the prior year's certified enrollment. If the resident district had counted and generated five years of funding before the student open enrolled out, the serving district would not be able to bill the resident district for any years. If the resident district had counted for five years and generated four of those years prior to the student becoming open enrolled out, then the serving district would be eligible to bill for one year. If the resident district had counted for four years and generated one of those years prior to the student becoming open enrolled out, then the serving district would be eligible to bill for four years. If the resident district had counted for one year and not generated funding prior to the student becoming open enrolled out, then the serving district would be eligible to bill for five years. If the resident district had not counted the student for LEP weighting prior to becoming open enrolled out, the serving district could not bill in the first year of serving the student, but could bill for up to five years if the student continued in the serving district's LEP program.

9. Question: If the resident district served the student in its LEP program and counted the student for the first year on last year's certified enrollment, and then the student open enrolled out and is served in the LEP program of the receiving district for five years, does the resident district retain any of the LEP funding generated to recover its costs for the first year of serving the student?

Answer: No. In this scenario, the serving district could bill for five years of weighting and the resident district would not recover its costs.

10. Question: If the resident district did not serve the student in its LEP program prior to the student becoming open enrolled out, and the receiving district serves the student for five years in its program, can the receiving district bill the resident district in the year following because that is the year in which the resident district will generate the final year of funding?

Answer: No. In this scenario, the serving district could bill for four years of weighting, but would not recover the fifth year. The resident district would retain the funding generated for the fifth year of weighting.

11. Question: If an open enrollment student graduates at the end of first semester, may the serving district bill the resident district for the full year?

Answer: No. The serving district may only bill for the portion of the year it serves the student.

Statewide Voluntary Preschool Program

1. Question: Can the school district charge tuition to the parents of children enrolled in the SWVPP?

Answer: Districts participating in the SWVPP may not charge tuition for eligible 4-year-old children participating in hours referred to as SWVPP instructional hours. Districts must charge a fee for childcare or non-SWVPP instructional hours if extending the day by providing these types of services to wrap around the SWVPP program. In these cases, reasonable fees may be charged to cover only the remaining portion of the day and allowable supplemental costs (snacks, etc.) which are not a part of the SWVPP program. The district may not use other public funds in lieu of charging the actual cost of the childcare services. However, the district should use any excess funds it has in the SWVPP to expand the instructional hours of the SWVPP program or to serve additional eligible children.

2. Question: If a district has space in its SWVPP session for some 3-year-old students, it cannot use SWVPP funds to support their tuition. Can a district charge tuition fees for 3-year-olds when space is available? Does the tuition fee waiver that applies for eligible K-12 students apply here? What if the 3-year-old preschool student is a foster child?

Answer: The preschool for any 3-year-old student that does not have an instructional IEP is an enterprise operation. Enterprise operations are self-supported by fees from users. SWVPP revenues cannot be used to support the enterprise operation. The waiver for foster care only means that foster care students are automatically eligible for a waiver when a waiver of fees is required for a program funded with state aid and property tax. In this case, there is no other funding source for a voluntary enterprise program so the fee cannot be waived.

3. Question: If a district has a SWVPP that offers more than 10 hours of instruction, can the district charge a reasonable tuition fee for the additional hours of instruction beyond the 10 minimum hours per week?

Answer: No. The instructional time referred to as the SWVPP must be free for eligible 4-year-old students. Enrollment is voluntary and the local district determines the number of hours per week the SWVPP is offered. The district cannot use any other district funds for the hours the district refers to as SWVPP instructional hours.

4. Question: Can a district charge an allowable school fee to a child in its SWVPP?

Answer: Yes. A child in the SWVPP can be charged the same fees that other children enrolled in the district are charged if the fee directly applies to items actually used by the SWVPP students which were not required for the instructional program.

5. Question: Can parents in a bordering state send their age-eligible child to the SWVPP?

Answer: The child cannot be included in the SWVPP for state aid funding. The parents can pay tuition to send their student to the SWVPP. The tuition would be one-half of the DCPP. The out-of-state student cannot take a space in the Iowa program if there are eligible 4-year-old Iowa students for that available space in the SWVPP.

6. Question: Can a district establish a schedule for parents of students in the SWVPP to bring snacks to school to share?

Answer: No. Requiring parents to provide snacks is the same issue as charging a fee or tuition to parents. The district cannot require parents to do this. The district can make a generic request to parents for snacks, but cannot require parents to provide snacks or treat children differently based on whether or not their parents are willing to provide snacks.

7. Question: Can a district charge a transportation fee to parents of SWVPP students?

Answer: No. Iowa Code allows the transportation costs for transporting SWVPP children to come from the SWVPP funding provided. A district could not charge parents in lieu of using SWVPP funding.

Homeless Students

1. Question: How is the resident district of a homeless student determined?

Answer: Homeless students are assigned a resident district by operation of Iowa law. A homeless student for counting and billing purposes is a resident of the district in which the student is physically located unless something else in law has established a residency elsewhere.

Payments on Behalf (GED/HiSET)

1. Question: May a local school district use its funds to pay the cost of the GED/HiSET program or testing?

Answer: No. The GED/HiSET is not a program of the local school district. Students in GED/HiSET programs or taking GED/HiSET testing are considered dropouts, and the costs are not paid from local school district resources.

Whole Grade Sharing and Physical Plant and Equipment Levy

1. Question: May a district pay a portion of its whole grade sharing tuition from the Physical Plant and Equipment Levy (PPEL) and designate that amount for school infrastructure?

Answer: No. Tuition is not an allowable use from PPEL. All tuition is a General Fund expenditure to the sending district and a General Fund revenue to the receiving district and may not be used or designated for school infrastructure purposes or any other use not appropriate to the General Fund.

2. Question: May a district share its PPEL revenues with its whole grade sharing partner or any other entity?

Answer: No. PPEL fund is a fund which is more restricted than any other fund in that it can only be used for those expenditures that are expressly stated in Iowa Code section 298.3 (clearly implied is not a measure for allowability in the PPEL Fund). Sharing PPEL is not a listed allowable use of PPEL revenues.

Whole Grade Sharing Handbook

1. **Question:** How is funding for a whole grade sharing agreement determined?

Answer: The agreement for whole grade sharing shall establish a method for determination of costs, if any associated with the sharing agreement. ♦ For one-way sharing, the sending district shall pay no less than one-half of the DCPP of the sending district. ♦ For two-way sharing, the cost shall be determined by mutual agreement of the boards. The maximum tuition rate set by Iowa Code section 282.24 applies to tuition negotiated under a whole grade sharing agreement. The number of students participating in a whole grade sharing agreement shall be determined annually on October 1, or the first Monday in October if October 1 falls on a weekend, and on the third Friday of February of each school year (Iowa Code section 282.12). The Department does not collect whole grade sharing costing information or methodologies used by sharing districts.

2. **Question:** Is a whole grade sharing agreement under Iowa Code section 280.15 funded the same as whole grade sharing under Iowa Code section 282.12?

Answer: No, although both are whole grade sharing agreements. Under Iowa Code section 282.12, the whole grade sharing is a negotiated tuition arrangement. The funding to each district is based on the negotiated amount per pupil shared within the agreement. Under Iowa Code section 280.15, the whole grade sharing is a sharing of costs and expenses for the grade/s shared (jointly administered program), so the funding to each district is its applicable share of the total costs and expenses rather than a per pupil amount (Iowa Code sections 282.12 and 280.15).

3. **Question:** Does federal money follow students involved in a whole grade sharing agreement?

Answer: The following federal funds do not follow the student per se. It would depend on what is negotiated in an agreement between the districts and what has been approved in the application as allowable under the federal program. The district awarded the grant is responsible for determining how the grant funds are expended and may have sub-recipient monitoring requirements if any of the funds are paid to another district. The federal funds include: ♦ Title I ♦ Title I, Part C Education of Migratory Children ♦ Title I, Part D Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk ♦ Title II, Part A Teacher and Principal Training and Recruiting Fund ♦ Title III English Language Instruction for Limited English Proficient and Immigrant Students.

4. **Question:** Does state categorical money follow students involved in a whole grade sharing agreement?

Answer: State categorical funding does not follow students involved in a whole grade sharing agreement unless specifically stated in Iowa Code or administrative rules. There are only two such situations. Those are discussed in the next two questions.

5. **Question:** What other areas of funding must be considered in the agreement?

Answer: Any district in a current whole grade sharing agreement or considering entering into a whole grade sharing agreement must negotiate the disposition of teacher quality funding under Iowa Code chapter 284. This funding includes teacher salary supplement, beginning teacher mentoring and induction, teacher leadership supplement, and professional development (Iowa Code section 282.10(4)).

6. Question: May districts consider sharing funding from other funds, such as Management, Voter-Approved Physical Plant and Equipment Levy (VPPEL), or Secure an Advanced Vision for Education (SAVE)?

Answer: No. A whole grade sharing agreement is limited to tuition and Iowa Code chapter 284 funding, which are entirely General Fund monies. No other authority for sharing funding is given to districts under whole grade sharing. If districts wish to share SAVE funding (but not any other fund), it must enter into a revenue sharing agreement, separate from its whole grade sharing agreement, under Iowa Code section 423E.5(2).

7. Question: May students that are open enrolled be included in the whole grade sharing supplementary weighting count?

Answer: No. Open enrollment status remains intact. Tuition for open enrollment is set by Iowa Code and cannot be negotiated to a different amount in the whole grade sharing agreement.

8. Question: Are there students in addition to open enrollment students that may not have tuition negotiated within a whole grade sharing agreement nor be included in the whole grade sharing supplementary weighting count?

Answer: Yes. Any student in a classification where Iowa Code specifies the tuition calculation method cannot be included in the whole grade sharing supplementary weighting count and cannot have his/her tuition rate negotiated. For example, students with IEPs, can only be sent to another district under an inter-district contract that specifies actual costs of the special education program. These students shall not be included under whole grade sharing.

9. Question: Does the whole grade sharing agreement terminate open enrollment status for students residing in the new shared partner districts?

Answer: No; current open enrollment students are still considered to be open enrolled. The families may, however, choose to give up open enrollment status. Doing so allows access to transportation not otherwise available under open enrollment.

10. Question: If a student was included in the whole grade sharing count on October 1, but is staffed into a special education program after October 1, how is the tuition calculated?

Answer: Beginning with the day the IEP is implemented, the receiving district will bill the resident district for actual costs of the special education program and the student will no longer be included in the whole grade sharing count for funding purposes.

11. Question: If a student was included in the whole grade sharing count on October 1, but is placed in a Psychiatric Medical Institute for Children (PMIC) during the school year, how is tuition calculated?

Answer: The district in which the PMIC is located will bill the resident district directly for the days that district of location served the student. Whether there will be an adjustment for the student in the whole grade sharing tuition billing will be determined according to the negotiated whole grade sharing written agreement between the sharing partner districts.

12. Question: If a child is whole grade shared to the serving district and the child is placed in a PMIC facility which happens to be located in the serving district, will the whole grade sharing status and tuition continue?

Answer: No, unless the whole grade sharing written agreement states otherwise. The tuition will be prorated between whole grade sharing tuition and regular tuition for the period of placement.

13. Question: What kinds of situations will result in whole grade sharing enrollment being suspended?

Answer: This is determined by the terms of the whole grade sharing written agreement between the sharing partner districts. 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, MHIs, and PMICs), or similar placements. In such cases, if an adjustment to tuition has been addressed within the whole grade sharing written agreement, the whole grade sharing enrollment status is reinstated automatically when the child returns to the serving district.

14. Question: May the sending district in a whole grade sharing (WGS) arrangement, send LEP funding to the serving district, like open enrollment out tuition?

Answer: No. WGS is different than open enrollment because the Legislature chose to give districts authority to send LEP funding under open enrollment but did not chose to do so for whole grade sharing. No funding ever follows a student, even when generated on a per pupil basis, unless the Legislature includes an exception within the Code.

The sharing partners could establish a jointly administered LEP program in addition to whole grade sharing.

Open Enrollment Handbook

1. Question: Who is responsible for school transportation for an open enrolled student?

Answer: The parent or guardian is responsible for transporting the student to and from the receiving district unless the family qualifies for transportation assistance. See the requirements on page 15. IAC 281—17.9(1). The parent or guardian is responsible for transporting the student even if the student has an IEP and transportation is listed on the IEP.

2. Question: If a student under open enrollment is placed in a PMIC part way through the semester, how is tuition calculated?

Answer: The tuition will be prorated. The receiving district will bill the resident district for the days that the student was being served under open enrollment, but will not bill for the days that the student was in PMIC placement. The district in which the PMIC is located will bill the resident district directly for the days that district of location served the student. The open enrollment status will be temporarily suspended during the placement and will reinstate when the student leaves placement and return to enrollment in the receiving district.

3. Question: What kinds of situations will result in open enrollment being suspended?

Answer: The list is included in IAC 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, MHIs, PMICs), or similar placements. In such cases, the open enrollment status is reinstated automatically when the child returns to the serving district.

4. Question: If a child is open enrolled to the serving district and the child is placed in a PMIC facility which happens to be located in the serving district, will the open enrollment status and tuition continue?

Answer: No. The tuition will be prorated between open enrollment tuition and regular tuition for the period of placement.

5. Question: If two districts are whole grade sharing, and a student is open enrolled from one district into the other district; when that student enters the grade level that is served under whole grade sharing in the receiving partner district, does the tuition switch from open enrollment to whole grade sharing?

Answer: No. The student remains under open enrollment and tuition for that student continues to be open enrollment tuition. The student will not be included in the whole grade sharing agreement billing and tuition. Only resident students are included in the negotiated agreement in a whole grade sharing agreement.

6. Question: If two districts are whole grade sharing, and a student who is open enrolled from one district into the other district; when that student enters the grade level that is served under whole grade sharing in his/her own resident district, what happens to tuition?

Answer: The open enrollment status for this student will be suspended rather than terminated while he/she is served within his/her own resident district. The student is not open enrolled during that time period and no tuition is paid. The open enrollment status is reinstated automatically when the child returns to the serving district.

7. Question: How should school districts bill?

Answer: The receiving district should bill each semester, February 15 and July 15 respectively, for tuition based on a per diem rate. Partial semesters should be based on a per diem rate, prorated for days served under open enrollment.

Tuition for students with an IEP shall be actual costs.

Transportation expenses incurred by the resident district may be deducted from DCPD tuition sent to the receiving district for students who qualify for transportation assistance and do not have IEPs. For students with an IEP that qualifies for transportation assistance, the cost of transportation is not deducted from the special education tuition.

Situation: Open enrollment approved prior to October 1. Tuition is paid to receiving district by the resident district. This includes applications filed after March 1 with good cause, kindergarten students, early childhood special education program for children with an IEP, CPI or students from a private school that were not enrolled the previous year in a public school, CPI students who are dual enrolled (partial payment based on enrollment), students under open enrollment who moves to a new district after October 1, but continues under open enrollment.

Situation: Open enrollment filed after October 1. Tuition is not paid to receiving district even if the application was approved with good cause. 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).

Junior-Senior Rule

1. Question: What is the “Junior/Senior Rule?”

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

2. Question: Is the Junior/Senior Rule open enrollment?

Answer: No.

3. Question: Which district counts the students for certified enrollment and special education headcount, if applicable—the former resident district or the current resident district?

Answer: If the child does not have an IEP, the former resident district will count the student for certified enrollment purposes until graduation.

If the child has an IEP, the current resident district will count the student for both certified enrollment and special education headcount purposes and will pay tuition to the former resident district that is serving the student.

4. Question: Is the parent responsible for transportation under the Junior/Senior Rule?

Answer: Yes.

5. Question: If the Junior/Senior Rule is not open enrollment, but is parental choice, what happens to specialized transportation if it is included on the student's IEP?

Answer: The Junior/Senior Rule allows the student to continue the education the child previously had in the former resident district. Specialized transportation would continue to apply to this child under the IEP in the same manner as any other regularly tuitioned out child with an IEP.

6. Question: Does the Junior/Senior Rule apply when a student was not attending his/her resident district prior to the move?

Answer: No. The Junior/Senior Rule only applies to students that were enrolled in and attending their former resident district at the time of the move.

Residency

1. Question: Who is a resident of a school district?

Answer: Iowa Code section 282.1 states:

1. Persons between five and twenty-one years of age are of school age. Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board. A school district discontinuing grades under section 282.7, (1) or (3), shall be charged tuition as provided in section 282.24(1).

2. For purposes of this section, "resident" means a child who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

- a. Is in the district for the purpose of making a home and not solely for school purposes.
- b. Meets the definitional requirements of the term "homeless individual" under 42 U.S.C. § 11302(a) and (c).
- c. Lives in a juvenile detention center or residential facility in the district.

Most students under paragraph "c" will have their residence established by operation of law.

2. Question: When a farm straddles one or more school district boundaries, does the family choose which district it will consider the resident district?

Answer: No. The resident district would be the district where the home on the farm is located.

If the home is also in more than one school district, the district in which the larger portion of the home rests will be deemed the district of residence.

If the home is equally between two school districts, the district in which the child's bedroom is located will be the resident district.

Adding an addition onto a home or moving the bedroom will not change the resident district.

3. Question: If a student lives with someone other than the parent/guardian because of family problems or personal problems, but not for school reasons, and not placed by a court or state agency, is this student considered a resident?

Answer: This student is a resident and must be enrolled tuition-free, without requiring guardianship papers. The emergency contact must be someone who can make a decision about the student (parent or court-appointed guardian, e.g.) OR who can quickly contact the decision-maker. Report cards and communiqués from school will still go to the parent, unless the parent gives written permission to the school to send documents to the person with whom the student resides.

4. Question: If a student lives with someone other than the parent/guardian, but the student is in the district for school purposes (athletics, other extracurriculars, not doing well in former school), is this student a resident?

Answer: This person is not a resident; per Iowa Code section 282.6 the district must charge tuition and may not include the student on certified enrollment.

5. Question: If a student lives with someone other than the parent/guardian but the student is in the district neither for school purposes nor because of personal or family problems (e.g., student is playing in a hockey league), is this student a resident?

Answer: Factors the district must consider to determine if the student is present to make a home include: 1. Does the student intend to return to the parent's home? 2. Does the student return to parental home to visit? 3. Does the parent furnish significant financial support for the student? 4. Does the parent still have authority over the student? Same comments as previously. Creating a legal guardianship does NOT affect whether the student is a resident. It merely clarifies who gets information from the district and who can make decisions for a minor student. MOST of the time, these students are NOT going to be residents and must be charged tuition. An exception may exist for a student who is 18 or older and who sets up his/her own household (all above questions would have to be answered in the negative).

6. Question: If a student lives with parent(s) in district A, but is with a relative (not a parent) before and/or after school in district B, can this student be a resident of district B?

Answer: No. This arrangement does not establish residency in district B. If the parents want the student to attend district B, they must file an open enrollment application.

7. Question: If a student resides with a court-appointed guardian, is the student a resident?

Answer: Living with a court-appointed guardian does not automatically make the student a resident for purposes of Iowa Code section 282.6; the district still needs to determine WHY the student is in the district. The rights of a court-appointed guardian are superior to those of the parents; the guardian is the emergency contact and is the recipient of all documents from school. Therefore, make sure this is a legal guardianship (as evidenced by a court order signed by a judge or by "letters of appointment" signed by the clerk of court with seal of court).

8. Question: If a student splits time equally between parents who live in different districts, which district considers the student a resident?

Answer: Only one district will include the student in its October count as a resident student. If the student lives in one district more than the other district, the student is a resident of the district in which the student lives more of the time. If the student does not live in one district more than the other, the parents determine the resident district only once unless there is a significant change in the living arrangement.

9. Question: If a student from another country moves with his/her family into a district, is this student a resident?

Answer: Children in the family are residents of the district, regardless of whether they are aliens and even regardless of whether the family's presence in the United States is legal. The United States Supreme Court ruled in 1972 that a free education must be provided to resident children, even if they are illegal aliens. A district CANNOT require any documents from this family that it would/could not request from any other family. The district may ask for proof of birthdates, relevant health information, but cannot ask for proof of citizenship.

10. Question: If a student with dual citizenship (of which US citizenship is included) moves into the district, is this student a resident?

Answer: Whether this student is a "resident" depends on why the student is in the district. If living with a parent for purposes of making a home, the student is a resident. If living with another relative or even a guardian for purposes of going to school, the student is not a resident. This student will not have a visa, because the student is a citizen. Citizenship is not relevant to the issue of who is a resident.

11. Question: What does a district do if the family refuses to give a street address and just gives a P.O. Box?

Answer: Without proof of residency, Iowa Code section 282.6 requires the district to charge tuition. (PO Box is NOT proof of residency in the district.) There are legitimate reasons why a family would want the street address kept confidential; however, districts must have proof of residency and can still take measures to protect this information.

12. Question: If a student lives with a foster family in the district, is that student a resident of the district for purposes of receiving a tuition-free education?

Answer: Under Iowa law, foster parents are not guardians (unless there is a separate order). DHS is the custodian for placement in foster care. Residency for students is established in Iowa Code. Students without IEPs, are residents of the district in which the foster care facility/home is located.

Students with IEPs are residents of the district where their parents reside. If parental rights have been severed by court action or if the residence of the parents cannot be determined in Iowa, these students are not counted as residents and will be funded through a state claims process.

Unless parental rights have been terminated by a court, the natural parents still have the right to participate in meetings and receive reports. Call the local DHS office (the one that made the placement) and ask for written documentation regarding a student's foster care status.

13. Question: If a student lives with a relative, but was placed there by DHS, is the child a resident?

Answer: The child would be considered in foster care rather than living with a relative for purposes of making a home.

14. Question: A district has three children with IEPs all placed in Foster Care homes all in different districts. The mom was evicted from her home in the district and is currently living out of her car in

another district. The children are not homeless, but it appears mom is. What district is considered the resident district for purposes of billing?

Answer: Technically, there is no longer a resident district. For billing purposes, the look back rule will review at the special education headcount (not the certified enrollment count) in this same current year to determine who counted the students in the October special education headcount. That district is the district which will pay tuition for the rest of this school year because that is the district which will get the full year of special education weighted funding for this student next year.

In October of next school year, if the mom is still homeless and the father still cannot be found, then the districts serving the students will count each student as tuitioned in, state paid, and the student will go on the special education foster care claim form for each of the days that the mom/dad did not have a district of residence.

15. Question: When a student is living with a relative, is the district in which that relative lives the district of residence?

Answer: It depends on why the student is living with the relative. If the child was placed by the courts or a state agency, then that is a placement and is treated like foster care placements. If the child is living with the relative for school purposes, the district of residence remains with the district where the parents reside. If the child is living with the relative for purposes of making a home, then the resident district of the child is the district in which the relative resides.

16. Question: If an Iowa state agency places a child in a facility, and later the parents move out of state, who pays the tuition for that child's educational program?

Answer: Under the interstate compact, custodial costs and educational costs are never split between states. So, if an Iowa court or other Iowa state agency is paying the custodial costs for the child, an Iowa district or an Iowa state agency will pay the costs of the educational program.

For a student with an IEP, and the placement was in Iowa, but the parents move to another state, the Iowa district where the parents had previously lived will continue to handle that student's IEP and educational costs. Generally, this student will be included in the special education claim process if no Iowa district was eligible to count the student for weighting.

For a student with an IEP, and the placement was outside of Iowa but was placed by an Iowa state agency, and the parents move to another state, the Iowa district where the parents had previously lived in Iowa will continue to handle that student's IEP and educational costs. Generally, this student will be included in the special education claim process if no Iowa district was eligible to count the student for weighting.

For a student without an IEP, and the placement was in Iowa, but the parents move to another state, the Iowa district of location which is providing the student's education program will include the student under the foster care provisions for counting and claim billing.

For a student without an IEP, and the placement was outside of Iowa, but was placed by an Iowa state agency, the agency and the out-of-state facility must negotiate the educational program costs as part of the placement costs because no Iowa school district can pay for this student.

Disasters

1. Question: When a student attends school in a district in which the student's family is temporarily relocated, what is the obligation of the original district regarding transmission of student records?

Answer: The original district must give copies of all records that the new district of temporary enrollment reasonably needs to serve the best interests of the displaced student. In some cases, this may be the bare minimum "transcript-type" information. In all cases, full copies of IEPs and 504 plans must be provided. When in doubt, pass along any information that will assist the school of temporary enrollment to best serve the student.

Teacher Leadership and Compensation/Teacher Leadership Supplement

1. **Question:** Does Teacher Leadership and Compensation/Teacher Leadership Supplement (TLC/TLS) follow students under open enrollment?

Answer: Yes. The resident district is required to send the teacher leadership supplement state cost per pupil for the previous fiscal year with open enrollment tuition.

2. **Question:** If a district has a one-way or two-way whole grade sharing agreement with a neighboring district does the (TLC/TLS) follow the students under whole-grade sharing?

Answer: The (TLC/TLS) funding is part of Iowa Code chapter 284 funding that whole grade sharing partners must negotiate under Iowa Code section 282.10(4).

Special Education

1. **Question:** Can resident districts request an itemized bill from other districts?

Answer: Yes. Iowa Code section 282.20 requires that tuition statements/bills be itemized. For a district to meet the requirements of Iowa Code section 279.29, it must have sufficient itemization to determine if the bill is a just claim against the school corporation for purposes of audit and allowance and to properly code the expenditures in the accounting records.

2. **Question:** Is there any exception to allow a per day amount for an out-of-state placement?

Answer: No. Allowable costs are the actual costs for special education, and the district will need to have an itemized billing.

3. **Question:** The guidance states that tuition for day programs operates just like any other program offered by the district for which tuition is charged to resident districts. So does this mean that whether residential or day, cost per day for education would be the same rate?

Answer: There will not be a set daily rate on students. For students with IEPs, the calculation of tuition is the actual cost of special education instruction pursuant to the IEP developed by the IEP team. The costs are individualized by each student with an IEP, and the costs for each student would be expected to be different than the cost for any other student. For students without IEPs, the calculation of tuition is a per day amount of the DCPP of the district of location for each day of enrollment.

4. **Question:** Can a private service provider that is not a private facility simply bill the district for the 1.0 funding plus the special education weighting for each student, and consider that the cost of providing special education actual costs?

Answer: No. Set rates are not appropriate. Placement of each child in the classroom in which a contracted service provider is providing instruction and services must be a decision based on the needs

of the student related to a disability consistent with the IEP and must not be based on weighting assigned to the child.

5. Question: What amount should the resident district of a non-IEP student receiving an educational program while residing at a facility be billed by the district of location?

Answer: The tuition bill for a non-IEP student is the maximum tuition rate in Iowa Code, which is the DCP. If the facility is licensed as a PMIC, the resident district is billed by the district of location. If not a PMIC, the district of location would use the foster care provisions in Iowa Code chapter 282 and would not bill the resident district on a non-IEP student.

6. Question: It would be difficult to educate a general education student (i.e., sex offender) in an instructional program provided at the location of a facility for the cost of serving a student at the DCP. Is there an exception?

Answer: Iowa Code was recently changed to allow the resident district to use its at risk, alternative program, dropout prevention program funding to pay the excess instructional costs necessary to address the behavior of a student during instructional time when those services are not otherwise provided to students who do not require special education, the costs exceed the costs of instruction of students in a regular curriculum, the costs exceed the maximum tuition rate, the student has not been placed in a facility operated by the state, and all of the following apply:

(1) The student does not require special education.

(2) The student is not placed by the department of human services (DHS) or a court in a residential or day treatment program where the treatment necessary to address the student's behavior was included in the contract with the placement agency.

(3) The student is not placed in a hospital unit, health care facility, psychiatric medical institution for children or other treatment facility where the cost of treatment necessary to address the student's behavior is covered by insurance or Medicaid.

(4) The board of directors of the district of residence has determined that the student is likely to inflict self-harm or likely to harm another student.

If the regular education student is in a placement other than a PMIC, the district of attendance will use its at risk, alternative program, dropout prevention program funding to pay these excess instructional costs. If the regular education student is in a PMIC placement, the district of attendance may bill the excess instructional costs to the resident district, and the resident district may use its at risk, alternative program dropout prevention program funding to pay these excess instructional costs in addition to the maximum tuition rate.

7. Question: The facility within our district maintains that most of the placed students require special education services whether or not they have an IEP or if the IEP lists those services. The facility believes that a much higher percentage of the students should qualify as special education students. If the facility is also the contracted service provider, can the facility charge for IEP services if the student does not have an IEP or if the IEP does not list the service being provided?

Answer: No. The determination of whether or not a student qualifies for IEP services is a decision of a school district and AEA to make with their IEP teams. If the private facility has concerns about any students, it needs to discuss the situation with the district of location. IEPs and student identification for instruction is a public school district/AEA responsibility rather than a facility option. Eligibility determination is a complex consideration and must take a number of factors into account. The facility's belief regarding students needing additional IEP services would not alter the statutory rule about appropriate uses of special education funds.

8. Question: Why can't a private facility that is the purchased service provider charge the district of location the actual costs on students that do not have IEPs and the district bill that cost on to the resident districts?

Answer: Iowa Code limits the tuition that can be charged by a serving district on a nonresident student that does not have an IEP to the maximum tuition rate. The maximum tuition rate is equal to the DCPD of the serving district. Charging more is not permitted by law except where the resident district board of directors has determined that the non-special education student is likely to inflict self-harm or likely to harm another student, the student is not placed by the Department of Human Services or a court in a residential or day treatment program where the treatment necessary to address the student's behavior was included in the contract with the placement agency, and the student is not placed in a hospital unit, health care facility, psychiatric medical institution for children or other treatment facility where the cost of treatment necessary to address the student's behavior is covered by insurance or Medicaid.

9. Question: How does the district balance the need of the students as written into the IEP with appropriate stewardship of public money when it comes to the special education of resident students?

Answer: The district is required to provide the instruction and services in the IEP as determined by the IEP team. The IEP team does not say the district must provide the service one way over another, only that it must provide the service. The district never escapes its stewardship responsibility for public funds.

10. Question: Do educational dollars allotted to a school district follow the special education student when enrolled in another school district?

Answer: No. Educational dollars generated on a per pupil basis do not follow students. Tuition billed for special education students is the actual cost of the special education instructional program. The actual costs could be more than or less than the amount generated by the district through counting that student.

11. Question: What qualifies for actual costs? Can the facility charge more for providing a special education program under contract than what the resident district actually generates for counting that student?

Answer: Actual costs are those costs necessary to provide what is specified in the IEP and is necessary to provide for the costs of the special education instructional program above the costs of a general education student in a general curriculum. Special education programs are funded on a per pupil basis, but the funding is pooled at the resident district level to provide the programming necessary to deliver the program required by each of the IEPs. Actual costs could be more than or less than the amount the resident district generates for counting that student.

12. Question: Does this guidance on tuition as actual costs apply to an approved out-of-state facility?

Answer: Yes. Actual costs have the same definition without regard to where the facility is located. Iowa districts have the same responsibilities regarding determining that the bill is a just claim for audit and allowance. There is no tuition paid to out-of-state facilities if the student placed there does not have an IEP.

13. Question: How is payment made to place a student out-of-state?

Answer: No payment is made to any out-of-state facility from any Iowa school district for instruction of any student without an IEP. For students with IEPs, whether or not payment for instruction is made is based on who made the placement and other factors. If it is determined that payment for instruction of students with IEPs is required of a school district, districts follow the same guidance as has been presented in the guidance document regarding which costs are allowable and which are not.

14. Question: What is the definition of actual costs of special education in state facilities compared to private facilities?

Answer: There is no difference in the definition of actual costs of public special education, regardless of location. "Actual costs" refer to the cost of instruction in special education above the cost of instruction in

the general curriculum. It does not mean all the costs that a district, or a provider, or a facility incurs to operate.

15. Question: If the district of location provides a one-to-one paraprofessional, can it charge the resident district for the cost of that paraprofessional?

Answer: If the IEP requires a one-to-one paraprofessional, the serving district must provide that service, and the cost would be part of actual costs (itemized) billed to the resident district by the serving district. It is an individualized cost. However, if the student does not have an IEP, or the IEP does not require a one-to-one paraprofessional, then the serving district is not required to provide one, and the resident district cannot be required to pay that cost which is beyond the IEP requirements.

16. Question: Would any mental health treatment be covered as an educational expense if required within the IEP, since many of the students in private facilities were placed there due to a mental health diagnosis?

Answer: If the necessary treatment is not already a contractual obligation of the facility for that student under its plan with its placement agency, then the cost could be a special education cost IF it is in the IEP. The facility does not choose which entity (i.e., DHS or district) will cover the cost. Instead, it will first look at its care plan, then look at the IEP. If it is on the care plan, it would not be billed to any school district. If it is not on the care plan, but is in the IEP, then it would be billed by the district of location to the resident district as an individualized cost for that specific student.

17. Question: Can special education weighting funding be used to pay for tuition and licensure for a teacher to complete an endorsement in special education?

Answer: No. In order to be expended from special education funding, the teacher must already be endorsed and providing instructional and related services to identified students pursuant to their IEPs.

18. Question: Can a district include a depreciation expense on its SES for a bus used exclusively for special education which was purchased from PPEL or SAVE?

Answer: No. Special education weighting is a General Fund revenue and only General Fund qualifying special education expenditures may be included on the SES.

19. Question: If a student with an IEP enrolled and attended school at the beginning of the school year before reaching age 21 and was under age 21 on September 15, then dropped out of school, and then wanted to re-enroll for the school year after having his/her 21st birthday, can the student re-enroll without paying tuition?

Answer: Yes. The student may complete the school year in which he/she turns 21 during the school year as long as the student was not 21 on September 15th.

20. Question: If a foster care student with an IEP takes a PSEO course, can the serving district bill the resident district for the cost of the PSEO course?

Answer: No. PSEO course costs are paid from the general purpose funding districts receive for students. The serving district has received its share of the general purpose funding from the resident district in the general purpose percentage (GPP). Nothing further can be billed.

As a point of information, a PSEO course would not be on an IEP. The IEP are the services to be provided by the resident district. PSEO is not a district course, it is a postsecondary course selected by the student rather than the district for which the district will grant high school credit toward graduation.

21. Question: A student with an IEP was a resident student at district A. The student moves to district B after October 1 and before the end of October. Both districts (IEP team) agree that the student

should continue the instructional program in district A. Since district A counted the student for certified enrollment, can district B only pay the excess costs of the special education program and not pay the GPP amount?

Answer: No. Tuition is actual costs, which includes the GPP. Actual costs would not be redefined based on which district counted the student. This would be true even if the student moved after October and district A had counted the student for both certified enrollment and the special education headcount.

22. Question: A student with an IEP with parental rights severed began the school year in the district where his/her foster parents are living. Mid-year, the foster parents adopt the student. How is tuition handled?

Answer: The child would be included on the special education foster care claim until the date of the adoption. On the day of the adoption, the child becomes a resident of the district in which the adoptive parents reside and would no longer be included on the special education foster care claim.

23. Question: A parent of a student with an IEP wants the student to attend preschool another year instead of attend kindergarten. Who pays the costs?

Answer: Parents are not required to send children to kindergarten just because they are 5 years old. The parent can hold the child out or send the child to a preschool program at parent expense. However, that is a unilateral decision of the parent because the educational setting and services determined by the IEP team could be offered in kindergarten; the IEP team did not determine that the child should not enter kindergarten. Any time a parent makes a unilateral decision regarding the child's educational placement, it will be at parent cost unless the parent can prove that FAPE was not provided by the district. In this case, the district's offering of kindergarten is in keeping with the IEP team's decisions and provides FAPE.

The child is not eligible for the SWVPP because he or she is not 4 years old. If the IEP team had determined a preschool setting was necessary, the special education preschool may have been run with the district's SWVPP plus added special education programming. But that is not the case here. The district determines if it will take students older than 4 into the SWVPP classroom, but the district could not count the student for certified enrollment if the program is not a special education program described in the IEP or the program is not a kindergarten program.

The child shall not be counted for certified enrollment purposes and the parents shall pay tuition (district cannot educate a child who the parent is holding back unilaterally, not in agreement with IEP team, with district funding).

24. Question: Can a district charge a summer school fee to a child with an IEP?

Answer: Yes, if the IEP does not require ESY services. A child with an IEP can be charged the same fees that non-disabled children are charged. When it comes to fees that are allowed by Iowa Code, all children are charged and treated the same. Of course, the student must be provided ESY services without cost to the parents if ESY is on the child's IEP.

Individuals with Disabilities Education Act

1. Question: What educational program costs can be charged for nonresident special education students?

Answer: A local education agency (LEA) or an area education agency (AEA) providing instruction to a nonresident eligible individual may charge the resident district "the actual costs incurred in providing that

program.” IAC 281—41.907(1). “The resident LEA shall be liable only for instructional costs incurred by an agency for those individuals certified as eligible.” *Id.* r. 281—41.907(3)

Placement of Children with Disabilities Outside District

1. Question: When a school district places a student with an IEP out of district for the student’s educational program, who pays the costs?

Answer: Placement must be at no cost to the child’s parents if the child’s parent did not make the placement. “At no cost” includes, in addition to educational costs, the costs of room, board, and transportation. “At no cost” does not include medical services (i.e., services that only a physician may perform). IAC 281—41.104; *Letter to Cousineau*, 36 IDELR 158 (OSEP 2001). If a child’s IEP team recommends a residential placement, the child’s LEA and AEA may not seek the costs of room and board from the child’s parents. *Letter to Hornbeck*, 211 IDELR 65 (OSEP 1978).

2. Question: If the placement could be covered by the parent’s insurance, can the district require that the parent use that insurance first prior to district funds?

Answer: Public agencies may seek reimbursement from a parent’s public or private insurance with parental consent; however, a parent’s refusal to provide consent cannot be used to delay or deny a FAPE. IAC 281—41.154. I. If an LEA or AEA makes a residential placement for special education purposes, they “can and should look to other sources for financial contributions needed to cover such costs.” *Letter to Cousineau*, 36 IDELR 158. If no funding is available from those other sources (because, for example, the child is not eligible or the service is not covered), the public agencies retain the obligation to provide the required appropriate IEP and placement services.

3. Question: Who pays the costs when the parental placement of an Iowa child is at an out-of-state school?

Answer: No Iowa LEA or AEA has any responsibility for purely voluntary parent placements in an out-of-state school. All education is subject to the laws of the state in which the school is located.

4. Question: Who pays the costs when a parent who is not an Iowa resident places a nonresident child with a disability in an Iowa accredited nonpublic school?

Answer: The AEA in which the school is located provides support services as a matter of federal law. 34 C.F.R. §§ 300.131 through 300.144. The nonresident child is not entitled to any instructional services from an Iowa LEA. If the child’s parent wants instructional services for the child, the parent must pay tuition to the LEA (or the child’s out-of-state resident district may pay tuition, if required or permitted under that state’s law).

5. Question: Who pays the costs if a parent voluntarily places a child with a disability in an out-of-state nonaccredited school?

Answer: No Iowa LEA or AEA has any financial responsibility for the costs of that placement, including the educational program. Occasionally, circumstances arise when a parent places a child with a disability in a private school because the public school allegedly did not provide a FAPE. To obtain tuition reimbursement, the parent must prove two things in a proceeding under the Individual with Disabilities Education Act (IDEA), such as hearing on a due process complaint. First, the parent must prove that the public school placement did not provide a FAPE. 34 C.F.R. § 300.148(c); *Florence County Sch. Dist. Four v. Carter*, 510 U.S. 7 (1993); *Burlington Sch. Comm. v. Department of Educ.*, 471 U.S. 359 (1985). Second, the parent must prove that the private school placement was proper. 34 C.F.R. § 300.148(c); *Florence County Sch. Dist.*, 510 U.S. 7; *C.B. v. Special Sch. Dist.*, 636 F.3d 981 (8th Cir. 2011). To be proper, the parent placement need only provide benefit to the child. For example, it need not be state

approved. If both things are proven, the parent is entitled to tuition reimbursement from the district of residence; however, a court or special education administrative law judge may adjust the reimbursement award as equity requires. 34 C.F.R. § 300.148(d). These placements are at the parent's risk. If the parent fails to prove the public school placement was inappropriate and the private placement was proper, the parent recovers nothing. *Id.* § 300.148(a); *Florence County Sch. Dist.*, 510 U.S. 7; *Fort Zumwalt Sch. Dist. v. Clynes*, 119 F.3d 607 (8th Cir. 1997); *Letter to Cousineau*, 36 IDELR 158. The private school selected by the parent need not be accredited, approved, or meet other state requirements to be eligible for reimbursement under Part III.C, so long as the placement is proper. 34 C.F.R. § 300.148(c); *Carter*, 510 U.S. 7; C.B., 636 F.3d 981. F. Because IEPs and placements must be determined at least annually (see IAC 281—41.116(1), 281—41.324(2)), the child's IEP/placement team must review and offer an IEP and a placement annually to a parentally placed child with a disability when a FAPE is at issue. Failure to make this offer may result in a FAPE denial, entitling parents to continued tuition reimbursement. Offering an appropriate IEP and placement may be a defense to a tuition reimbursement claim. The standard in Part III.A is binary: either the public school placement is appropriate or it is not. If the public school placement is appropriate, it is irrelevant that the parent-selected private placement might be better than the public school placement. *Fort Zumwalt Sch. Dist.*, 119 F.3d 607.

6. Question: There are circumstances when a court or another public agency, such as the DHS, initiates placement of a child with a disability for reasons other than special education and such placement changes the manner or location of the child's special education program. Can a court or DHS direct the special education program?

Answer: No. Other public agencies have no authority to make placements solely for the purpose of providing special education and no authority to prescribe, limit, or direct the special education provided. The resident LEA is responsible for the actual cost of special education only. The education provided must actually be "special." See, e.g., IDEA State Complaint Decision 14-01, 26 D.o.E. App. Dec. 390 (Iowa Dep't of Educ. 2013). Being "special," among other things, means the following: • The special education program provided must focus on all goal areas identified in the child's evaluation and IEP, and may not focus on one item only. For example, comments such as, "We only focus on behavior here" or "We don't 'do' special education for reading" reflect an improper focus on what the school will provide, rather than how the needs identified by the child's evaluation data will be addressed. The child's IEP team, not the facility or the placing agency, determines goal areas and services. For example, if a child has a reading goal only, it would be impermissible for the facility or the placing agency to demand that a behavior goal be added. If a behavior goal is to be added, the IEP team must determine that the goal is required to provide a FAPE and then add it to the IEP. The special education program provided must be individualized. For example, if a child has a behavioral goal or a behavior intervention plan, it would be improper under IDEA for the facility to say, "We use the same behavior system for all children. All children start at Level I and must earn their way through successive levels by accumulating 'points.'" This would not be individualized, child-specific ("specially designed") instruction, as required by IDEA.

7. Question: When the child is placed by the courts or DHS, is the resident district or AEA responsible for the non-educational costs?

Answer. No. The resident LEA and AEA are not responsible to the facility for non-educational costs, such as room, board, treatment, and transportation. The resident district and AEA are only financially responsible for instruction and services that are required to provide a FAPE. For example, if the facility provides year-round or summer programming, the resident district is only responsible for that programming if the child's IEP team determines ESY services are required. As another example, if the facility bills a school district for counseling and social work services, the district is responsible for such services only to the extent and for the period that the child's IEP team determines those services to be required to provide a FAPE, prior to the services being provided. IEP team determinations are not retroactive.

8. Question: Sometimes other public agencies assist parents in voluntary placements. Are these parental placements or court/DHS placements?

Answer: These are parental placements. The requirements for the resident district to pay the actual costs for the special education program only apply when the other public agency (e.g., court, DHS) requires the child to attend another placement; they do not apply when another agency assists a parent in obtaining a voluntary out-of-district placement. In cases where the other agency assists the parent in obtaining an out-of-district placement, the placements are treated as unilateral parent placements, as described in Parts II and III, for which LEA and AEA financial responsibility is extremely limited, also as described above. The following are examples of other agencies assisting a parent in obtaining an out-of-district placement. All are, as a matter of law, unilateral parent placements. • A DHS employee assists the parent in completing an application for admission to an out-of-state placement. • DHS provides Medicaid coverage for the placement. • DHS grants an “exception to policy,” allowing Title XIX funds to be spent at an out-of-state facility. • A child’s targeted case manager approves or assists with placement at an out-of-state facility. • A physician recommends a facility or school.

9. Question: If the parental placement is at a facility that is equivalent to an Iowa PMIC, does that make the resident district obligated to cover the costs of the special education instructional program?

Answer: No. If a child is placed at an out-of-state facility that is similar or equivalent to an Iowa PMIC, or licensed under a similar law in that other state, the AEA and LEA pay educational costs only if required by other items in this guidance document. For example, a voluntary parent placement at an out-of-state facility similar to a PMIC is the responsibility of the LEA and AEA if, and only if, the parent proved under Part III that the LEA and AEA did not offer a FAPE and the out-of-state PMIC placement is proper.

10. Question: How is the resident district determined when the child is residing in a group home or similar living arrangement?

Answer: Iowa’s special education rules have a special definition of “district of residence” for children with disabilities who reside in group homes and other group living arrangements (i.e., intermediate care facilities, residential care facilities, or other similar facilities). For these situations, the district of residence is the district in which the child’s parents reside. IAC 281—41.51(12)“c”. If a child with a disability resides in a group home in a district, the district where the group home is located provides the instructional services called for in the IEP and bills the district of residence (district of parent residence, see Part X.A, above) for the actual costs of the child’s special education instructional program. The AEA provides special education support services.

If a group home placement is also a foster care placement or a placement for substance abuse treatment, use the Iowa Code and Iowa Administrative Rules applicable to those types of placement to determine district of residence. For a student with an IEP, the district of residence is the district in which the child’s parents reside. However, for a student without an IEP, the district of location serves as the district of resident for counting purposes and recovers costs through the regular education foster care claim process.

11. Question: If the resident district is not in Iowa when the child is residing in a group home, who is responsible for paying the costs?

Answer: If a child with a disability resides in an Iowa group home and the child’s parents reside out of state, the child is not an Iowa resident. The parents are responsible to pay for tuition to receive instructional services from the district of location (unless the out-of-state district agrees to pay tuition or is required to pay tuition under that other state’s law). The AEA provides special education support services.

Out-of-State Placements

1. Question: When a resident student without an IEP is placed out of state, is the Iowa resident district responsible for the tuition?

Answer: No. Iowa school districts do not have authority to place students out of state. The educational costs for placements by parents, DHS or the courts are paid from the fees the facility charges to the placing person or entity.

Although Iowa has an interstate agreement with Minnesota and South Dakota that applies to districts on the border between Iowa and the adjoining state, those agreements do not allow for residential placement, and very specific criteria applies such as the school of attendance in Minnesota/South Dakota must be closer to the student's home than any school of attendance available in the state of Iowa.

2. Question: DHS placed a regular education student out of state, can the resident district be billed for tuition?

Answer: No. If the student does not have an IEP, the Iowa district will NEVER pay the costs of education. It is included in the fee the facility has negotiated with DHS under the interstate compact agreement.

3. Question: If a regular education student is obtaining medical treatment outside the state of Iowa, is the resident district responsible for contracting for a tutor during that student's hospital stay?

Answer: No. Even though it is for the purposes of medical treatment, it is a parental placement. The parent is responsible for paying a tutor if that is the method the parent chooses for the child to continue his/her educational program. As alternatives, the parents could homeschool their students during this time period, could obtain the homework from the school and work with their child, or the district could continue the student's program through correspondence or electronic media.

Border Agreements

1. Question: May a district tuition general education students outside Iowa?

Answer: Generally no, boards are not authorized to place, assign, or tuition Iowa general education students outside of Iowa. These students can be served out of state under the following limited exceptions:

- **Exception 1:** An Iowa court or DHS places a general education student outside the state of Iowa. The placing entity pays a negotiated fee to the out-of-state facility to cover basic services and specific treatment per their contract. The public school district has no part in these placements and no cost. No Iowa school district is responsible for any tuition or other costs for a child placed in this manner and cannot voluntarily pay from public funds for these costs that are not its legal responsibility.
- **Exception 2:** The Iowa Department of Education and the adjoining state have negotiated a state-level agreement for this purpose. Iowa school districts near the state boundaries may designate schools of equivalent status across the state line for attendance of students (both general education and special education) when the public school in the adjoining state is closer to the student's home than any appropriate public school attendance center in the Iowa district. Under this exception, an Iowa public school district cannot place students in educational programs outside of Iowa unless both conditions exist: 1) state-level agreement, and 2) the out-of-state public school attendance center is closer to the student's home than any appropriate attendance center in the Iowa public school district. The Iowa Department of Education has negotiated agreements with only two bordering states—South Dakota and Minnesota. Under Exception 2, if an Iowa resident student elects to attend a district in an adjoining state with a border agreement, the student will have forfeited his or her ability to participate in courses offered under Senior Year Plus (Iowa Code chapter 261E). Likewise, students from a bordering state who elect to attend an Iowa school are not Iowa residents and cannot enroll in postsecondary enrollment options (PSEO) courses or receive college credit under concurrent enrollment. Because concurrent enrollment courses are district offerings, an out-of-state student may enroll in the course, but

must do so directly with the community college. Payment of tuition is the responsibility of the parent and not a district responsibility.

Links to Other Documents with Tuition/Student Fee Questions

[PPEL FAQ \(technology\)](#)

[Student Activity Fund FAQ](#)

[Special Education Financial Guidance](#)

[Fee Waiver Administrative Rules](#)

Appendix A, Allowable Student Fees Chart

All fees are accounted for in the General Fund

ITEM	FEE ALLOWED?	RATIONALE	SUBJECT TO FEE WAIVER?
Textbooks, including electronic textbooks, and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process	Yes	Authorized by Iowa Code section 301.1 as textbooks	Yes
Software used for instruction	Yes	Authorized by Iowa Code section 301.1 as textbooks	Yes
Worksheets	Yes	Authorized by Iowa Code section 301.1 as textbooks	Yes
Student planners	Yes	Authorized by Iowa Code section 301.1 as school supply	Yes
Towel fee	Yes	Authorized by Iowa Code section 301.1 as school supply	Yes
Nonresident tuition	Yes	Required by Iowa Code section 282.1	No
Rental of musical instrument	Yes	Authorized by Iowa Code section 301.1 as school supply	Yes
Chemicals, apparatus used by every student in chemistry class Wood in wood shop Foods in food class Cloth, sewing supplies in sewing class	No	Prohibited by Iowa Code section 282.6 and OAG # 79-12-22 as "tuition"	N/A
Difference between the basic raw material (see row directly above) and a student's voluntarily chosen upgrade (e.g., pine wood upgraded to walnut or basic cotton fabric upgraded to finer grade of fabric)	Yes	Authorized by Iowa Code section 301.1 as school supply (this is a voluntary sale of materials rather than an actual fee)	No

ITEM	FEE ALLOWED?	RATIONALE	SUBJECT TO FEE WAIVER?
Eye protective device	Yes	Authorized by Iowa Code section 280.10	Yes
Ear protective device	Yes	Authorized by Iowa Code section 280.11	Yes
Driver education course	Yes	Authorized by Iowa Code section 282.6	Yes
Summer school courses	Yes	Authorized by Iowa Code section 282.6	Yes
Discretionary transportation of pupils to and from school (less than two miles from elementary or middle school or less than 3 miles from high school)	Yes	Authorized by Iowa Code section 285.1(1)	No
Transportation for extracurricular events for participants	No	Prohibited by Iowa Code section 285.10(9)	N/A
Class dues	Yes	As long as dues are voluntary (voluntary dues are not fees)	N/A
Athletic participation fee	No	Prohibited by OAG	N/A
Athletic safety equipment	No	Essential to sport offered by district student activity fund program	N/A
Classroom celebration fee	No	No Iowa Code authority	N/A
Any cost associated with class field trips (e.g., admission, transportation)	No	Prohibited by Iowa Code section 282.6 as "tuition" assuming the field trip is during a day that is counted by the district as a day of instruction; even if alternative activities are offered	N/A
Line fees for bowling as part of physical education cost	No	Prohibited by Iowa Code section 282.6 as "tuition"	N/A
Cheer, dance, choir uniforms/costumes	No	If required, they are essential to the student activity program	N/A

ITEM	FEE ALLOWED?	RATIONALE	SUBJECT TO FEE WAIVER?
Insurance fee for technology	No	No Iowa Code authority; insurance is a district responsibility	N/A
Fee for technology purchased from the General Fund	Yes	Authorized by Iowa Code section 301.1 as a textbook substitute	Yes
Fee for technology purchased from PPEL or SAVE	No	No Iowa Code authority; all fees must be General Fund items	N/A
Parking fee	No	No Iowa Code authority; Legislature struck from proposed bill which created 279.8A	N/A
Flowers, balloon drop, other decorations, security – all associated with graduation ceremony	No	No authorization exists and there is no means by which this can be made voluntary for individual students	N/A
Locker, lock fees	No	Prohibited by Iowa Code section 282.6 as “tuition” (part of facility)	N/A

ITEMS FOR SALE AS VOLUNTARY PURCHASES TO STUDENTS	CHARGE ALLOWED FOR NO MORE THAN ACTUAL COST?	RATIONALE (Voluntary Sales Not Fees)	
Yearbook, memory book, school newspaper	Yes	As long as the purchase is voluntary	No
Class ring	Yes	As long as the purchase is voluntary	No
Dance tickets	Yes	As long as the purchase is voluntary	No
Activity tickets	Yes	As long as the purchase is voluntary	No
Graduation cap, gown, tassel	Yes	As long as the purchase is voluntary	No
Diploma	No	If earned, the district must provide a diploma and there is no authorization by which to charge a fee for doing so	N/A
Diploma cover (not the diploma itself)	Yes	As long as the purchase is voluntary	No

MISCELLANEOUS ITEMS FOR WHICH A CHARGE IS ALLOWED	CHARGE ALLOWED FOR NO MORE THAN ACTUAL COST?	RATIONALE (Cost Reimbursements Not Fees)	
Not sufficient funds check charges district paid	Yes	Reimbursement for actual cost	No
Duplicate student IDs	Yes	Reimbursement for actual cost	No
Fines for lost, damaged, or unreturned textbooks	Yes	Authorized by Iowa Code section 301.26	No
Late fee for parents who do not attend registration days and register later	No	No Iowa Code authority	N/A
Vandalism	Yes	Actual cost for what district insurance does not cover; generally the insurance company will handle recovery and not the district	No
Punitive damages	No	No Iowa Code authority; no actual cost involved	N/A
Rental of district equipment or facilities outside of school or school activities	Yes	Authorized by Iowa Code section 297.22	No