

Who Pays?

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Iowa Code ●
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Dillon's Rule

- Dillon's rule is used in interpreting state law when there is a question of whether or not a local government has a certain power.
- Judge Forest Dillon, chief justice of the Iowa Supreme Court from 1864 until 1869.
- A municipal government has authority to act only when:
 1. municipal governments have only the **powers expressly granted to them by the state legislature**,
 2. those that are necessarily implied from that grant of power, and
 3. those that are essential and indispensable to the municipality's existence and functioning;

What do you think you know?

A regular education student enrolls at the beginning of the year as an approved open enrolled student. Who pays?

The resident district

*Bill quarterly at last year's state's Cost Per Pupil.
If the student exits before the end of the year,
bill the resident district at the daily rate for the
number of days served.*

Iowa Code 282.18 Open Enrollment

7. A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1. **The board of directors of the district of residence shall pay to the receiving district the state cost per pupil for the previous school year, and the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in section 257.9, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.** If the pupil participating in open enrollment is also an eligible pupil under **section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.** *(enrolled in PSEO courses)*

A student attended your district last year as a resident student, moved to a new district over the summer, and wishes to remain enrolled in your district. Who pays?

The new resident district

The attending district informs the parent of the need to complete open enrollment papers and submit copies to both districts. The student's open enrollment falls under Good Cause and is approved. Bill quarterly at last year's state cost per pupil.

Iowa Code 282.18 Open enrollment.

4. a. After March 1 of the preceding school year and until the date specified in **section 257.6, subsection 1**, *(count day)* **the parent or guardian shall send notification to the district of residence and the receiving district**, on forms prescribed by the department of education, that good cause, as defined in paragraph "b", exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. **The board of the receiving district shall take action to approve the request if good cause exists.** If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. For purposes of **this section**, "good cause" means a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, . .

A student attended your district last year, moved over the summer, is continuing enrollment with you, and does not provide the new address. Who pays?

The new resident district

Since a move falls under Good Cause for filing late open enrollment, it is important to clearly communicate with parents the need to report correct address information and to file open enrollment papers with both districts as soon as possible. If the attending district learns of the move after October 1 AND the move occurred prior to October 1, the district must communicate to the DE of the need for an audit adjustment, inform the new resident district of the move, and explain the need to complete open enrollment papers and file copies with both districts.

*A student who has completed 10th grade, moves out of your district, and wishes to remain enrolled in your district.
Who pays?*

The attending district

The student is under the junior/senior rule. No open enrollment is needed. Count the student as your resident student, even though he or she is not living in your district. Be sure to mark the Jr/Sr rule indicator in your SIS.

Iowa Code 257.6 Enrollment

1 a. (4) Eleventh and twelfth grade nonresident pupils who were residents of the district during the preceding school year and are enrolled in the district until the pupils graduate. Tuition for those pupils shall not be charged by the district in which the pupils are enrolled and the requirements of **section 282.18** do not apply. (282.18 Open enrollment)

A student with an instructional IEP files open enrollment papers to attend a neighboring district. The open enrollment is approved. Who pays?

The resident district

The resident district is ALWAYS responsible for the full cost of the educational expenses of a student receiving special education. Therefore, the resident district is billed through the Tuition In Billing application twice a year for actual costs rather than last year's state cost per pupil.

Iowa Code 282.18 Open enrollment.

8. If a request filed under **this section** is for a child requiring special education under **chapter 256B**, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For children requiring special education, the board of directors of **the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.**

How is open enrollment for a student receiving special education services the same as being tuitioned into the attending district?

The billing is the same.

*The fiscally responsible district is the same.
The IEP team must ensure the new attending district has an appropriate program to meet the educational needs of the student.*

AEA's often do not use the term open enrollment because the resident district is responsible for paying the actual cost of a student's educational program.

Iowa Code **282.18 Open enrollment.**

8. If a request filed under **this section** is for a child requiring special education under **chapter 256B**, **the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs** and the enrollment of the child in the receiving district's program would not cause the size of the class in that special education instructional program in the receiving district to exceed the maximum class size in rules adopted by the state board of education for that program. For children requiring special education, the board of directors of **the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.**

How is open enrollment for a student receiving special education services different from being tuitioned into the attending district?

*Transportation is the parent's responsibility.
The attending district is the accountable district for the student's state assessment scores.
The attending district counts the student as a graduate or a dropout.*

A special education student has the same right to participate in open enrollment as any other student. However, the new attending district must be able to meet the educational needs of the student on an IEP or open enrollment cannot be approved.

When is district transportation provided to a student (not under open enrollment) on an IEP?

- When the student has specialized transportation indicated on the IEP
- If a district has tuitioned out a special education student to another district
- If the student is attending a consortium (it's your program, your student, and your responsibility)
- If your district is in a whole grade sharing agreement with a neighboring district.

When is transportation provided by the attending district for any student?

- School Leader Update, May 2015, page 13, "Transportation for Shared Programs", stated
 - A tuition-free education includes "all facilities, supplies, and other items necessary or essential to instruction."
 - "A district is not providing a program to its resident students if it contracts with another district and then does not take steps to provide transportation."
- Iowa Code 285.1 When entitled to state aid.
 - Elementary pupils who live more than two miles from the school designated for attendance.
 - High school students (grade 9 or 10 through 12) who live more than three miles from the school designated for attendance.

A special education student is placed with a foster family in your district by DHS, is under foster care, and the parents live in a different district. Who pays?

The resident district where the student's parent lives.

A special education student in foster care is tuitioned into the new district. The resident district where the parent lives continues to be responsible for the actual costs of the student's education. The attending district submits a bill semi-annually using the Tuition In Billing application.

Iowa Code

282.31 Funding for special programs.

2. a. The actual special education instructional costs incurred for a child who lives in a facility or other placement pursuant to **section 282.19** or for a child who is placed in a facility or home pursuant to **section 282.29**, **who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility, home, or other placement is located, shall be paid by the district of residence of the child to the district in which the facility, home, or other placement is located, and the costs shall include the cost of transportation.**

A regular education student is placed by DHS in foster care, is living with a foster family in your district, and enrolls in your district. Who pays?

The district where the foster family lives.

Regular ed students in foster care are residents in the district where the foster family or facility exists. At the end of the year, if your district serves regular ed foster care students more days than the district generated funding, the state will reimburse the district for the excessive days served above the days funded. This is automatically calculated for each district in the Foster Care Claim application.

Iowa Code

282.31 Funding for special programs.

b. (1) A child who lives in a facility or other placement pursuant to **section 282.19**, and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or other placement pursuant to **section 282.19**, and **who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or other placement is located.**

Iowa Code

282.31 Funding for special programs.

(2) However, on June 30 of a school year, **if the** board of directors of a school district determines that the number of children under this paragraph "b" who were counted in the basic enrollment of the school district in that school year in accordance with **section 257.6, subsection 1**, is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph "b" during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of administrative services to the school district
by October 1. *(Regular Ed foster care claim)*

A regular ed student in foster care is placed with a foster family after October 1. The foster family wishes to open enroll the student to a neighboring district. Who pays?

If open enrollment starts after October 1, the attending district cannot bill the resident district. There is no foster care reimbursement on late open enrollment of foster care students.

The attending district cannot bill for open enrolled students until the first full year under open enrollment. There is no foster care reimbursement when open enrollment started after 10/1. The resident district cannot accept a reimbursement if there is no district that will be billing for the amount.

Iowa Code 282.18 Open enrollment.

9 b. If a request to transfer is due to a change in family residence, change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's kindergarten through grade twelve educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 until the start of the first full year of enrollment of the child.

A special ed student is placed in foster care and parental rights have been terminated. Who Pays?

The State Pays

A student eligible for special education weighted funds for whom parental rights were terminated is not included in any district's count (Certified Enrollment or special ed weighted count). The student's educational expenses are recorded in the Tuition In Billing application. The state reimburses the attending district for the educational expenses.

Iowa Code

282.31 Funding for special programs.

3. The actual special education instructional costs, including transportation, for a child who requires special education shall be paid by the department of administrative services to the school district in which the facility or home is located, **only when a district of residence cannot be determined, and the child was not included in the weighted enrollment of any district pursuant to section 256B.9, and the payment pursuant to subsection 2, paragraph "a", was not made by any district.**

. . .The total amount of the approved claim shall be paid by the department of administrative services to the school district by October 1. The total amount paid by the department of administrative services shall be deducted monthly from the state foundation aid paid under **section 257.16** to all school districts in the state during the subsequent fiscal year.

A special ed student in foster care is adopted during the school year. Who Pays?

The state and the new resident district pays

A student in foster care and receiving special education would have had parental rights terminated prior to being eligible for adoption. The state pays for the educational expenses during the period of time when parental rights were terminated. Once the adoption is final, the resident district becomes the district of residence of the new parents.

An accredited nonpublic school is located within your district's boundaries. Nonpublic high school students enroll in your concurrent enrollment courses. Who pays the excess cost above the supplementary weighting?

The public school district pays.

Nonpublic school students are public school students during the time they are enrolled in the district's educational program (shared time). Nonpublic students generate 1.0 funding for the proportion of time they are enrolled in the public school district and generate concurrent enrollment supplementary weighting. Students cannot be billed for concurrent enrollment courses.

Iowa Code 257.6 Enrollment.

(3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, **in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule**, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction.

Iowa Code 261E.8 District-to-community college sharing or concurrent enrollment program.

1. . . . The program shall be made available to all resident students in grades nine through twelve.
2. Students from accredited nonpublic schools and students receiving competent private instruction or independent private instruction under **chapter 299A** may access the program through the school district in which the accredited nonpublic school or private institution is located.
5. District-to-community college sharing agreements or concurrent enrollment programs that meet the requirements of **section 257.11, subsection 3**, are eligible for funding under that provision. *(supplementary weighting)*

Iowa Code 282.6 Tuition.

2. **Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years** and to resident veterans as defined in **section 35.1**, as many months after becoming twenty-one years of age as they have spent in the armed forces of the United States before they became twenty-one, provided, **however, fees may be charged covering instructional costs for a summer school or driver education program.** The board of education may, in a hardship case, exempt a student from payment of the above fees. **Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person.**

A parent from another district enrolls his or her child in your district indicating the desire to move into the district. Who pays?

The parent.

Until the student moves into the district and is a resident in the attending district, the attending district must charge tuition. The only students who can attend tuition-free are resident students. This is a parent-choice enrollment

Iowa Code 282.20 Tuition fees — payment.

2. It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board members responsible for such unlawful act shall each be personally liable to a fine of not to exceed one hundred dollars. Action to recover such penalty or action to enjoin such unlawful act may be instituted by the board of any school district or by a taxpayer in any school district.

Iowa Code 282.1 School age — nonresidents.

1. Persons between five and twenty-one years of age are of school age., **Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, subsection 1,** (*district cost per pupil in the attending district*) with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board.