**RSAI Testimony: Open Enrollment Proposed Rules**

September 13, 2022

Thank you to members of the Iowa State Board of Education and the Department for seeking public input on these proposed Open Enrollment Administrative Rules to implement the elimination of the March 1 open enrollment deadline. Since the legislation in HF 2589 Standings Appropriations, Division V, required emergency rulemaking necessary to begin the 2022-23 school year without the required deadline, we have since discovered some challenges in interpreting the rules as proposed. We would have preferred that the legislation moved through the committee process to be perfected. Big policy shifts implemented via speedy amendment do not allow for identifying and addressing unintended consequences.

The Rural School Advocates of Iowa (RSAI), comprised of over 160 Iowa public school districts, provides the following comments regarding the subject proposed rules:

RSAI members are on both sides of the open enrollment equation, with some losing more students than they gain and others vice versa. As a result, we do not take a position in any way to make it easier or harder for open enrollment to happen. Our primary focus is on clarity for both parents and schools to understand how to consistently implement, regardless of the impact of the direction of the open enrollment request on districts, school budgets, or staff.

The impact of multiple transitions for a student during the course of a single year addressed in Item 8 is our greatest concern, as this impacts the student’s education program and multiple staff’s (district’s) abilities to reassess and adjust instruction accordingly. Existing rules (and the implemented emergency rules) already consider a second or subsequent request to open enroll from a first receiving district to a second receiving district is effective at the beginning of the next school year. To eliminate any confusion and avoid a double standard, this should also be the case if a student withdraws from the open enrollment, returns to their district of residence, and then applies to another receiving district. The difficulties for students and staff are complicated with added transitions. The challenges for the business office are steep in resolving billing changes and additional prorations of tuition payments.

Proposed in Item 10, the implementation of kindergarten open enrollment requests for families that change resident district is inconsistent with the ability for open enrollment at any time without a deadline. The language retained from prior rules states the option for a kindergarten student in a new residence to request open enrollment into a receiving district is not available to the parent/guardian of a student entering kindergarten for the first time. This applies a different standard than in the rest of the legislation.

There is additional confusion based on the interpretation of the late changes of open enrollment in Item 16, which references the October 1 headcount date. The provision states that the resident district is not required to pay per-pupil costs, weightings or special education costs until the first full year of the open enrollment. That made sense when open enrollments began at the start of the school year following the prior March 1 deadline. The rules need to be clarified to identify which October 1 the cross-reference refers to (current year or prior year) and then specify if the full year is a calendar year from the date the open enrollment begins or simply through the remainder of the school year. These issues require specific definitions so all school leaders have clarity on which district is responsible for payment and when that becomes their responsibility.

Thank you for the opportunity to comment.

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