

House File 228 - Introduced

HOUSE FILE 228
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 64)

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 256F.4, subsection 2, paragraph a,
2 unnumbered paragraph 1, Code 2021, is amended to read as
3 follows:

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

15 Sec. 2. Section 282.18, subsections 3 and 6, Code 2021, are
16 amended to read as follows:

17 3. a. The superintendent of a district subject to a
18 ~~voluntary diversity or court-ordered desegregation plan, as~~
19 ~~recognized by rule of the state board of education,~~ may deny a
20 request for transfer under **this section** if the superintendent
21 finds that enrollment or release of a pupil will adversely
22 affect the district's implementation of the desegregation
23 ~~order or diversity plan,~~ unless the transfer is requested
24 by a pupil whose sibling is already participating in open
25 enrollment to another district, or unless the request for
26 transfer is submitted to the district in a timely manner as
27 required under **subsection 2** prior to implementation of the
28 ~~adoption of a desegregation plan order~~ by the district. If a
29 transfer request would facilitate implementation of a voluntary
30 ~~diversity or court-ordered desegregation plan order,~~ the
31 district shall give priority to granting the request over other
32 requests.

33 b. A parent or guardian, whose request has been denied
34 because of the district's implementation of a the desegregation
35 ~~order or diversity plan,~~ may appeal the decision of the

1 superintendent to the board of the district in which the
2 request was denied. The board may either uphold or overturn
3 the superintendent's decision. A decision of the board
4 to uphold the denial of the request is subject to appeal
5 to the district court in the county in which the primary
6 business office of the district is located. ~~The state board
7 of education shall adopt rules establishing definitions,
8 guidelines, and a review process for school districts that
9 adopt voluntary diversity plans. The guidelines shall include
10 criteria and standards that school districts must follow
11 when developing a voluntary diversity plan. The department
12 of education shall provide technical assistance to a school
13 district that is seeking to adopt a voluntary diversity plan.
14 A school district implementing a voluntary diversity plan prior
15 to July 1, 2008, shall have until July 1, 2009, to comply with
16 guidelines adopted by the state board pursuant to [this section](#).~~

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

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

1 ~~a school~~ in the district unless there is insufficient classroom
2 space in the district or ~~unless~~ the district is subject to
3 court-ordered desegregation and enrollment of the pupil would
4 adversely affect the court-ordered or voluntary implementation
5 of the desegregation plan of the district order. A denial of
6 a request to change district enrollment within the approved
7 period is not subject to appeal. However, a pupil who has been
8 in attendance in another district under **this section** may return
9 to the district of residence and enroll at any time, once the
10 parent or guardian has notified the district of residence and
11 the receiving district in writing of the decision to enroll the
12 pupil in the district of residence.

13 EXPLANATION

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

16 This bill eliminates implementation of a voluntary diversity
17 plan as a reason to deny open enrollment of a pupil.

18 Under current law, a school district subject to a voluntary
19 diversity plan or court-ordered desegregation may deny a
20 request for open enrollment of a pupil from one district to
21 another if the superintendent finds that the enrollment or
22 release of the pupil will adversely affect the district's
23 implementation of the voluntary diversity plan or court-ordered
24 desegregation.

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

32 The bill makes conforming changes and strikes obsolete
33 language.