

# FINAL REPORT

## OPEN ENROLLMENT INTERIM STUDY COMMITTEE

January 1994

### AUTHORIZATION AND APPOINTMENT

The Open Enrollment Interim Study Committee was established by the Legislative Council to "[R]eview the impact of Iowa's open enrollment law on school district funding and desegregation efforts. Make recommendations on improvements to the system. Review the potential for open enrollment arrangements with contiguous states."

Members serving on the Study Committee included:

Senator Mike Connolly, Co-chairperson  
Representative Steven Grubbs, Co-chairperson  
Senator Mary Kramer  
Senator Elaine Szymoniak  
Senator Ray Taylor  
Senator Richard Varn  
Representative Horace Daggett  
Representative Jack Holveck  
Representative Stewart Iverson  
Representative Don Shultz

### COMMITTEE PROCEEDINGS

The Study Committee was granted one meeting day to conduct its business, and the meeting was held October 8, 1993. A number of individuals testified before the Study Committee. All materials received by the Study Committee are on file with the Legislative Service Bureau.

### MEETING -- OCTOBER 8, 1993 -- PRESENTATIONS AND INFORMATION RECEIVED

The meeting of the Study Committee was held on October 8, 1993, in Room 118 of the Statehouse. Presentations were made by the Department of Education, six school districts, and a parent. The materials received are listed on Attachment 1, attached to this report. All materials received are on file in the Legislative Service Bureau.

Mr. Donald Helvick of the Department of Education began his report by noting that currently 16 states have some version of open enrollment. He provided the Committee with statistics on across-state-line enrollment. He said that the number of pupils participating in open enrollment has increased every year with the 1992-93 number at approximately 7,500. Mr. Helvick identified two problems with open enrollment. One is the paperwork that he is working to reduce. The other problem relates to transportation of open enrollment pupils. A controversial provision in the Iowa Code requires the approval of the sending district before the receiving district's bus may enter the sending district's boundaries. He also indicated that it is difficult or impossible for some families to provide transportation to another district even with the sending district funding the pro rata cost of transportation. Mr. Helvick said that only 1.8 percent of open enrolled pupils receive transportation assistance. In addition, he stated that some schools need to do a better job of explaining the provisions of open enrollment to their constituents.

Ms. Kathy Collins, Legal Counsel for the Department of Education, is the Department's Administrative Law Judge. She indicated that the Department had received 296 open enrollment appeals and affirmed the districts' decisions in 52 percent of the cases. To reduce the backlog of open enrollment appeals and permit immediate decisions, Ms. Collins suggested that the General Assembly give the Administrative Law Judge authority to issue final decisions orally for "good cause" appeals, instead of having the State Board review the judge's decisions before they become final.

Dr. Gary Wegenke, Superintendent of the Des Moines Independent School District, noted that Des Moines currently open enrolls 514 pupils out and only 283 into the district. He said that diversity is a major part of a quality education and that the district has initiated many programs to meet the requirements of its voluntary desegregation plan. Dr. Wegenke noted that the Des Moines School Board revised the district's desegregation plan in June 1993 to incorporate the state open enrollment policy and revised the district's open enrollment policy to reflect the desegregation requirements. It is the school board's policy to reject applications for open enrollment which would jeopardize desegregation planning.

Dr. Wegenke made the following recommendations:

1. Provide waivers from the open enrollment option for districts that have within-district open enrollment policies.
2. Limit open enrollment use to cases where enhanced educational opportunities are available to pupils only in another district.
3. Allow resident districts to retain at least local property tax revenues attributable to open enrollment transfer pupils.
4. Consider redesigning the boundaries of Iowa's school districts so that they are highly efficient and provide diverse educational environments and opportunities for more pupils. Specifically, consider how a metropolitan district in the Des Moines

area could alleviate some of the difficulties of maintaining racial and socioeconomic balances in urban schools.

Dr. James Kimmet, Superintendent of the Waterloo Community School District, stated that of the 338 students choosing open enrollment in Waterloo, 32 are minority students. He noted that the district's minority population is increasing every year and he attributes the increase to open enrollment. He expressed concern about the district's survival with large numbers of at-risk students and the possibility of increasing already high property taxes. He made the following recommendations:

1. Repeal the open enrollment law.
2. Restrict movement out when it impacts the district's desegregation plan.
3. Change the tuition structure so indirect costs, perhaps in the form of the local property tax levy, remain in the sending district.

Ms. Kim Price, the parent of a Des Moines student who open enrolled into the Southeast Polk School District, expressed her satisfaction with the open enrollment option. Her concerns for her son's safety and academic achievement were eased, she said, by enrolling him in the adjacent school district.

A panel discussion consisting of Mr. Len Cockman, Director of Public Information, Urbandale Community Schools; Superintendent Quentin Riefenrath, Audubon Community School District; Superintendent Neil Seales, Baxter Community School District; and Superintendent Otto Faberg, Exira Community School District, discussed positive and negative effects of open enrollment. The Committee watched a videotape on the Urbandale Schools, heard how Baxter Schools had surveyed the community and cooperated in the establishment of a day care facility, and learned of the problems and successes that neighboring school districts Exira and Audubon are experiencing. Superintendent Faberg brought the Committee up to date on the lawsuit filed by Exira challenging the constitutionality of the local property tax following the student out of the resident district.

The case is on appeal from the Audubon County District Court upholding the constitutionality of that portion of Iowa Code 282.18(8) (1991) which requires the Exira school district to fully fund the education of resident students who choose to open enroll out of the Exira district. The case is currently pending before the Iowa Supreme Court.

There were no recommendations from the Study Committee. They indicated that the progress of open enrollment in the state should continue to be monitored by the General Assembly and they anticipate some cleanup legislation from the Department of Education.

## ATTACHMENT I

### Materials Received at the October 8, 1993, Meeting

1. Meeting agenda
2. Report from Don Helvick, Department of Education
3. Report from Dr. Gary L. Wegenke, Superintendent of the Des Moines Independent School District
4. Report from Dr. James Kimmet, Superintendent of the Waterloo Community Schools
5. Brochures from Urbandale Community School District
6. Presentation by Quentin Riefenrath, Superintendent, Audubon Community Schools
7. Presentation by Neal Seales, Superintendent, Baxter Community Schools
8. Materials from Otto Faberg, Superintendent, Exira Community Schools