

Ed. L. Pass 3/13/74 (S. 234)  
H. ED 3/14

FILED

SENATE FILE 233  
BY SZYMONIAK and MURPHY

Passed Senate, Date 3/13/74 (S. 234) Passed House, Date \_\_\_\_\_  
Vote: Ayes 39 Nays 4 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to appeals from school board action under open  
2 enrollment, providing discretionary authority to the state  
3 board of education in hearing appeals, and providing for  
4 rulemaking.

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

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SF 233

1 Section 1. Section 282.18, subsection 1, unnumbered  
2 paragraph 1, Code 1991, is amended to read as follows:

3 It is the goal of the general assembly to permit a wide  
4 range of educational choices for children enrolled in schools  
5 in this state and to maximize ability to use those choices.

6 ~~It is therefore the intent that this~~ This section be ~~construed~~  
7 and any rules adopted to implement this section shall  
8 therefore be interpreted broadly to maximize parental choice  
9 and provide the widest possible access to educational  
10 opportunities in other school districts which are not  
11 available to children because of where they live.

12 Sec. 2. Section 282.18, Code 1991, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 20. Notwithstanding any contrary  
15 limitations in this section, in any appeal to the state board  
16 from a decision of a school board which is related to open  
17 enrollment, the state board of education may exercise broad  
18 discretion in order to achieve a decision that is just and  
19 equitable and is in the best interest of the affected child or  
20 children.

21 A person who appealed a decision pursuant to the procedures  
22 contained in subsection 5, 7, or 16, between June 5, 1989, and  
23 July 1, 1991, and whose appeal was dismissed after hearing,  
24 may petition the state board of education for discretionary  
25 review. If the state board grants the petition, the prior  
26 decision on the appeal may be vacated and reversed without  
27 hearing, or a rehearing may be held to reconsider the evidence  
28 under the provisions of this subsection.

29 EXPLANATION

30 This bill amends current provisions relating to  
31 construction of the open enrollment law to provide that both  
32 the law and rules adopted to implement open enrollment are to  
33 be interpreted broadly so to maximize parental choice and to  
34 provide the widest possible access to educational  
35 opportunities in other school districts which are not

1 available to children because of where they live.

2 The bill also provides that the state board is permitted to  
3 exercise broad discretion over appeals on matters relating to  
4 open enrollment in order to achieve a decision that is just  
5 and equitable and is in the best interest of the affected  
6 child or children. The bill also provides for discretionary  
7 review of appeals under subsection 5, 7, or 16, which were  
8 taken between June 5, 1989, and July 1, 1991, and which  
9 resulted in the dismissal of the appeal, and vacation and  
10 reversal of the prior decision or a rehearing on the merits.

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