



IOWA DEPARTMENT OF EDUCATION

# Whole Grade Sharing Handbook

December 2015

## STATE BOARD OF EDUCATION

State of Iowa  
Department of Education  
Grimes State Office Building  
400 E. 14<sup>th</sup> Street  
Des Moines, IA 50319-0146

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## Frequently Asked Questions

### Description

#### Question 1

##### Answer

#### **What is whole grade sharing?**

Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to Iowa Code sections 256.13, 280.15, or 282.7(1). Whole grade sharing may either be one-way or two-way sharing (*Iowa Code § 282.10*). Whole grade sharing exists even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12 (*281 IAC 97.2(8)*).

Only entire grades may be discontinued and if discontinued, all higher grades in that district shall also be discontinued (*Iowa Code § 282.7(1)*). Students are tuitioned out in these discontinued grades and effectively are whole grade shared from the district that discontinued grades to all receiving districts. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole grade sharing the resident students in those discontinued grades (*281 IAC 97.2(8)*).

#### Question 2

##### Answer

#### **What is one-way or two-way whole grade sharing?**

One-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and does not receive a substantial number of pupils from those districts in return.

Two-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and receives a substantial number of pupils from at least one of those school districts in return (*Iowa Code § 282.10*).

If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school district of attendance of pupils (*Iowa Code § 282.7(1)*).

If a district wishes to whole grade share with a district that is not contiguous, then all districts between the two sharing districts must also participate in the whole grade sharing agreement.

#### Question 3

##### Answer

#### **May a district give all students a choice of going to whichever partner district each student will attend?**

No. When a district discontinues any grade level and sends students to more than one partner district, the district is required by Iowa Code section 282.7(1) to draw boundary lines within the district to determine the school district of attendance for students that live within those boundary lines.

**Question 4**      **May a district simply discontinue grades and let the students attend any district that will accept them?**

**Answer**            No. Iowa law does not permit any district to continue in existence if it offers less than kindergarten and twelve grades. It can meet its requirement through whole grade sharing or jointly administered programs with other Iowa school districts. Therefore, it is the responsibility of the district to enter into agreements directly with one or more contiguous school districts for the attendance of its students in any discontinued grade.

**Question 5**      **What is the impact on funding if a district did not properly enter into a written whole grade sharing agreement, but did discontinue grades and sent students to another school district?**

**Answer**            Tuition can only be negotiated under a whole grade sharing agreement. Of course, open enrollment tuition is not negotiable under a whole grade sharing agreement and must be the amount set by Code for open enrollment tuition. Without a valid written whole grade sharing agreement, tuition, other than open enrollment, shall be the maximum tuition rate established under Iowa Code section 282.24 and shall not be negotiated to any other amount.

**Question 6**      **Who are affected students?**

**Answer**            Affected students are those who are under the whole grade sharing agreement and are attending or scheduled to attend the school district specified in the agreement, other than the district of residence, during the term of the agreement (*Iowa Code § 282.11*).

**Question 7**      **When must a whole grade sharing agreement be signed?**

**Answer**            A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement no later than February 1 of the school year preceding the school year for which the agreement is to take effect (*Iowa Code § 282.10*).

**Question 8**      **To meet the February 1 deadline, when must a district begin the process?**

**Answer**            A minimum of 90 days prior to signing an agreement the districts involved shall publicly announce their intent to negotiate a sharing agreement. Therefore, to meet the February 1 deadline, the districts involved should publicly announce their intentions by the end of October (*Iowa Code § 282.11*).

**Question 9**      **If the public does not believe the whole grade sharing agreement will be feasible, what is the recourse?**

**Answer**            Within 30 days of the board's public notice, a petition, signed by at least 20 percent of the eligible electors in the district, may be filed by any of the signers with the Department of Education (Department) requesting a feasibility study be completed (*Iowa Code §282.11(2)*).

**Question 10** Will the Department conduct a study to help with the districts' decision?

**Answer** Possibly. The Department will either (1) direct the AEA to conduct the feasibility study (*Iowa Code § 256.9(34)*), (2) determine that a study conducted by the district satisfies the request for a feasibility study, or (3) conduct a feasibility study utilizing Department staff. A study will be tailored to meet the needs of the district. The study may involve onsite interviews with teachers, administration, school board members, support staff, students, and community members; and a review of course offerings, finances, enrollment, and student achievement. A district is not required to take any action after receiving the report except for board review. The report, once received by the district board, is public information and must be made available upon request.

**Question 11** Will the community have an opportunity to provide input on the decision to whole grade share?

**Answer** Yes. Thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement (*Iowa Code § 282.11(3)*).

**Question 12** Which district awards the diploma for graduates when a districts enter into a whole grade sharing agreement?

**Answer** Pupils who graduate from a school district under a sharing agreement shall receive a diploma from the receiving district (*Iowa Code § 282.7(1)*). The diploma may include a statement noting the student, a resident of "x" district, attended "y" district pursuant to a whole grade sharing agreement.

**Question 13** Do the districts maintain their own school boards after entering into a whole grade sharing agreement?

**Answer** Yes. When a district begins whole grade sharing it still is considered a district and will maintain its own board. The district is also responsible to fulfill all state and federal requirements applicable to all Iowa school districts.

**Question 14** What happens to staff when a whole grade sharing agreement is signed?

**Answer** Individuals who were terminated as a result of the whole grade sharing agreement shall be notified when a new position exists and that they may apply for the new position. The board shall offer the new position to an applicant from among those who were terminated as a result of the agreement if the applicant is licensed for the new position or, in the case of unlicensed personnel, is otherwise qualified. If two or more individuals from among those terminated as a result of the agreement apply for a single position, the applicant who is best qualified, in the opinion of the board, shall be offered the new position (*Iowa Code § 280.15(1)*).

**Question 15**    **How long is a district obligated to hire employees that were terminated due to a whole grade sharing agreement?**

**Answer**        The board is not required to offer a new position to applicants who were among those who were terminated as a result of the agreement beyond two school years (*Iowa Code § 280.15(1)*).

**Question 16**    **Will employees lose the benefits they have accrued if they are terminated by one school district due to a whole grade sharing agreement, but are hired by a partner district with which the whole grade sharing agreement has been signed?**

**Answer**        An employee who accrued benefits before a whole grade sharing agreement that resulted in the employee's termination shall not, as a result of reemployment under Iowa Code section 280.15(1), forfeit accrued vacation, accrued sick leave, longevity, completion of probationary status as defined by Iowa Code section 279.19, or salary or placement on a salary schedule based upon the employee's years of experience (*Iowa Code § 280.15(1)*).

**Question 17**    **Who provides transportation for students affected by a whole grade sharing agreement?**

**Answer**        The resident district is responsible for providing the transportation. However, this may be negotiated in the agreement.

**Question 18**    **Are districts currently involved in a whole grade sharing agreement required to follow the same timelines as a new agreement when negotiating an extension, expansion, adjustment, or renewal to an existing agreement?**

**Answer**        Yes. The law requires districts to follow the timelines when negotiating, extending, and/or renewing a whole grade sharing agreement (*Iowa Code § 282.11*). The timeline would also apply to negotiating adjustments to or expansion of the agreement.

## Funding

**Question 19**    **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 district cost per pupil 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 pupils 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 § 282.12*).

The Department does not collect whole grade sharing costing information or methodologies used by sharing districts.

**Question 20** **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 §§ 282.12 and 280.15*).

**Question 21** **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.

- ◆ 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 Language Instruction for Limited English Proficient and Immigrant Students

**Question 22** **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 the Code or administrative rules. There are only two such situations. Those are discussed in the next two questions.

**Question 23** **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 § 282.10(4)*).

Contact [Carla Schimelfenig](#) with questions concerning financial implications of whole grade sharing.

**Question 24** **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).

**Question 25** **Is supplementary weighting available for whole grade sharing?**

**Answer** Yes, but only if the board of each partner district adopts a board resolution jointly with all affected boards to study reorganization to take effect on or before July 1, 2019. Without the joint board resolution to study reorganization, no students in that grade level are eligible for any supplementary weighting plan other than eligible concurrent enrollment.

The opportunity to include whole grade sharing for supplementary weighting is available for up to three years, beginning with the 2007-2008 school year through the 2018-2019 school year. To receive supplementary weighting in the second and third years, the school districts must show progress towards reorganization to the School Budget Review Committee (SBRC). If the SBRC does not accept the progress report, the district shall not be eligible for supplementary weighting for whole grade sharing. For more information, refer to 281 IAC 97.2(8) and 281 IAC 97.5.

If all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting except as authorized by 281 IAC 97.5(257). No students in the grade levels who meet the criterion in this subrule are eligible for supplementary weighting even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole grade sharing the resident students in those discontinued grades for purposes of these rules.

a. In a one-way whole grade sharing arrangement, the receiving district may count its resident students in the grade levels that are whole grade shared if the resident students are shared pursuant to 281 IAC 97.2(2), 97.2(3), or 97.2(5).

b. In a one-way whole grade sharing arrangement, the receiving district may not count its resident students in the grade levels that are whole grade shared pursuant to 281 IAC 97.2(3) if the teacher is employed by the same district that is sending students under the whole grade sharing arrangement (281 IAC 97.2(8)).

Contact [Carla Schimelfenig](#) with questions concerning incentives for whole grade sharing.

**Question 26** **Is supplementary weighting for concurrent enrollment classes available for districts participating in whole grade sharing?**

**Answer** Yes. Administrative rules allow supplementary weighting on eligible concurrent enrollment classes to be generated by the resident district on its eligible whole grade sharing students.

- a. The attending district's Student Reporting in Iowa (SRI) data generates the information that populates the resident district's certified enrollment, including the concurrent enrollment supplementary weighting.
- b. In a whole grade sharing situation, supplementary weighting generated on resident students remains with the resident district unless some other arrangement has been written in the whole grade sharing agreement.
- c. Options for what to include in the written whole grade sharing agreement, include:
  - 1) negotiating a higher per pupil rate for whole grade shared students in grades 9 –12 with the receiving district paying the community college tuition from that whole grade sharing tuition,
  - 2) having the community college contract with and bill directly the resident district for concurrent enrollment courses taken in the sharing partner's district, or
  - 3) negotiating tuition for whole grade sharing to be a per pupil rate for all students plus the actual community college tuition billing on concurrent enrollment for resident students included in the whole grade sharing grades and the receiving district paying the community college tuition on to the community college when billed.

**Question 27** **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 Code and cannot be negotiated to a different amount in the whole grade sharing agreement.

**Question 28** **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 individualized education programs (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.

**Question 29** **Are there other exclusions to including students in the whole grade sharing supplementary weighting?**

**Answer** Yes. If the resident district is sending both students and its teacher, the students taught by that teacher are not eligible for whole grade sharing supplementary weighting (281 IAC 97.2(8)"b").

**Question 30** **Is whole grade sharing joint employment supplementary weighting in addition to whole grade sharing discussed above?**

**Answer** No, it is just calculated differently. Whole grade sharing joint employment is whole grade sharing supplementary weighting in which the partner districts have met more stringent requirements than just the joint board resolution to study reorganization to occur on or before July 1, 2019. Generally, districts are not able to meet the criteria until the year prior to reorganization. Evidence of joint employment must be submitted before July 1. [Guidance](#) is available on the Department's website.

**Question 31** **What are the additional requirements to receive whole grade sharing joint employment supplementary weighting?**

**Answer** In addition to the joint board resolution, the partner districts have jointly operated programs to the extent that to the public they appear to be a single district. The partner districts must have, at a minimum:

- a. Joint teacher evaluation process and joint teacher evaluation instrument,
- b. Joint professional development plan, and
- c. One single salary schedule.

**Question 32** **What are the advantages of whole grade sharing joint employment over basic whole grade sharing?**

**Answer** In basic whole grade sharing supplementary weighting, each district counts only its resident students sent to the sharing partner district under a whole grade sharing agreement. In joint employment whole grade sharing supplementary weighting, each district counts also counts its resident students in its own classrooms where resident students from the sharing partner district are being received under the whole grade sharing agreement.

### Open Enrollment

**Question 33** **What is open enrollment?**

**Answer** Open enrollment is the process by which parents/guardians residing in one Iowa district may enroll their children in another Iowa school district under the terms and conditions of Iowa Code section 282.18 and the administrative rules of the Iowa Department of Education, 281 IAC Chapter 17.

**Question 34** **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.

**Question 35** **May a parent or guardian open enroll out of the district after the agreement is signed?**

**Answer** Yes, if the open enrollment application is filed with the resident and receiving districts by March 1.

**Question 36** **May a parent or guardian open enroll out of the district after March 1 if negotiations fail for a new whole grade sharing agreement or if a current whole grade sharing agreement is rejected?**

**Answer** Yes. After March 1 and before October 1, the parent or guardian may send notification to the district of residence and the receiving district that good cause exists for failure to meet the March 1 deadline. Good cause includes the failure of negotiations for a whole grade sharing or the rejection of a current whole grade sharing agreement (*Iowa Code § 282-18(4)*).

**Question 37** **Who provides transportation for open enrolled students?**

**Answer** The parent/guardian is responsible for transportation for open enrolled students.

**Question 38** **May a district terminate grades and force students to open enroll without a whole grade sharing agreement?**

**Answer** No. All districts must operate grades K-12, either directly or through a whole grade sharing agreement or jointly administered program agreement (*Iowa Code §§ 275.1(2), 256.13, 280.15, 282.7(1), 282.8, and 28E.9*).

If a school district ceases to maintain kindergarten and twelve grades, except as authorized by Iowa Code (cited above), it shall reorganize within six months or the State Board shall attach the territory of the school district not maintaining kindergarten and twelve grades to one or more adjacent districts (*Iowa Code § 275.1(2)*).

**Question 39** **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.

**Question 40** **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 own resident district, what happens to tuition?**

**Answer** The open enrollment status for this student will be suspended rather than terminated while he is served within his 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.

## Other Transfers

**Question 41** **If the open enrollment deadline passed before the whole grade sharing vote was taken, is there any other way an affected student may transfer out of the district of residence?**

**Answer** Yes. Within the 30-day period before the whole grade sharing agreement is signed, the parent or guardian of an affected student (see #3) may request the school board send the student to a contiguous district. The request shall be based on one of two factors: (1) that the agreement will not meet the educational program needs of the student or (2) that adequate consideration was not given to geographical factors. The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. Iowa Code section 282.11 explains this process.

**Question 42** **May the board reject the request of the parent to allow their affected student to transfer out of the district of residence?**

**Answer** Yes. The board may allow or disallow the request. However, if the student has an IEP and the parent claims the agreement will not meet the educational program needs of the student, the district cannot unilaterally disallow the request. It must instead convene the IEP team to determine if disallowing the request would deny a free and appropriate public education (FAPE) for the child.

**Question 43** **May the parent appeal the board's decision to disallow the request?**

**Answer** Yes. The parent or guardian may appeal the board's decision to the State Board of Education not later than March 1 (*Iowa Code § 282.11(4)*).

Because March 1 is also the deadline for open enrollment, the parent or guardian may want to "double barrel" by submitting the open enrollment request to the receiving and resident district at the same time as the appeal to the State Board in case the State Board upholds the district's decision.

**Question 44** **If the parent does not submit an application for open enrollment by March 1, and the State Board of Education upholds the district's decision, does the parent have further options?**

**Answer** Yes. The parent may appeal the decision to the district court or the parent may pay tuition and provide transportation to enroll the student into the desired school district (*Iowa Code §282.11(4)*).

**Question 45** **Who provides transportation to students who are allowed to transfer under Iowa Code section 282.11 (a transfer in lieu of attending at the whole grade sharing contract district)?**

**Answer** Transportation is the responsibility of the resident district. The resident district can provide that transportation through the normal means such as providing transportation directly, contracting for transportation, or reimbursing the parents for providing transportation.

**Question 46** 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.

**Question 47** 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.

**Question 48** 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.

**Question 49** 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, Mental Health Institutes [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.

**Question 50** May an Iowa school district enter into a whole grade sharing agreement with a school district in a contiguous state and send Iowa students to the out-of-state partner district?

**Answer** No. Whole grade sharing is Iowa district to Iowa district. No Iowa district may send students out of state under a whole grade sharing arrangement.

**Question 51** How will whole grade sharing affect athletics?

**Answer** The matrix that follows covers various situations. Please contact the Iowa High School Athletic Association (515.432.2011) or the Iowa Girls High School Athletic Union (515.288.9741) for information on eligibility.

## Athletics

WHOLE GRADE SHARING SCENARIOS	WHO MAY APPLY TO TRANSFER, DEADLINE, AND IOWA CODE §	ELIGIBILITY FOR INTERSCHOLASTIC ATHLETICS
<p>Districts A and B negotiate successfully for a whole grade sharing agreement; both boards <b>vote for an agreement</b> that will send all grade 9-12 students of District A to District B, effective with the following school year.</p>	<ol style="list-style-type: none"> <li>1. All students in A or B in any grade may file for open enrollment if on or before March 1. (§ 282.18(2))</li> <li>2. Student in A or B transfers to a nonpublic school.</li> </ol>	<ol style="list-style-type: none"> <li>1. Whether student lives in A or B, student will have immediate eligibility in receiving district. The same is true if the student files after the March 1 deadline, and the open enrollment is approved. (§ 282.18(11))</li> <li>2. Student is immediately eligible if in a grade covered by the whole grade sharing agreement.</li> </ol>
<p>Districts A and B have a whole grade sharing agreement wherein all the grade 9-12 students at A were sent to B. Both boards vote to <b>end the agreement</b> for the following school year.</p>	<ol style="list-style-type: none"> <li>1. Any student in A or B in any grade may file for open enrollment if they do so on or before March 1. (§ 282.18(2))</li> <li>2. Students in grades 9-12 covered by the former agreement may file for open enrollment after March 1 under “good cause” provisions. Action by the parent or guardian must be taken to file within 45 days of the last board action. (§ 282.18(4)(a) &amp; (b))</li> </ol>	<ol style="list-style-type: none"> <li>1. A student included in the previous whole grade sharing agreement, whether from the sending district or the receiving district, has immediate eligibility in the new school to which student transfers. A student in a grade not covered by the agreement is ineligible for 90 school days (barring some other exception such as District A not offering the sport).</li> <li>2. Eligibility is same as #1 above.</li> </ol>
<p>Districts A and B are in negotiations to form a whole grade sharing agreement for the upcoming school year, but the <b>negotiations fail</b> (the vote fails with one or both boards after March 1).</p>	<ol style="list-style-type: none"> <li>1. All students in A or B in any grade may file for open enrollment if on or before March 1. (§ 282.18(2))</li> <li>2. All students in A or B who would have been affected by an agreement may file for open enrollment after March 1 under “good cause” provisions. Action by the parent or guardian must be taken to file within 45 days of the last board action or within 30 days of the certification of the election, whichever is applicable to the circumstances. (§ 282.18(4)(a) &amp; (b))</li> </ol>	<ol style="list-style-type: none"> <li>1. Barring the applicability of another exception, a student is ineligible for 90 school days in the school to which student transfers.</li> <li>2. Eligibility is same as #1 above.</li> </ol>

<b>DISSOLUTION SCENARIO</b>	<b>WHO MAY APPLY TO TRANSFER, DEADLINE, AND IOWA CODE §</b>	<b>ELIGIBILITY FOR INTERSCHOLASTIC ATHLETICS</b>
District A votes to voluntarily dissolve as of the upcoming school year. The surrounding districts absorb the students.	<ol style="list-style-type: none"> <li>1. Some students attend their new district of residence.</li> <li>2. Some students use open enrollment to attend another district.</li> <li>3. Some students pay tuition to a nonpublic school.</li> </ol>	1, 2, 3. All students are eligible immediately, whether they attend their new district of residence, use open enrollment, or otherwise transfer to a different member school.
<b>MERGER SCENARIO</b>	<b>WHO MAY APPLY TO TRANSFER, DEADLINE, AND IOWA CODE §</b>	<b>ELIGIBILITY FOR INTERSCHOLASTIC ATHLETICS</b>
The state board of education deaccredits District A and merges it with one or more contiguous districts, per Iowa Code section 256.11(12).	<ol style="list-style-type: none"> <li>1. Some students attend their new district of residence.</li> <li>2. Some students use open enrollment to attend another district.</li> <li>3. Some students pay tuition to a nonpublic school.</li> </ol>	1, 2, 3. All students are eligible immediately, whether they attend their new district of residence, use open enrollment, or otherwise transfer to a different member school.
<b>REORGANIZATION SCENARIO</b>	<b>WHO MAY APPLY TO TRANSFER, DEADLINE, AND IOWA CODE §</b>	<b>ELIGIBILITY FOR INTERSCHOLASTIC ATHLETICS</b>
Districts A and B vote to reorganize with each other, creating District C.	<ol style="list-style-type: none"> <li>1. Some students attend their new district of residence (District C).</li> <li>2. Some students use open enrollment to attend another district.</li> <li>3. Some students pay tuition to a nonpublic school.</li> </ol>	1, 2, 3. All students are eligible immediately, whether they attend their new district of residence, use open enrollment, or otherwise transfer to a different member school.

## School Improvement

**Question 52** Who is responsible for reporting the academic achievement results of whole grade shared students?

**Answer** The district that is providing the program for the students must test and report the scores of the students in attendance.

**Question 53** What happens to a district that has been labeled District In Need of Improvement (DINA) under federal law when it starts a new whole grade sharing agreement?

**Answer** If the whole grade sharing occurs at grade levels for which the district had been identified as a district in need of improvement, the district would no longer be identified because of the restructuring involved. However, if the whole grade sharing occurs at grade levels other than those that caused the district to be identified as in need of improvement, the designation continues.

**Question 54**    **Is a school district that whole grade shares required to complete a Comprehensive School Improvement Plan (CSIP)?**

**Answer**        Yes. The district must complete a plan and set goals for the grades and students that the district directly serves.

Contact [Barbara Byrd](#) with questions concerning School Improvement or accreditation questions in whole grade sharing situations.

## Whole Grade Sharing Timeline

Action	Deadline
*Board of directors publicly announces its intent to explore whole grade sharing. <i>Iowa Code § 282.11</i>	90 days prior to signing a whole grade sharing agreement. (By the end of October)
*Public hearing in each school district. <i>Iowa Code § 282.11</i>	30 days prior to signing. (By the end of December)
Parent may request the school board send the pupil to another contiguous district because the agreement will not meet the educational program needs of the pupil or that adequate consideration was not given to geographic factors. <i>Iowa Code § 282.11</i>	Within the 30 day period prior to the signing of the agreement.
*Board allows or disallows any parent requests to attend another contiguous district. (If any requests filed.) <i>Iowa Code § 282.11</i>	Prior to signing the agreement or the request shall be deemed granted.
*Boards sign the agreement. (If an agreement is reached.) <i>Iowa Code § 282.10</i>	No later than February 1 of the school year preceding the school year for which the agreement is to take place.
Deadline to terminate teachers.	April 30
*The district terminating employees as a result of a whole grade sharing agreement shall notify all other districts which are parties to the agreement of the names and addresses of those terminated. <i>Iowa Code § 280.15</i>	<i>Iowa Code § 280.15</i> does not specify a deadline, but this should be done within a reasonable time after termination of the employees.
*If a new position is open within two years, the district must hire any qualified employee that was terminated due to the whole grade sharing agreement. <i>Iowa Code § 280.15</i>	Within two years
*The number of pupils participating in a whole grade sharing agreement shall be determined on the first weekday in October and third Friday of February each school year. <i>Iowa Code § 282.12</i>	First weekday in October and third Friday of February each school year.
To receive supplementary weighting for its resident students attending another district under a whole grade sharing arrangement, the boards must adopt a joint board resolution to study reorganization to occur on or before July 1, 2019. <i>Iowa Code § 257.11</i>	File with the Department as soon as the board resolution is adopted, but before October 1.
To receive supplementary weighting for a second or third year, the board must file a report showing progress toward reorganization with the SBRC. <i>Iowa Code § 257.11</i>	File the application within the <a href="#">Iowa Educational Portal</a> before August 1.
To receive supplementary weighting for joint employment under whole grade sharing, the board must file an application with the Department.	Complete and file the application on the Department's <a href="#">website</a> before July 1.

(\*) Indicates a Required Board Action

## Checklist: Whole Grade Sharing Agreement Content\*

The whole grade sharing agreement may contain the following:

1. Term – number of years and mutual termination date
2. Statement of Intention of Continuation – date in which the districts must notify each other of their intent to continue the agreement (e.g., July 1)
3. Grade levels to be served in which district
4. Student Jurisdiction – which rules and policies apply (e.g., receiving district rules and policies apply)
5. School Records and Graduation – who will maintain records and school name on the diploma
6. Transportation – regular and activity bus
7. Payments – tuition amount agreed upon and may also include concurrent enrollment or dual credit course payment, payment frequency, and due dates
8. Provision for a tuition adjustment, if any, in the event that a student under the whole grade sharing agreement is placed by the Department of Human Services (DHS) or the court system in a residential setting where the resident district is required to pay tuition for that student to a non-partner district during that placement period
9. Cooperation – (e.g., calendar, staff development, or activities/programs)
10. Communication – (e.g., frequency of joint board meetings)
11. Conflict Resolution Committee – process if conflicts arise
12. Amendment – any additional items
13. Provision for instruction of students outside the whole grade sharing agreement, but in whole grade sharing grades (e.g., special education) or jointly administered programs for students in addition to the regular classroom (e.g., limited English proficient, at-risk, talented and gifted [TAG], etc.)
14. Termination provisions for division of jointly purchased assets
15. Cross indemnification
16. Severability – If a portion of the contract is ruled to be unenforceable, the remaining portions of the contract remain in full force
17. Signatures – the agreement shall be signed by the presidents of both (or all) boards of the districts involved in the agreement

\*Contact the district's attorney for assistance with the agreement

## Websites

[Reorganization, Dissolution, and Sharing, Including Incentives](#)  
[School Law Index](#)

## Pertinent Statutes

### **Iowa Code 256.9(32)“a” “Duties of the director” Feasibility Surveys and Studies.**

“Conduct or direct the area education agency to conduct feasibility surveys and studies, if requested under section 282.11, of the school districts within the area education agency service areas and all adjacent territory, including but not limited to contiguous districts in other states, for the purpose of evaluating and recommending proposed whole grade sharing agreements requested under section 282.7 and section 282.10, subsections 1 and 4.”

### **Iowa Code 256.13 Nonresident pupils.**

“The boards of directors of two or more school districts may by agreement provide for attendance of pupils residing in one district in the schools of another district for the purpose of taking courses not offered in the district of their residence. The boards may also provide by agreement that the districts will combine their enrollments for one or more grades. Courses and grades made available to students in this manner shall be considered as complying with any standards or laws requiring the offering of such courses and grades. The boards of directors of districts entering into such agreements may provide for sharing the costs and expenses of the courses. If the agreement provides for whole grade sharing, the costs and expenses shall be paid as provided in **sections 282.10 through 282.12.**”

### **Iowa Code 257.11 Supplementary weighting plan.**

The opportunity to include whole-grade sharing for supplementary weighting is available for up to three years, beginning with the 2007-2008 school year through the 2018-2019 school year. To receive supplementary weighting in the second and third years, the school districts must show progress towards reorganization.

### **Iowa Code 280.15 Joint employment and sharing.**

“1. Two or more public school districts may jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment and facilities. Classes made available to students in the manner provided in this section shall be considered as complying with the requirements of section 275.1 relating to the maintenance of kindergarten and twelve grades by a school district. If students attend classes in another school district under this section under an agreement that provides for whole grade sharing, the boards of directors of districts entering into these agreements shall provide for sharing the costs and expenses as provided in sections 282.10 through 282.12. If a district that has entered into a whole grade sharing agreement determines that a need exists to hire additional employees because of the whole grade sharing agreement, the district shall determine the nature and number of the necessary new positions. The district terminating employees as a result of a whole grade sharing agreement shall notify any other district, which is a party to the agreement, of the names and addresses of those terminated. Individuals who were employed by a district that entered into a whole grade sharing agreement and who were terminated as a result of the agreement shall be notified that the new positions exist and that they may apply for the new positions. The board shall offer the new position to an applicant from among those who were terminated as a result of the agreement if the applicant is licensed for the new position or, in the

case of unlicensed personnel, is otherwise qualified. If two or more individuals from among those terminated as a result of the agreement apply for a single position, the applicant who is best qualified in the opinion of the board shall be offered the new position. However, the board is not required to offer a new position to applicants who were among those who were terminated as a result of the agreement beyond two school years. An employee who accrued benefits before a whole grade sharing agreement resulted in the employee's termination shall not, as a result of reemployment under this section, forfeit accrued vacation, accrued sick leave, longevity, completion of probationary status as defined by section 279.19, or salary or placement on a salary schedule based upon the employee's years of experience.

2. a. When a special education personnel pooling agreement, which has been entered into between an area education agency and a public school district pursuant to section 273.5, is terminated, the public school district shall assume the contractual obligations for any teachers assigned to the district under the agreement. Teachers, for whom the contractual obligations are assumed by a district, shall be given credit for completion of any probationary status under section 279.19, be placed on the salary schedule and retain all leaves, benefits, and seniority rights accumulated as if the teacher had been originally employed under the agreement which exists between the public school district and the district's collective bargaining unit, consistent with the teacher's education and experience.

b. A teacher who is employed under a pooling agreement and assigned to special education facilities that are separate from and not part of local school district facilities shall, if the teacher's employment terminates upon termination of the pooling agreement, be offered any teaching position that is similar to the position previously held by the teacher under the pooling agreement, which is vacant in any of the local school districts which participated in the pooling agreement, provided that the teacher possesses the appropriate license for the position. Teachers employed by a local school district under this paragraph shall have the same rights, privileges, and protection as teachers whose contractual obligations are assumed by a district to which the teacher previously had been assigned under a special education personnel pooling agreement."

**Iowa Code 282.7 Attending in another corporation – payment.**

"1. The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having accredited school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the accredited school district designated for attendance. Only entire grades may be discontinued under this subsection and if a grade is discontinued, all higher grades in that district shall also be discontinued. A school district that has discontinued one or more grades under this subsection has complied with the requirements of section 275.1 relating to the maintenance of kindergarten and twelve grades. A pupil who graduates from another school district under this subsection shall receive a diploma from the receiving district. The boards of directors entering into an agreement under this section shall provide for sharing the costs and expenses as provided in sections 282.10 through 282.12. The agreement shall provide for transportation and authority and liability of the affected boards."

**Iowa Code 282.10 Whole grade sharing.**

"1. Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section

256.13, 280.15, or 282.7, subsection 1 or 3. Whole grade sharing may either be one-way or two-way sharing.

2. One-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and does not receive a substantial number of pupils from those districts in return.

3. Two-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and receives a substantial number of pupils from those school districts in return.

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of funding provided under chapter 284.”

**Iowa Code 282.11 Procedure for whole grade sharing agreements.**

“2. Not less than ninety days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is negotiating, extending, or renewing a sharing agreement, shall publicly announce its intent to negotiate a sharing agreement under section 21.4, subsection 1. Within thirty days of the board’s public notice, a petition may be filed with the department of education requesting that a feasibility study be completed. The petition shall be signed by twenty percent of the eligible electors in the district. The director of the department of education may determine that a feasibility study conducted by the board satisfies the request, provided that the study conforms with the criteria contained in section 256.9.

3. Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement.

4. a. Within the thirty-day period prior to the signing of the agreement, the parent or guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. The request shall be based upon one of the following:

(1) That the agreement will not meet the educational program needs of the pupil.

(2) That adequate consideration was not given to geographical factors.

b. The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. If the board disallows the request, the board shall indicate the reasons why the request is disallowed and shall notify the parent or guardian that the decision of the board may be appealed as provided in this section.

c. If the board disallows the request of a parent or guardian of an affected pupil, the parent or guardian, not later than March 1, may appeal the sending of that pupil to the school district specified in the agreement, to the state board of education. The basis for the appeal shall be the same as the basis for the request to the board. An appeal shall specify a contiguous school district to which the parent or guardian wishes to send the affected pupil.

d. If the parent or guardian appeals, the standard of review of the appeal is a preponderance of evidence that the parent’s or guardian’s hardship outweighs the benefits and integrity of the sharing agreement. The state board may require the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, or may deny the appeal by the parent or guardian. If the state board requires the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, the tuition shall be equal to the tuition established in the sharing agreement. The decision of the state board is binding on the

boards of directors of the school districts affected, except that the decision of the state board may be appealed by either party to the district court.”

**Iowa Code 282.12 Funding of whole grade sharing agreements.**

- “1. An agreement for whole grade sharing shall establish a method for determination of costs, if any, associated with the sharing agreement.
2. For one-way sharing, the sending district shall pay no less than one-half of the district cost per pupil of the sending district.
3. For two-way sharing, the costs shall be determined by mutual agreement of the boards.
4. The number of pupils participating in a whole grade sharing agreement shall be determined on the date specified in section 257.6, subsection 1, and on the third Friday of February of each year.”

**281 IAC 97.2(8) Whole Grade Sharing.**

**97.2(8) Whole-grade sharing.** “If all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting except as authorized by rule.

281—97.5(257). No students in the grade levels who meet the criterion in this subrule are eligible for supplementary weighting even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole-grade sharing the resident students in those discontinued grades for purposes of these rules.

a. In a one-way whole-grade sharing arrangement, the receiving district may count its resident students in the grade levels that are whole-grade shared if the resident students are shared pursuant to subrule 97.2(2), 97.2(3), or 97.2(5).

b. In a one-way whole-grade sharing arrangement, the receiving district may not count its resident students in the grade levels that are whole-grade shared pursuant to subrule 97.2(3) if the teacher is employed by the same district that is sending students under the whole-grade sharing arrangement.”

**281 IAC 97.5 (257) Supplementary weighting plan for whole-grade sharing.**

**97.5(1) Whole-grade sharing.** “A school district which participates in a whole-grade sharing arrangement executed pursuant to Iowa Code sections 282.10 to 282.12 and which has adopted a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization to take effect on or before July 1, 2019, is eligible to assign a weighting of one-tenth of the fraction of the school year during which resident pupils attend classes pursuant to subrule 97.2(1), paragraph “a,” “b,” or “c.” A school district participating in a whole-grade sharing arrangement shall be eligible for supplementary weighting under this subrule for a maximum of three years. Receipt of supplementary weighting for the second year and for the third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress or continued progress toward the objective of dissolution or reorganization on or before July 1, 2019.”

**97.5(2) Contiguous districts.** “School districts that adopt a board resolution jointly with all other affected boards to study reorganization must be contiguous school districts. If two or more of the affected districts are not contiguous to each other, all districts separating those districts must be a party to the whole-grade sharing arrangement and the board resolution adopted jointly to study reorganization.”

**97.5(3) Consecutive years.** “A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1) is not required to utilize consecutive years. However, the final year in which a

supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2018.”

**97.5(4) *Change in sharing districts.*** “A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1) may enter into a whole-grade sharing arrangement with one or more different districts for its second or third year of eligible weighting by adopting and filing a new joint board resolution pursuant to this subrule. Establishing a new whole-grade sharing arrangement does not extend the maximum number of years for which a school district is eligible.”

**97.5(5) *Filing board resolutions.*** “Each school district that adopts a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization shall file a copy of the board resolution with the department of education not later than October 1 on which date the district intends to request supplementary weighting for whole-grade sharing.”

**97.5(6) *Filing progress reports.*** “Each school district that assigned a supplementary weighting to resident students attending class in a whole-grade sharing arrangement and that intends to assign a supplementary weighting to resident students attending class in a whole-grade sharing arrangement in the following year shall file a report of progress toward reorganization with the school budget review committee, on forms developed by the department of education, no later than August 1 preceding October 1 on which date the district intends to request supplementary weighting for whole-grade sharing.

a. The progress report shall include, but not be limited to, the following information:

- (1) Names of districts with which the district is studying reorganization.
- (2) Descriptive information on the whole-grade sharing arrangement.
- (3) If the district is studying dissolution, information on whether public hearings have been held, a proposal has been adopted, and an election date has been set.
- (4) If the district is studying reorganization, information on whether public hearings have been held, a plan has been approved by the AEA, and an election date has been set.
- (5) Description of joint activities of the boards such as planning retreats and community meetings.

(6) Information showing an increase in sharing activities with the whole-grade sharing partners such as curriculum offerings, program administration, personnel, and facilities.

b. The report must indicate progress toward a reorganization or dissolution to occur on or before July 1, 2019. Indicators of progress may include, but are not limited to:

- (1) Establishing substantially similar salary schedules or a plan by which the sharing districts will be able to develop a single salary schedule upon reorganization.
- (2) Establishing a joint teacher evaluation process and instruments.
- (3) Developing a substantially similar continuous school improvement plan (CSIP) with aligned goals including a district professional development plan.
- (4) Increasing the number of grades involved in the whole-grade sharing arrangement.
- (5) Increasing the number of shared teaching or educator positions.
- (6) Increasing the number or extent of operational sharing arrangements.
- (7) Increasing the number of shared programs such as career, at risk, gifted and talented, curricular, or cocurricular.
- (8) Increasing the number of joint board meetings or planning retreats.
- (9) Holding regular or frequent public meetings to inform the public of progress toward reorganization and to receive comments from the public regarding the proposed reorganization.
- (10) Adopting a reorganization or dissolution proposal.
- (11) Setting proposed boundaries.
- (12) Setting a date for an election on the reorganization or dissolution proposal.

c. The school budget review committee shall consider each progress report at its first regular meeting of the fiscal year and shall accept the progress report or shall reject the progress report with comments. The reports will be evaluated on demonstrated progress within the past year toward reorganization or dissolution.

d. A school district whose progress report is not accepted shall be allowed to submit a revised progress report at the second regular meeting of the school budget review committee. The committee shall accept or reject the revised progress report.

e. If the school budget review committee rejects the progress report and the district does not submit a revised progress report or if the school budget review committee rejects the revised progress report, the school district shall not be eligible for supplementary weighting for whole-grade sharing.”

**Whole Grade Sharing Dates: 2015-2016**

**November**

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

**A minimum of 90 days prior to signing an agreement** the district involved shall publicly announce their intent to negotiate a sharing agreement. For a district to meet the February 1 deadline, the districts involved should publicly announce their intentions by the end of October – *Iowa Code § 282.11*

**December**

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**Within 30 days of the board's public notice**, a petition may be filed with the Department of Education requesting a feasibility study be completed. The petition shall be signed by 20 percent of the eligible electors in the district – *Iowa Code § 282.11*

**January**

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**Thirty days prior to the signing of an agreement** whereby all or a substantial portion of the pupils in a grade in the district will attend a school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certified employees of the school district shall have an opportunity to comment on the proposed agreement – *Iowa Code § 282.11*

**February**

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement **no later than February 1** of the school year proceeding the school year for which the agreement is to take effect – *Iowa Code § 282.11*