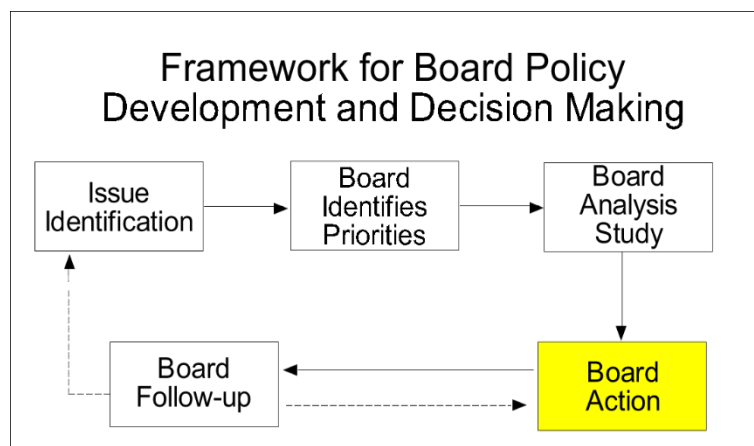


Iowa State Board of Education

Executive Summary

November 14, 2018



Agenda Item: Rules: 281 IAC Chapter 17 – Open Enrollment (Notice)

State Board Priority: Implementing Iowa’s Academic Standards

State Board Role/Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under Chapter 17A.

Presenter(s): Nicole Proesch, Legal Counsel and Administrative Rules Coordinator
Office of the Director

Thomas Mayes, Attorney
Division of Learning and Results

Attachment(s): One

Recommendation: It is recommended that the State Board give public notice of its intent to amend Chapter 17.

Background: In 2018 Senate Files 475 and 2415 changes were made to Iowa Code section 281.18 allowing individual pupils who participate in open enrollment to online education to be allowed to participate in up to two co-curricular or extracurricular activities at their resident district. The changes allow districts to deduct up to \$200 per activity off of the open enrollment tuition out. The proposed amended rules implement Senate Files 475 and 2415.

EDUCATION DEPARTMENT[281]

DRAFT ONLY: Dates herein may not comply with Schedule for Rule Making.

Notice of Intended Action

Proposing rule making related to _____ and providing an opportunity for public comment.

The Education Department hereby proposes to amend Chapter 17, "Open Enrollment," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7.

State or Federal Law Implemented

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

Purpose and Summary

In 2018 Senate Files 475 and 2415 changes were made to Iowa Code section 282.18 allowing individual pupils who participate in open enrollment to online education to be allowed to participate in up to two co-curricular or extracurricular activities at their resident district. The changes allow districts to deduct up to \$200.00 per activity off of the open enrollment tuition out. The proposed amended rules implement Senate Files 475 and 2415.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

An agencywide rule waiver is provided for in 281-Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the State Board no later than 4:30 p.m. on January 8, 2019. Comments should be directed to:

Nicole Proesch
Department of Education
Phone: 515.281.8661
Email: nicole.proesch@iowa.gov

Public Hearing

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

January 8, 2019
11 a.m. - 12 p.m.

State Board Room, Second Floor
Grimes State Office Building
Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Item 1. Amend rule **281—17.8(282)**, subsection 2, first unnumbered paragraph, first sentence, as follows.

17.8(2) *Restrictions on participation in interscholastic athletic contests and competitions.* Subject to rule 281—17.15, a ~~A~~ pupil who changes school districts under open enrollment in any of the grades 9 through 12 shall not be eligible to participate in varsity interscholastic athletic contests and competitions during the first 90 school days of enrollment.

Item 2. Amend rule **281—17.10(282)** by adding the following new subsection 17.10(9)

17.10(9) *Open enrollment pursuant to rule 281—17.15(282).* If a pupil participates in cocurricular or extracurricular activities in accordance with subrule 281—17.15(2), the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in this rule. For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

Item 3. Adopt the following new rule **281—17.15(282)**

281—17.15(282) Open enrollment and online coursework.

17.15(1) General. A school district may provide courses developed by private providers and delivered primarily over the internet to pupils who are participating in open enrollment under section 282.18. However, if a student's participation in open enrollment to receive educational instruction and course content delivered primarily over the internet results in the termination of enrollment in the receiving district, the receiving district shall, within thirty days of the termination, notify the district of residence of the termination and the date of the termination.

17.15(2) Participation in activities in resident district. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with section 256.7, subsection 32, may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student's participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.