

**DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT  
DIVERSITY PLAN**

It has long been a philosophical cornerstone of the Des Moines Independent Community School District (the District) that diversity is a key component of a quality education. Young people are far better prepared for the future when they attend school in an educational setting that reflects society's diversity. Diversity enriches the educational climate of our schools. The District believes that diversity of all kinds strengthens the educational effectiveness of the school. All aspects of education are enhanced by different viewpoints and perspectives introduced by economic, racial and ethnic diversity.

On June 28, 2007, the United States Supreme Court struck down two school districts' efforts to assign students to attendance centers based solely on race. *Parents Involved in Community Schools v. Seattle School District No. 1* and *Meredith v. Jefferson County Board of Education*, 127 S.Ct 2738 (2007). Accordingly, desegregation plans adopted by school districts across the country which were based on race, such as the plan utilized by the District, were also invalidated. In response to the *Parents Involved* and *Meredith* cases, the Iowa Department of Education amended Chapter 17 of the Iowa Administrative Code relating to Open Enrollment. The revised rules allow eligible districts to adopt new diversity plans which may define "minority student" based on the specified factors of socioeconomic status, English language learner status, national origin/ethnicity, and race; but race cannot be the sole or determinative factor.

On February 19, 2008, the Board determined that it would adopt a new diversity plan and that "minority student" for purposes of regulating between district open enrollment would be defined using students' socioeconomic status. To that end, on February 26, 2008, the Board of Directors for the District approved this Diversity Plan that defines "minority student" utilizing socioeconomic status as the indicating factor as measured by students' eligibility for free and reduced price lunch under the National School Lunch Program.

**OPEN ENROLLMENT PROCEDURES  
RATIO FOR MINORITY/NON-MINORITY STUDENTS**

Definitions:

*"Minority student"*: For purposes of open enrollment, *"minority student"* is defined to include that category of students eligible for free and reduced price lunch.

*"Non-minority student"*: For purposes of open enrollment, *"non-minority student"* is defined to include that category of students not eligible for free and reduced price lunch.

October 16, 2012



### Between District Open Enrollment

The District will compute an annual composite ratio regarding districtwide demographics and individual building demographics based on the number of "minority students" and "non-minority students" identified in the District's official enrollment count. The Open Enrollment Specialist shall identify each year the District attendance centers or portions of attendance centers which exceed and fall below the District's percentage of "minority students" by more than ten (10) percent. These schools or portions of schools will be closed to open enrollment for the following year. Schools or portions of a school may be closed to between district open enrollment because of insufficient classroom space or when allowing an application into or out of the school would cause the attendance center's percentage of "minority students" to further exceed or further fall below the District's "minority student" percentage by more than ten (10) percentage points.

The District shall further deny a request for open enrollment if it is found that the release or enrollment of the student will adversely affect the District's existing composite ratio. The composite ratio is determined by dividing the number of "minority students" enrolled in the District by October 1 of each year by the number of "non-minority students" enrolled in the District by October 1 of each year. The October 1 date is used as that is the date on which the certified enrollment count is recorded by the District and then reported to the Iowa Department of Education

If "non-minority students" apply to attend another district in greater numbers than the ratio established for the year, the number of "non-minority students" allowed to transfer out of the District will be limited to the number allowed pursuant to the composite ratio. The "non-minority student" applicants allowed to transfer will be chosen by a computerized random selection of those students whose applications are received by March 1. If "minority students" from outside the District apply to open enroll into the District in greater numbers than the composite ratio established for the year, the number of "minority students" allowed to enroll into the District will be limited to the number allowed pursuant to the composite ratio. Open enrollment out of the District and open enrollment into the District will be granted according to the applicants' order on the random computer list. To provide equity, all non-resident students previously enrolled in the District through open enrollment shall be treated as resident students when computing the "minority student"/ "non-minority student" ratio.

All applicants for open enrollment out of the District will be asked to designate whether their household is either eligible for free and reduced price lunch (FRPL) or not eligible for FRPL.

A household that is new to the district and that designates eligibility for FRPL will complete a FRPL application form to verify that eligibility for purposes of the open enrollment process. In the case of a household that has a student currently attending the District and that designates eligibility for FRPL, that eligibility will be verified by information maintained by the District. If a household has not already been determined to be eligible for FRPL and wishes to apply for that status, the applicant may do so at the time of applying for open enrollment.

If the applicant does not check either eligible or not eligible for FRPL, then the student will be treated as *not* eligible for FRPL.

### Within District Open Enrollment

To effectuate diversity within the District, open enrollment approvals for students seeking to enroll out of their respective neighborhood school and into a different school within the District shall not cause a school's percentage of "minority students" to further exceed or further fall below the District's "minority student" percentage by more than ten (10) percentage points.

All other applications will be approved in the order in which they were received, if classroom space is available. Therefore, while the socioeconomic indicator of free and reduced price lunch will be used for the limited purpose of regulating within district open enrollment applications, additional factors that aim to increase diversity and reduce racial and economic isolation may be considered and implemented regarding student assignment and the location of educational programs at various schools within the District

## **GENERAL GUIDELINES FOR BETWEEN DISTRICT AND WITHIN DISTRICT OPEN ENROLLMENT APPLICATIONS**

Deadlines: Parents or guardians of a Des Moines resident student wishing to open enroll to a different school district must submit a completed Open Enrollment Application form between July 1 and March 1 to be eligible for enrollment the following academic year. Approvals or denials will be based on the impact to the student's neighborhood attendance center and the impact the transfer will have on the District's composite ratio of "minority students" to "non-minority students."

Applications received after March 1 will be placed at the end of the random computer list only if their application is found to have good cause.

Parents or guardians requesting to open enroll a kindergarten student in a district other than the district of residence may make application through September 1 of that year. However, parents of kindergarten students are strongly encouraged to make application requests prior to March 1 of the preceding year.

In the event an application is denied for a specified academic year, the parent or guardian must resubmit an open enrollment application for the following academic year.

Classroom Space: The District shall consider classroom space when making decisions regarding open enrollment into the District and may refuse an application if insufficient classroom space exists. Criteria used to determine insufficient classroom space may include but will not be limited to available personnel, educational programs, instructional methods, physical space, equipment and materials available, financial resources available, facilities being planned or currently under construction, sharing agreements in force, labor agreements, District goals and objectives, and grade level enrollment. The District shall not be required to hire additional instructional staff or other staff in order to accommodate open enrollment students. Open enrollment applications will be denied at the elementary level when projected enrollments exceed an average of 24 students per class in grades K-2 and 26 in grades 3-5 of the selected school.

Sibling Rule: To avoid dividing families, exceptions will be made as follows: (1) applications of otherwise eligible siblings from previous approved students will be given first priority (students approved from this group will be approved in the order in which their siblings were previously approved); and (2) if one member of a family is selected through the computerized random selection process, the names of all other eligible family members applying that year shall be placed directly below the first family member selected.

Continuation of Educational Program: Students moving into the District and wishing to remain enrolled in their prior district as an open enrolled student with no interruption in their educational program shall be able to do so. Parents must file an open enrollment application with the District for processing and record keeping purposes. These requests shall be honored by both the sending and receiving districts.

Assignment of Students to Schools: Every effort will be made to accommodate parental or guardian requests related to specific attendance centers. However, the District reserves the right to determine attendance center assignment for all students enrolled in the District

Late Application due to Hardship: Hardships may be given special consideration. Exceptions may include but are not limited to a change in a child's parent's marital status, a change in the family's residence, a guardianship proceeding, adoption, or participation in a substance abuse or mental health treatment program. If the parent or legal guardian wishes to request a "hardship" exception for an application that would not otherwise be granted under these procedures, such a request must be submitted in writing to the executive director or associate superintendent of the regional leadership team at 901 Walnut Street, Des Moines, Iowa 50309. Please call the office of the General Counsel at 242-7837 for any questions regarding to which regional team the request should be submitted.

Severe Health Needs or Repeated Harassment: In the case of applications involving severe health needs of a student or allegations of repeated harassment against a student, each case will be independently investigated and addressed on its own merits in the best interests of the affected student. If the need is substantiated or the allegations of harassment are founded, and if the District cannot adequately address the student's needs, an exception may be made according to the Iowa Department of Education guidelines.

Special Education Students: Open enrollment requests for special education students shall receive consideration as outlined in 282 Iowa Administrative Code 17.11. If the appropriateness of the program is in question, the student will remain enrolled in the program of the resident district until final determination is made. Space determinations will be made by the special education zone supervisor for the requested school. The District shall not be required to hire additional instructional or support staff in order to accommodate open enrollment students seeking to enroll into the District. Pupil/teacher ratios will be maintained as required by law for all special education programs.

Suspended or Expelled Students: The District shall refuse to accept the application of a student who has been suspended or expelled until such time as the student is reinstated in the educational program of the resident district

Interscholastic Athletics: Students who open enroll prior to grade 10 will be eligible to participate in interscholastic athletic contests. A student who open enrolls beginning in grades 10 through 12 shall not be eligible to participate in interscholastic athletic contests and competitions during the first 90 days of enrollment unless the student's resident district does not offer the interscholastic sport

Transportation: Students approved for between district open enrollment are responsible for their own transportation unless they meet the economic eligibility requirements for assistance established by the Iowa Department of Education.

Contact Person: Questions regarding the open enrollment process should be directed to the General Counsel, phone number 242-7837, 901 Walnut Street, Des Moines, IA 50309.

Appeal Procedure: When a between district open enrollment application has been denied, an appeal must be made directly to an Iowa District Court unless the application for open enrollment claims harassment or that the child has a serious health condition that the district cannot adequately address. These two issues may be appealed to the Iowa Department of Education pursuant to Section 290.1 of the Code of Iowa (2011). All open enrollment appeal procedures are governed by Section 282.18 of the Code of Iowa (2011).