

UEN Opposes SF 270 Diversity Plans and Open Enrollment

State policy balances the competing interests of parental choice and student equity, but in extremely diverse districts, Civil Rights Commission may also weigh in. The courts have stated that separate is not equal and our Iowa Supreme Court, as Chief Justice Cady stated in his condition of the Judiciary, quoted Clark v Board of Education in 1868: “all the youths are equal before the law,” and no institution of government has discretion “to interfere with or disturb that equality.”

- **Balancing Values:** Of 333 districts, open enrollment is allowed for timely filed application in all but a very few (Des Moines, Waterloo, Davenport are UEN districts with voluntary diversity plans). That choice isn't unlimited. A student that is expelled from one district can't just open enroll into another. Likewise, a receiving district can deny a OE request based on space or lack of adequate program for special education services. In that cases, student safety or student needs are deemed more important than choice. In the very infrequent case of diversity plans, student equity is assigned greater value.
- **Iowa Parents have many choices:**
 - Within district transfer/open enrollment to another program within their CSD
 - Quality nonpublic schools (tuition support through STOs, for low-income)
 - Home school (Independent Private Instruction or Competent Private Instruction supported by the school district)
 - Open enrollment to neighboring district if certain criteria are met (2016-17)
 - Des Moines, 1,467 students OE out while 624 OE in
 - Davenport, 558 students OE out while 83 OE in
 - Waterloo, 324 student OE out while 31 OE in
 - Open enrollment may be granted for particular programs that benefit students or because of health, bullying or other exceptions.
 - Of course, parents with means can move to another school district
- **Voluntary Diversity plans set criteria** for maintaining demographic balance across the district. OE out of low-income, minority, non-English speaking students or students with disabilities to the suburbs improves diversity in the suburbs. If high-income, majority students leave the district, the urban center becomes poorer and more challenged to serve student needs.
- **Iowa success in Graduation rates** for subgroup: 1st in the nation for all students, but also first for low income students, second for non-English speaking students, and 10th for black students.
- **Community schools and democracy:** Boundaries exist in government services for many things. As a Des Moines citizen and taxpayer, I can't withhold my city taxes and hire a private security force or contract with WDM for fire protection. In education, the state has erred on the side of more choice, deciding it's allowed for local taxes from one district to support education in another. That effectively removes the community from the community school district, creating difficulties in passing bond issue or providing community support. Most important of all, diversity benefits students culturally, preparing them to succeed and work in a diverse world. The economy of scale and expectations of the community creates opportunities for all students, whereas those students in traditionally low income high concentration minority schools across the nation tend to have less.
- **Other states:** 46 other state regulate open enrollment, many require it within districts, especially districts with diversity challenges, some require between districts, like Iowa, and most who regulate it require an elevated level of control at the district or court level preventing OE out of a district with a court order or a voluntary diversity plan. Education Commission of the States has an open enrollment data base here: <http://ecs.force.com/mbdata/mbquestRT?rep=OE1502> <https://www.ecs.org/open-enrollment-policies/>