

## Currently Open Enrolled Student Applications to an Alternate Receiving District

If a current open enrolled student would like to open enroll to a new school district, the parent or guardian:

- Files a new application with:
  - The district the student is currently attending and open enrolled into (receiving district),
  - The resident district, and
  - The district the student wants to attend (alternate receiving district) by the March 1 (or September 1) deadline.
- Indicates on the application that the child is currently open enrolled and would like to open enroll to a new school district.

The new district (alternate receiving district) will notify the parent or guardian, original district of residence, and previous receiving district of acceptance or denial (Iowa Admin. Code r. 281—17.8(4)).

## "Good Cause" Exemptions to Deadlines

The following circumstances are considered good cause and are acceptable conditions for a timeline waiver if the change occurred or began after March 1 (or September 1):

- Good cause related to change in the pupil's residence includes:
  - Change in the family district of residence.
  - Change in child's residence from one parent or guardian to the residence of a different parent or guardian.
  - Change in the state in which the family residence is located.
  - Change in the marital status of the student's parents that results in a change in the resident district.
  - Change in guardianship or custody proceeding that results in a change in the resident district.
  - Placement of the child in foster care that results in a change of residence.
  - Adoption.
  - Participation in a foreign exchange program.
  - Initial placement of a preschool student in a special education program requiring SDI.
  - Participation in a substance abuse or mental health treatment program that results in a change of residence (Iowa Admin. Code r. 281—17.4(1)).
- Good cause related to change in status of the pupil's resident district or nonpublic school of attendance includes:
  - Reorganization action, such as failure of district negotiations for reorganization or rejection of a proposed reorganization plan after March 1.\*
  - Dissolution action, such as failure of district negotiations for a dissolution agreement after March 1.\*
  - Whole grade sharing action, such as failure of district negotiations for whole grade sharing or the rejection of a whole grade sharing agreement after March 1.\*
  - Loss of accreditation, such as removal of accreditation by the State Board, surrender of accreditation, or permanent closure of a private school after March 1.\*
  - Revocation of a charter school contract after March 1 as provided in section 256F.8.\*
  - Child's school building is identified in need of significant need for improvement as defined by:
    - The Iowa School Performance Profiles under the priority category for two or more of the immediately preceding school years or
    - The federal Every Student Succeeds Act as in need of comprehensive support and improvement (or an equivalent objective federal standard) for two or more immediately preceding school years (Iowa Admin. Code r. 281—17.4(2)).\*

*\*The request must be filed within 45 days of last board action or within 30 days of certification of an election, whichever is applicable. This requirement is only applicable to affected students.*



Circumstances not previously defined that would be considered good cause (and subject to the approval of the school boards of the resident and receiving districts) include:

- Repeated student harassment that the resident district cannot adequately address (see #14),
- The child has a serious health condition that a school district cannot adequately address (see #15), or
- A school district's consistent failure to reasonably respond to a student's failure to meet basic academic standards after providing a notice to the parent or guardian<sup>2</sup> (see #16; Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, HF 847).

## Appeal Process

As a general rule, appeals of open enrollment decisions should be filed as an original court action in [Iowa District Court](#). Iowa District Court appeals should be filed in district court in the county in which the primary business office of the resident district is located (Iowa Admin. Code r. 281—17.8(9)).

### Appeals Regarding Repeated Harassment, a Serious Health Condition, or District Failure to Respond to Student Academic Failure

Appeals should only be filed with the Department for State Board action if the application has already been denied by the local board of directors and involves one of the following:

- Claims of repeated student harassment that the resident district cannot adequately address.
- The child has a serious health condition that the resident district cannot adequately address.
- A district's consistent failure to respond to a student's failure to meet basic academic standards after a notice was provided to the parent or guardian (Iowa Code § 282.18(5), as amended by 2021 Iowa Acts, HF 847).

In these three circumstances, a parent or guardian may file an appeal with the Department (for State Board action) within 30 days of the board decision (Iowa Admin. Code r. 281—17.5(2)). The appeal should be addressed to:

Administrative Law Judge  
Iowa Department of Education  
Grimes State Office Building  
400 East 14th Street  
Des Moines, Iowa 50319-0146

The letter of appeal must be postmarked within 30 days of the board's decision. The appeal letter must contain the following information:

- Name, address, and daytime phone number of the person appealing
- Name and grade level of the child(ren) involved in the appeal (e.g., in case of expulsion, open enrollment, suspension)
- Name of the school district making the board decision that is being appealed
- Date the local board decision was made
- A brief statement of reasons why the decision is being appealed
- Notarized signature of the person appealing the decision
- Other information may be included (if desired)

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<sup>2</sup> Note: The State Board will establish rules to implement this provision.