



[SF 199](#) – Open Enrollment Equality, School Districts (LSB1044SV)
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Fiscal Note Version – New

Description

[Senate File 199](#) repeals school district voluntary diversity plans set in place in FY 2009 and disallows denial of open enrollment based on those plans. The Bill also eliminates provisions directing the State Board of Education to adopt rules and guidelines for districts with voluntary diversity plans and removes requirements for the Department of Education (DE) to provide technical assistance to the school districts with voluntary diversity plans in place. The Bill is effective July 1, 2019.

Background

Voluntary diversity plans were enacted after changes made by the U.S. Supreme Court's ruling in [Parents Involved in Community Schools v. Seattle School District No. 1](#), 551 U.S. 701 (2007). A voluntary diversity plan had to be adopted by the school district within a certain time frame, could only concern a limited number of factors, and could not use race as a factor. Five Iowa school districts currently have voluntary diversity plans, with three districts using socioeconomic status (Davenport Community Schools, Des Moines Public Schools, and Waterloo Community School District) and two districts (West Liberty Community School District and Postville Community School District) using English language learner status as their metrics for denying open enrollment. There are no districts in Iowa currently under a court-ordered desegregation plan.

Assumptions

- Affected school districts will allow open enrollment out of the district for students who previously had been denied open enrollment under voluntary diversity plans.
- Districts that previously adopted a voluntary diversity plan will have an increased amount of open enrollment out, equal to the number of the previous year's requests denied, due to the diversity plan.
- Affected districts will have a number of open enrollment requests similar to the most recent school year, as reported to the Urban Education Network of Iowa.
- The open enrollment window for pupils entering grades one through twelve for FY 2020 closes on March 1, 2019; the first year of effect on school districts will be FY 2021. The deadline for open enrollment for pupils entering kindergarten is September 1, 2019, and may impact FY 2020 program costs for the pupils' resident districts.

Fiscal Impact

Senate File 199 has no fiscal impact to the State.

Districts that have denied previous open enrollment requests based on the districts' voluntary diversity programs may experience a decrease in per pupil funds equal to the cost of the previous year's State cost per pupil (SCPP) and teacher leadership supplement, as well as a decrease resulting from any additional English language learner weighting for the applicable

pupils. **Table 1** shows the possible fiscal impact by district based on available information from the 2017-2018 and 2018-2019 school years' open enrollment data.

Table 1 — SF 199

Fiscal Impact to School Districts Due to Increased Open Enrollment

	Est. Number of New Open Enrollment Out of Resident District	Open Enrollment Funds Per Student**	Estimate of Total Funds Leaving Resident District
Davenport	106	\$ 7,062.5	\$ 748,625
Des Moines	192	7,062.5	1,356,000
Postville	1	7,062.5	7,063
Waterloo	57	7,062.5	402,563
*West Liberty	0	7,062.5	0

* All open enrollments were granted for the past two years.

** Open enrollment funds included the previous year's SCPP and teacher leadership categorical.

It is unknown which districts' pupils may choose to open enroll into; therefore, the fiscal impact to the receiving districts cannot be determined. This estimate does not include any additional enrollments due to previously denied open enrollments from prior fiscal years. Any additional pupils previously denied under the voluntary enrollment plans from previous fiscal years who choose to open enroll may increase the fiscal impact on the resident school districts.

Minority Impact

The [U.S. Census](#) permits people to identify their race and ethnicity. The table below displays the population estimates as of July 1, 2018, for State and county-level data.

Table 2 — SF 199

National and Iowa Census Estimates — 2017 Population Estimates

	Total Population	Male	Female	Caucasian	African American	American Indian/Alaska Native	Asian	Hawaiian/ Other Pacific Islander	Hispanic	Two or More Races
National Census	325.7 million	49.2%	50.8%	76.6%	13.4%	1.3%	5.8%	0.2%	18.1%	2.7%
Iowa Census	3.1 million	49.7%	50.3%	91.1%	3.8%	0.5%	2.6%	0.1%	6.0%	1.9%
Black Hawk Co.	132,648	49.0%	51.0%	85.3%	9.4%	0.4%	2.3%	0.3%	4.3%	2.4%
Polk Co.	481,830	49.2%	50.8%	85.3%	7.0%	0.4%	4.9%	0.1%	8.4%	2.3%
Scott Co.	172,509	49.1%	50.9%	85.9%	7.7%	0.4%	2.9%	0.1%	6.7%	3.0%

In addition, according to the 2013-2017 American Community Survey (ACS) 5-Year Estimates [report](#):

- In Black Hawk County (Waterloo Community Schools), 52.8% of households with children under the age of 18 receive SNAP (Supplemental Nutrition Assistance Program) benefits.
- In Polk County (Des Moines Public Schools), 56.4% of households with children under the age of 18 receive SNAP benefits.

- In Scott County (Davenport Community Schools), 51.5% of households with children under the age of 18 receive SNAP benefits.

SNAP benefits are available to families with income below 130.0% of the federal poverty level, which is similar to the guidelines for the National School Lunch Program (Free and Reduced Lunch). The correlation between SNAP beneficiaries and minority status cannot be determined at this time.

Data collected from other urban center school districts that do not currently have voluntary diversity plans shows a rise in the net open enrollment out of the districts over the past eight years.

- Sioux City Community School District had net 188 students open enrollment in FY 2010, compared to net 359 open enrollment in FY 2018. In that time, the district also had an overall increase in students of color and an increase in percent of students on Free and Reduced Lunch.
- Council Bluffs Community School District had net 341 students open enrollment in FY 2010, compared to net 445 open enrollment in FY 2018. In that time, the district also had an overall increase in the percent of students on Free and Reduced Lunch.
- Iowa City Community School District had net 136 students open enrollment in FY 2010, compared to net 228 students in FY 2018. In that time, the district also had an overall increase in percent of students on Free and Reduced Lunch, as well as an increase in enrollment of students of color.

An impact on minority students cannot be determined at this time. Voluntary diversity plans are based on socioeconomic status and English language learner status, not race. The available data on open enrollment denial due to the voluntary diversity plans does not include data about race. There is not sufficient causative evidence data to conclude an impact on minority students.

Sources

Department of Education

Urban Education Network survey of school districts

[*Parents Involved in Community Schools v. Seattle School District No. 1*](#), 551 U.S. 701 (2007)

U.S. Census Bureau

LSA analysis and calculations

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
