

SENATE FILE 188
BY SIEVERS

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to participation in open enrollment in school
2 districts subject to voluntary desegregation and providing
3 effective date and retroactive applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 188
EDUCATION

1 Section 1. Section 282.18, subsections 3, 6, and 12, Code
2 2003, are amended to read as follows:

3 3. In all districts involved with ~~voluntary-or~~ court-
4 ordered desegregation, minority and nonminority pupil ratios
5 shall be maintained according to the desegregation plan or
6 order. The superintendent of a district subject to ~~voluntary~~
7 ~~or~~ court-ordered desegregation may deny a request for transfer
8 under this section if the superintendent finds that enrollment
9 or release of a pupil will adversely affect the district's
10 implementation of the desegregation order or plan, unless the
11 transfer is requested by a pupil whose sibling is already
12 participating in open enrollment to another district. If a
13 transfer request would facilitate a ~~voluntary-or~~ court-ordered
14 desegregation plan, the district shall give priority to
15 granting the request over other requests.

16 A parent or guardian, whose request has been denied because
17 of a court-ordered desegregation order or plan, may appeal the
18 decision of the superintendent to the board of the district in
19 which the request was denied. The board may either uphold or
20 overturn the superintendent's decision. A decision of the
21 board to uphold the denial of the request is subject to appeal
22 to the district court in the county in which the primary
23 business office of the district is located.

24 6. A request under this section is for a period of not
25 less than one year. If the request is for more than one year
26 and the parent or guardian desires to have the pupil enroll in
27 a different district, the parent or guardian may petition the
28 current receiving district by January 1 of the previous school
29 year for permission to enroll the pupil in a different
30 district for a period of not less than one year. Upon receipt
31 of such a request, the current receiving district board may
32 act on the request to transfer to the other school district at
33 the next regularly scheduled board meeting after the receipt
34 of the request. The new receiving district shall enroll the
35 pupil in a school in the district unless there is insufficient

1 classroom space in the district or unless enrollment of the
2 pupil would adversely affect the court-ordered ~~or-voluntary~~
3 desegregation plan of the district. A denial of a request to
4 change district enrollment within the approved period is not
5 subject to appeal. However, a pupil who has been in
6 attendance in another district under this section may return
7 to the district of residence and enroll at any time, once the
8 parent or guardian has notified the district of residence and
9 the receiving district in writing of the decision to enroll
10 the pupil in the district of residence.

11 12. The board of directors of a school district subject to
12 ~~voluntary-or~~ court-ordered desegregation shall develop a
13 policy for implementation of open enrollment in the district.
14 The policy shall contain objective criteria for determining
15 when a request would adversely impact the desegregation order
16 or plan and criteria for prioritizing requests that do not
17 have an adverse impact on the order or plan.

18 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY
19 PROVISIONS. This Act, being deemed of immediate importance,
20 takes effect upon enactment and applies retroactively to July
21 1, 2002, for open enrollment transfer requests received by a
22 school district on or after July 1, 2002.

23 EXPLANATION

24 This bill eliminates language that permits or requires a
25 school district to approve, deny, or prioritize a request for
26 open enrollment based on the effect the request would have on
27 a voluntary desegregation order or plan adopted by the
28 district. The bill eliminates related language authorizing a
29 parent or guardian to appeal a superintendent's decision to
30 deny to the school board when the superintendent's denial is
31 based upon the effect the transfer would have on the voluntary
32 desegregation plan. The bill also eliminates a requirement
33 that a school board that is subject to voluntary desegregation
34 adopt an open enrollment implementation policy.

35 The bill takes effect upon enactment and applies

1 retroactively to July 1, 2002, for open enrollment transfer
2 requests received by a school district on or after July 1,
3 2002.

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