

# Senate Study Bill 3007

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to voluntary or court=ordered school  
2 desegregation plans under the state's open enrollment law.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5331XD 82  
5 kh/rj/24

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1 1 Section 1. Section 282.18, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. ~~In all districts involved with voluntary or~~  
~~1 4 court-ordered desegregation, minority and nonminority pupil~~  
~~1 5 ratios shall be maintained according to the desegregation plan~~  
~~1 6 or order.~~ The superintendent of a district subject to a  
1 7 voluntary or court=ordered desegregation plan, as recognized  
1 8 by rule of the state board of education, may deny a request  
1 9 for transfer under this section if the superintendent finds  
1 10 that enrollment or release of a pupil will adversely affect  
1 11 the district's implementation of the desegregation ~~order or~~  
1 12 plan, unless the transfer is requested by a pupil whose  
1 13 sibling is already participating in open enrollment to another  
1 14 district, or unless the request for transfer is submitted to  
1 15 the district in a timely manner as required under subsection 2  
1 16 prior to the adoption of a desegregation plan by the district.  
1 17 If a transfer request would facilitate a voluntary or  
1 18 court=ordered desegregation plan, the district shall give  
1 19 priority to granting the request over other requests.  
1 20 A parent or guardian, whose request has been denied because  
1 21 of a desegregation ~~order or~~ plan, may appeal the decision of  
1 22 the superintendent to the board of the district in which the  
1 23 request was denied. The board may either uphold or overturn  
1 24 the superintendent's decision. A decision of the board to  
1 25 uphold the denial of the request is subject to appeal to the  
1 26 district court in the county in which the primary business  
1 27 office of the district is located. ~~By July 1, 2004, the~~ The  
1 28 state board of education shall adopt rules establishing  
1 29 definitions, guidelines, and a review process for school  
1 30 districts that adopt voluntary desegregation plans. The  
1 31 guidelines shall include criteria and standards that school  
1 32 districts must follow when developing a voluntary  
1 33 desegregation plan. The department of education shall provide  
1 34 technical assistance to a school district that is seeking to  
1 35 adopt a voluntary desegregation plan. A school district  
2 1 implementing a voluntary desegregation plan prior to July 1,  
2 2 ~~2004~~ 2008, shall have until July 1, ~~2006~~ 2009, to comply with  
2 3 guidelines adopted by the state board pursuant to this  
2 4 section.

### EXPLANATION

2 5  
2 6 This bill eliminates a reference to minority and  
2 7 nonminority pupil ratios maintained according to a  
2 8 desegregation plan or order under the state's open enrollment  
2 9 law. The bill requires that the state board of education  
2 10 adopt administrative rules establishing definitions,  
2 11 guidelines, and a review process for voluntary desegregation  
2 12 plans, and gives school districts implementing a plan prior to  
2 13 July 1, 2008, until July 1, 2009, to comply with the new  
2 14 guidelines adopted by the state board. The bill also requires  
2 15 departmental rules to recognize court=ordered desegregation  
2 16 plans.  
2 17 The bill is drafted in response to the U.S. Supreme Court's  
2 18 decision in Parents Involved in Community Schools v. Seattle  
2 19 School District No. 1 et al., No. 05=908, (together with

2 20 Meredith, Custodial Parent and Next Friend of McDonald v.  
2 21 Jefferson County Bd. of Ed et al., No. 05-915,) decided June  
2 22 28, 2007. In its decision, the court stated that the court  
2 23 has condemned as illegitimate a plan whose objective is  
2 24 directed only to racial imbalance, without "any pedagogic  
2 25 concept of the level of diversity needed to attain the  
2 26 asserted educational benefits." The court reiterated that it  
2 27 is permissible to "consider the school's racial makeup" as one  
2 28 aspect in adopting "general policies to encourage a diverse  
2 29 student body." The court offered a number of measures which  
2 30 may be used to offer equal educational opportunity to all.  
2 31  
2 32 LSB 5331XD 82  
2 33 kh/rj/24