

CHAPTER 90

SCHOOL DESEGREGATION — REPEAL OF VOLUNTARY DIVERSITY PLANS — CHARTER OR INNOVATION ZONE SCHOOLS — OPEN ENROLLMENT

H.F. 228

AN ACT relating to voluntary diversity plans under the state's open enrollment law and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 256F.4, subsection 2](#), paragraph a, unnumbered paragraph 1, Code 2021, is amended to read as follows:

Meet all applicable federal, state, and local health and safety requirements and laws prohibiting discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability. A charter school or innovation zone school ~~shall be located within the boundaries of a school district subject to any court-ordered desegregation plan in effect for the school district at the time the charter school or innovation zone school application is approved~~ shall be subject to the desegregation order unless otherwise specifically provided for in the desegregation order.

Sec. 2. [Section 282.18, subsections 3 and 6](#), Code 2021, are amended to read as follows:

3. a. The superintendent of a district subject to ~~a voluntary diversity or court-ordered desegregation plan, as recognized by rule of the state board of education~~, may deny a request for transfer under [this section](#) if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order ~~or diversity plan~~, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under [subsection 2](#) prior to implementation of the adoption of a desegregation plan order by the district. If a transfer request would facilitate implementation of a voluntary diversity or court-ordered desegregation plan order, the district shall give priority to granting the request over other requests.

b. A parent or guardian, whose request has been denied because of the district's implementation of a the desegregation order or diversity plan, may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located. ~~The state board of education shall adopt rules establishing definitions, guidelines, and a review process for school districts that adopt voluntary diversity plans. The guidelines shall include criteria and standards that school districts must follow when developing a voluntary diversity plan. The department of education shall provide technical assistance to a school district that is seeking to adopt a voluntary diversity plan. A school district implementing a voluntary diversity plan prior to July 1, 2008, shall have until July 1, 2009, to comply with guidelines adopted by the state board pursuant to this section.~~

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

6. A request under [this section](#) is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in a school in the district unless there is insufficient classroom space in the district or unless the

district is subject to court-ordered desegregation and enrollment of the pupil would adversely affect the court-ordered or voluntary implementation of the desegregation plan of the district order. A denial of a request to change district enrollment within the approved period is not subject to appeal. However, a pupil who has been in attendance in another district under [this section](#) may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

Sec. 3. OPEN ENROLLMENT DEADLINE FOR THE SCHOOL YEAR BEGINNING JULY 1, 2021. Notwithstanding [section 282.18](#), the March 1 deadlines established under [section 282.18](#) shall not apply to an application submitted by a parent or guardian for purposes of enrolling the parent's or guardian's child in a school district for the school year beginning July 1, 2021, and ending June 30, 2022, if a voluntary diversity plan was in effect in the school district of residence during the school year beginning July 1, 2020, and ending June 30, 2021.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 10, 2021