

Senate Study Bill 1034 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON SINCLAIR)

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 2019, 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
9 ~~order or diversity plan,~~ unless the transfer is requested
10 by a pupil whose sibling is already participating in open
11 enrollment to another district, or unless the request for
12 transfer is submitted to the district in a timely manner as
13 required under **subsection 2** prior to implementation of the
14 ~~adoption of a desegregation plan order~~ by the district. If a
15 transfer request would facilitate implementation of a voluntary
16 ~~diversity or court-ordered desegregation plan order,~~ the
17 district shall give priority to granting the request over other
18 requests.

19 b. A parent or guardian, whose request has been denied
20 because of the district's implementation of a the desegregation
21 ~~order or diversity plan,~~ may appeal the decision of the
22 superintendent to the board of the district in which the
23 request was denied. The board may either uphold or overturn
24 the superintendent's decision. A decision of the board
25 to uphold the denial of the request is subject to appeal
26 to the district court in the county in which the primary
27 business office of the district is located. ~~The state board~~
28 ~~of education shall adopt rules establishing definitions,~~
29 ~~guidelines, and a review process for school districts that~~
30 ~~adopt voluntary diversity plans. The guidelines shall include~~
31 ~~criteria and standards that school districts must follow~~
32 ~~when developing a voluntary diversity plan. The department~~
33 ~~of education shall provide technical assistance to a school~~
34 ~~district that is seeking to adopt a voluntary diversity plan.~~
35 ~~A school district implementing a voluntary diversity plan prior~~

1 ~~to July 1, 2008, shall have until July 1, 2009, to comply with~~
2 ~~guidelines adopted by the state board pursuant to [this section](#).~~

3 c. The board of directors of a school district subject
4 to ~~voluntary diversity or~~ court-ordered desegregation shall
5 develop a policy for implementation of open enrollment in
6 the district. The policy shall contain objective criteria
7 for determining when a request would adversely impact the
8 desegregation order ~~or voluntary diversity plan~~ and criteria
9 for prioritizing requests that do not have an adverse impact on
10 the order ~~or plan~~.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill eliminates implementation of a voluntary diversity
15 plan as a reason to deny open enrollment of a pupil. Under
16 current law, a school district subject to a voluntary diversity
17 plan or court-ordered desegregation may deny a request for
18 open enrollment of a pupil from one district to another if the
19 superintendent finds that the enrollment or release of the
20 pupil will adversely affect the district's implementation of
21 the voluntary diversity plan or court-ordered desegregation.

22 The bill further eliminates provisions directing the state
23 board of education to adopt rules establishing definitions,
24 guidelines, and a review process that school districts must
25 follow when adopting a voluntary diversity plan and provisions
26 requiring the department of education to provide technical
27 assistance to school districts seeking to adopt a voluntary
28 diversity plan.

29 The bill also strikes obsolete language.