



House File 847 and Changes to Athletic Eligibility

Introduction

[House \(HF\) File 847](#) made several changes to the law governing a student’s eligibility to compete in varsity athletics after transferring between schools or school districts. Iowa Administrative Code rule 281-36.15(1) prohibits a school or school district from allowing a student to compete until it has “reasonably reliable proof” that the student is eligible, which now includes the following HF 847 changes to eligibility:

- [Change to the General Transfer Rule](#),
- [Changes to the Open Enrollment Transfer Rule](#),
- [Additional Exception to the Transfer Rules for the 2020-21 and 2021-22 School Years](#), and
- [Academic Ineligibility and the Open Enrollment Transfer Rule](#).

Change to the General Transfer Rule

Unless an exception applies, the General Transfer Rule (Iowa Admin. Code r. 281-36.15(3)) prohibits a student athlete from participating in varsity athletics for 90 school days (not including summer school) after transferring from one [Iowa High School Athletic Association](#) (IHSAA) or [Iowa Girls’ High School Athletic Union](#) (IGHSAU) member or associate member school or school district to another. Section 12 of HF 847 added the following exception:

If the child’s former school or school district, if located in this state, was unable to participate in varsity interscholastic sports as the result of a decision or implementation of a decision of the school board or superintendent (Iowa Code § 256.46(1)”i,” as amended by HF 847).

Applicability and Effective Date

If this exception is met, a transferring student is immediately eligible. This exception, like every exception to the General Transfer Rule, applies to transfers between any member school (public-to-public, public-to-nonpublic, nonpublic-to-public, and nonpublic-to-nonpublic). This provision is immediately and retroactively effective on July 1, 2020.

Examples

Table 1. Examples 1-4: General Transfer Rule

Example	Description	Meets Exception
Example 1	A member school discontinued all fall sports because of budget cuts adopted by the school board. A student transferred to another member school.	Yes, the exception is met.
Example 2	A member school discontinued a particular sport because of budget cuts adopted by the school board. While particular students may not be able to participate in their chosen sport, the school community as a whole remained able to participate in interscholastic athletics.	No, the exception is not met.

Example	Description	Meets Exception
Example 3	A member school is unable to field sports teams because of lack of student interest, resulting in the cancellation of all sports. This is not a decision or implementation of a decision by school officials; rather, the decision was, in effect, made by the students themselves.	No, the exception is not met.
Example 4	A high school in a neighboring state discontinued all sports. A student enrolls in an Iowa school. Because the former school is not an Iowa school, the exception is not met.	No, the exception is not met.

Changes to the Open Enrollment Transfer Rule

Under Iowa Administrative Code rule 281-36.15(4), a student athlete who open enrolls under Iowa Code section 282.18 from one school district to another is ineligible for varsity competition for 90 school days (summer school not included) unless an exception applies. Section 18 of HF 847 added the following four exceptions:

NEW SUBPARAGRAPH. (8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause under subsection 4, paragraph “b”.

NEW SUBPARAGRAPH. (9) If the board of directors or superintendent of the district of residence issues or implements a decision that results in the discontinuance or suspension of varsity interscholastic sports activities in the district of residence.

NEW SUBPARAGRAPH. (10) If the board of directors of the district of residence and the board of directors of the receiving district both agree to waive the ineligibility period.

NEW SUBPARAGRAPH. (11) For open enrollment applications approved for the school year beginning July 1, 2021, if the pupil’s district of residence had a voluntary diversity plan in effect on January 1, 2021, and applicable to the school year beginning July 1, 2021. (Iowa Code § 282.18(11)“a,” as amended by HF 847)

If the elements of any of these exceptions are met, an athlete transferring under open enrollment is immediately eligible.

Good Cause

Iowa Code section 282.18(4)“b,” as amended by HF 847, provides:

(1) “*Good cause*” means:

- A change in a child’s residence due to a change in family residence;
- A change in a child’s residence from the residence of one parent or guardian to the residence of a different parent or guardian;
- A change in the state in which the family residence is located;
- A change in a child’s parents’ marital status;
- A guardianship or custody proceeding;
- Placement in foster care;
- Adoption;
- Participation in a foreign exchange program;
- Initial placement of a prekindergarten student in a special education program requiring specially designed instruction;
- Participation in a substance abuse or mental health treatment program;
- A change in the status of a child’s resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school;
- Revocation of a charter school contract as provided in section 256F.8;

- The failure of negotiations for a whole grade sharing, reorganization, dissolution agreement, the rejection of a current whole grade sharing agreement, or reorganization plan; or
- If the child’s assigned attendance center in the district of residence is identified as in significant need for improvement.

If the good cause relates to a change in status of a child’s school district of residence, however, action by a parent or guardian must be taken to file the notification within 45 days of the last board action or within 30 days of the certification of the election, whichever is applicable to the circumstances.

(2) “*Significant need for improvement*” means a school attendance center designated by the department of education under the priority category under the Iowa school performance profiles for two or more of the immediately preceding school years or identified for comprehensive support and improvement under the federal Every Student Succeeds Act, Pub. L. No. 114-95, or an equivalent objective federal standard, for two or more of the immediately preceding school years.

Applicability and Effective Date

These exceptions, like every exception to the Open Enrollment Transfer Rule, apply only to transfers between two public school districts under open enrollment. They do not apply to transfers to, from, or between nonpublic schools. Note that new subparagraph 9 is parallel to the changes to the previous General Transfer Rule and is immediately and retroactively effective on July 1, 2020. New subparagraph 10 was effective upon enactment (May 20, 2021).

Examples

Table 2. Examples 5-11: Open Enrollment Transfer Rule

Example	Description	Meets Exception
Example 5	The Iowa Department of Education (Department) identified a high school as “in significant need for improvement.” A student at that high school submitted an application for open enrollment to another public school district.	Yes, the exception in subparagraph 8 is met.
Example 6	The Department identified a high school as in significant need for improvement. A student at that high school transferred to a nonpublic school. Not being an open enrollment transfer, the exception in subparagraph 8 is met.	Yes, the exception in subparagraph 8 is met.
Example 7	A student open enrolls under section 282.18. Both the sending and receiving school boards agree that the student is immediately eligible for varsity athletic competition at the receiving school. No special waiver is necessary. No approval from the IHSAA, the IGHSAU, or the Department is necessary. Whether or how to grant this exception is a matter of local school board governance. No particular policy, form, or procedure is required.	Yes, the exception in subparagraph 10 is met.
Example 8	A student open enrolls under section 282.18. Both the sending and receiving school boards agree that the student is immediately eligible for varsity athletic competition at the receiving school. A school from the receiving school’s athletic conference protests. A competitor school has no standing to object to relief granted under this subsection, which is solely made by the sending and receiving school districts.	Yes, the exception in subparagraph 10 is met.

Example	Description	Meets Exception
Example 9	A student open enrolls under section 282.18. Both the sending and receiving school boards do not agree that the student is immediately eligible for varsity athletic competition at the receiving school.	No, the exception in subparagraph 10 is not met.
Example 10	A student open enrolls from a district that had a voluntary diversity plan at the beginning of the 2020-2021 school year to another school district.	Yes, the exception in subparagraph 11 is met.
Example 11	A student transfers from a district that had a voluntary diversity plan at the beginning of the 2020-2021 school year to a nonpublic school.	No, the exception in subparagraph 11 is not met.

Additional Exception to the Transfer Rules for the 2020-2021 and 2021-2022 School Years

Section 20 of HF 847 provided the following relief to student athletes for the 2020-2021 and 2021-2022 school years:

In addition to the circumstances enumerated under section 256.46, subsection 1, and section 282.18, subsection 11, for which the ineligibility period for extracurricular interscholastic contests or competitions shall not apply, and notwithstanding any provision of law or rule of the state board of education to the contrary, for determinations of eligibility for the school year beginning July 1, 2020, and the school year beginning July 1, 2021, a child may participate immediately in varsity interscholastic contests or competitions upon enrollment in a school or school district, if the child was previously enrolled in the school or school district on the first day of the school calendar for the school year beginning July 1, 2020, then enrolls in a different school or school district for a portion of the school year beginning July 1, 2020, and then, before July 1, 2021, reenrolls in the school or school district in which the child was initially enrolled.

In other words, in addition to the exceptions mentioned in the previous sections, a student is immediately eligible to participate in varsity sports if the student:

- Was enrolled in District A on the first day of the 2020-2021 school year,
- Enrolled in District B for a portion of the 2020-2021 school year, and
- Then re-enrolled in District A prior to July 1, 2021.

Applicability and Effective Date

While this provision is primarily motivated by varying reactions to the COVID-19 pandemic, it is not limited to transfers motivated by COVID-19. It is immediately and retroactively effective on July 1, 2020.

Examples

Table 3. Examples 12 and 13: Additional Exception to Transfer Rules

Example	Description	Eligibility
Example 12	A student was enrolled in a nonpublic school on the first day of the nonpublic school's 2020-2021 calendar, transfers to a public school in February 2021, and reenrolls in the nonpublic school before July 1, 2021.	The student is immediately eligible.

Example	Description	Eligibility
Example 13	A student transferred from a public school to a nonpublic school before the first day of the public school's 2020-2021 school year. After the close of the school year, the student seeks to transfer back to the public school before July 1, 2021.	The student is not immediately eligible.

Academic Ineligibility and the Open Enrollment Transfer Rule

Section 19 of HF 847 provided the following clarification regarding the interaction between transfer eligibility under the Open Enrollment Transfer Rule and academic eligibility.

NEW PARAGRAPH. 0c. If a pupil is declared ineligible for interscholastic athletic contests and athletic competitions in the pupil's district of residence due to the pupil's academic performance, upon participating in open enrollment, in addition to any other period of ineligibility under this subsection, the pupil shall be ineligible in the receiving district for the remaining period of ineligibility declared by the district of residence. (Iowa Code § 282.18(11), as amended by HF 847)

Simply stated, a student cannot avoid the effects of poor academic performance by transferring to another school through open enrollment.

Example

Table 4. Example 14: Academic Ineligibility and the Open Enrollment Transfer Rule

Example	Description	Eligibility
Example 14	A student is academically ineligible for varsity athletic competition for 30 calendar days. Before the expiration of the ineligibility period, the student open enrolls to another district under circumstances where the student otherwise would be immediately eligible under the Open Enrollment Transfer Rule.	The student is not eligible until the conclusion of the 30 day ineligibility period.

Summary

An open enrolled student is immediately eligible to compete in varsity athletics if one of the following applies:

- The open enrollment meets the definition of good cause;
- The board of directors or superintendent of the resident district issues or implements a decision that suspends the discontinuation or suspension of varsity interscholastic sports activities in the district of residence;
- The board of directors of the resident and receiving district agree to waive ineligibility;
- The student is from a district with a voluntary diversity plan (Davenport, Des Moines, Postville, Waterloo, and West Liberty only) and is approved for open enrollment for the 2021-2022 school year (this is only valid for the 2021-2022 school year); or
- During the 2020-21 school year, a student was enrolled in District A on the first day of school, enrolled in District B for a portion of the school year, and then re-enrolled in District A prior to July 1, 2021.

Upcoming Rule Making

At its June 2021 meeting, the State Board of Education gave notice of its intent to amend administrative rules on athletic eligibility and open enrollment in response to HF 847. There will be a public hearing on July 20, 2021. The public may make comments until that date. For more information, see the [Iowa State Board of Education agenda for its June 2021 meeting](#) or rules.iowa.gov.

Additional Guidance and Questions

For additional guidance, see the Department's [Open Enrollment webpage](#). For open enrollment questions, please contact Sara Nickel (sara.nickel@iowa.gov or 515-281-3778) or Marietta Rives (marietta.rives@iowa.gov or 515-281-6038).

For more information on athletic eligibility, see the [Iowa High School Athletic Association](#) and the [Iowa Girls' High School Athletic Union](#) websites.