Senate File 2359 - Introduced

SENATE FILE 2359

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 270)

A BILL FOR

1 An Act relating to voluntary diversity plans under the state′s
2   open enrollment law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1. Section 282.18, subsection 3, Code 2018, is
2 amended to read as follows:
3   3. *a.* The superintendent of a district subject to ~~a~~
4 ~~voluntary diversity or~~ court-ordered desegregation ~~plan, as~~
5 ~~recognized by rule of the state board of education,~~ may deny a
6 request for transfer under this section if the superintendent
7 finds that enrollment or release of a pupil will adversely
8 affect the district's implementation of the desegregation order
9 ~~or diversity plan~~, unless the transfer is requested by a pupil
10 whose sibling is already participating in open enrollment
11 to another district, or unless the request for transfer is
12 submitted to the district in a timely manner as required
13 under subsection 2 prior to the adoption of a court-ordered
14 desegregation plan by the district. If a transfer request
15 would facilitate a ~~voluntary diversity or~~ court-ordered
16 desegregation plan, the district shall give priority to
17 granting the request over other requests.
18   *b.* A parent or guardian~~,~~ whose request has been denied
19 because of a court-ordered desegregation ~~order or diversity~~
20 plan~~,~~ may appeal the decision of the superintendent to the
21 board of the district in which the request was denied. The
22 board may either uphold or overturn the superintendent's
23 decision. A decision of the board to uphold the denial of
24 the request is subject to appeal to the district court in the
25 county in which the primary business office of the district
26 is located. ~~The state board of education shall adopt rules~~
27 ~~establishing definitions, guidelines, and a review process for~~
28 ~~school districts that adopt voluntary diversity plans. The~~
29 ~~guidelines shall include criteria and standards that school~~
30 ~~districts must follow when developing a voluntary diversity~~
31 ~~plan. The department of education shall provide technical~~
32 ~~assistance to a school district that is seeking to adopt a~~
33 ~~voluntary diversity plan. A school district implementing a~~
34 ~~voluntary diversity plan prior to July 1, 2008, shall have~~
35 ~~until July 1, 2009, to comply with guidelines adopted by the~~

1 state board pursuant to ~~this section~~.

2 *c.* The board of directors of a school district subject

3 to ~~voluntary diversity or~~ court-ordered desegregation shall

4 develop a policy for implementation of open enrollment in

5 the district. The policy shall contain objective criteria

6 for determining when a request would adversely impact the

7 desegregation order ~~or voluntary diversity plan~~ and criteria

8 for prioritizing requests that do not have an adverse impact on

9 the order ~~or plan~~.

10   EXPLANATION

11   **The inclusion of this explanation does not constitute agreement with**

12   **the explanation's substance by the members of the general assembly.**

13   This bill eliminates implementation of a voluntary diversity

14 plan as a reason to deny open enrollment of a pupil. Under

15 current law, a school district subject to a voluntary diversity

16 plan or court-ordered desegregation plan may deny a request

17 for open enrollment of a pupil from one district to another if

18 the superintendent finds that the enrollment or release of the

19 pupil will adversely affect the district's implementation of

20 the voluntary or court-ordered plan.

21   The bill further eliminates provisions directing the state

22 board of education to adopt rules establishing definitions,

23 guidelines, and a review process that school districts must

24 follow when adopting a voluntary diversity plan and provisions

25 requiring the department of education to provide technical

26 assistance to school districts seeking to adopt a voluntary

27 diversity plan.

28   The bill also strikes obsolete language.