



WATERLOO

Community School District

Engaged in Learning ● Prepared for Success

Diversity Plan

February 2008; Revised October 2009; Revised June 2012

The Waterloo Schools community commits to a comprehensive system of education and support to assure that each and every student will graduate prepared for college, career, and citizenship as evidenced by continuing education, pursuing a career path and contributing to a community.

I. INTRODUCTION

The Waterloo Community School District (WCSD) is one of the most racially and ethnically diverse school districts in the state of Iowa.

Aspects of Diversity	FY07	FY12
African American, Hispanic, Asian, or Native American	37.9%	42%
Caucasian, including 7% Bosnian	62.1%	58.%
Free or Reduced Lunch Eligible	55.3%	64%
Range of proficiency on Iowa Tests of Basic Skills and Educational Development	54-74%*	61.7-70.6%**

*includes all students tested in fall in reading and math grades 4, 8, 11

**includes all students tested in spring in reading and math grades 3- 8 and 11

We value the strength this diversity brings to our schools and our community and seek to keep each of our schools as diverse as possible. The benefits a diverse student body brings to our classrooms are considered important now and are projected to become even more important in the future due to increasing differences in the U.S. population.

A significant amount of research indicates a relationship between student outcomes and social economic factors. Student diversity exists in most classrooms around the world, in the form of different ethnic, racial, socioeconomic and cultural backgrounds and varying degrees of ability.

Research supports the conclusion that there are substantial benefits to diversity in elementary and secondary education. These benefits include preparing students to become productive citizens in our diverse, democratic society by enhancing civic values, improving learning and improving preparation for employment and economic success. Diverse learning environments also help to ensure high-quality educational opportunities for all students, regardless of their backgrounds. Higher student aspirations resulting from diverse schools have also been linked to higher expectations of students within these schools. (See references at the end of section I.)

Since 1967, The WCSD has taken steps to reduce racial isolation in schools. However, the United States Supreme Court decision in the Seattle Case in June 2007 made it no longer permissible for school districts to use race as the sole or determining factor in assigning students to schools. A major component of the former voluntary desegregation plan of the WCSD--using race as a determining factor--could therefore no longer be applied when considering:

- transfers between schools in the district (voluntary transfer)
- open enrollment between districts

The Iowa Department of Education (DE) has provided guidance to districts that had a desegregation plan in place prior to June 28, 2007. Under rules approved by the Iowa Board of Education, these districts were permitted to develop a new Diversity Plan to promote diversity and to avoid minority student isolation in the district that, pending local Board of Education and DE approval, would take effect March 1, 2008. Rather than defining "minority student" solely in terms of race, the DE rules allow eligible districts to define the term for themselves as long as race is not the sole or the determinative factor.

Working with the District's attorneys, this Diversity Plan meets the standards of the Supreme Court decision, State statutes and the DE's rules. The cluster configuration of the Diversity Plan impacts both internal voluntary transfers as well as open enrollment in and out of the District.

For purposes of open enrollment, WCSD defines "minority" as Low Socioeconomic Status. The range of socioeconomic status within each cluster will be supported by balancing the open enrollment into and out of the respective cluster.

A. Internal Assignment of Students—Voluntary Transfer

The open enrollment component of the Diversity Plan adopted by the District Board can only be implemented by the District if other components of the Diversity Plan describe the steps the District is taking internally to avoid or reduce minority student isolation, and the District demonstrates the extent to which it has implemented those steps. For districts such as WCSD with multiple attendance centers at the same grade level, such steps may include:

- intradistrict student transfer policies,
- pairing of attendance centers,
- revision of boundaries of attendance centers,
- selecting school sites,
- realignment of feeder systems, and
- placement of specialized programs and services.

Accordingly, each WCSD school is assigned to a "cluster" of schools. There are four elementary clusters, two middle school clusters and one high school cluster (for the current clusters see section III). District schools are clustered to provide maximum opportunities for parents/legal guardians to have a choice of attendance centers. With the intent to maintain the diversity of the District, each cluster will be identified by:

- the socioeconomic balance of a school,
- the racial balance of a school,

- the total number of students enrolled as of the certified enrollment date,
- and the proficiency of the school from the most recent standardized test session

Within each cluster are a range of socioeconomic levels, races, and proficiency levels. For details of voluntary transfer, see section II following.

B. Transfer between Districts—Open Enrollment

Eligible Iowa school districts will still be able to deny open enrollment requests if the gain or loss of the student will negatively impact the District's voluntary Diversity Plan.

The open enrollment component of the plan adopted by the District board may remain in effect for so long as the District's total minority student population exceeds 15 percent, and shall remain in effect for so long as the District demonstrates that it is necessary to avoid minority student isolation in the District. For details of open enrollment, see sections V and VI following.

C. Contacts for Questions and Assistance

For voluntary transfer issues please contact the Executive Director of Student and At-Risk Services, 1516 Washington, Waterloo, IA 50702, phone 319-433-1801. For open enrollment issues, please contact the Executive Director of School and Community Relations, 1516 Washington, Waterloo, IA 50702, phone 319-433-1826.

D. Review and Reauthorization of Diversity Plan

The original Diversity Plan, approved by the Board in February 2008, applied to the WCSD's voluntary transfer and open enrollment actions for enrollments in the 2008-09, 2009-10, and 2010-11 school years only. Review and reauthorization by the Board of Education was required no later than June 30, 2010, or the Diversity Plan would lapse at the end of the 2010-11 school year.

The Board of Education reviewed and approved the current Diversity Plan in October 2009, extending it for three years and governing voluntary transfer and open enrollment actions for applications for the 2010-11, 2011-12, and 2012-13 school years.

The Board of Education also reviewed and approved the current Diversity Plan in June 2012, extending it for three years and governing voluntary transfer, special permission, and open enrollment actions for applications for the 2013-14, 2014-15, and 2015-16 school years. A review and reauthorization of the Diversity Plan is now required by the Board no later than June 30, 2015.

Actions on applications for voluntary transfer or open enrollment effective for the 2016-17 and subsequent school years will be subject to a Diversity Plan, if any, that the Board approves by the June 30, 2015, deadline.

References

Elementary and Secondary Education: An International Perspective. National Center for Education Statistics. U.S. Department of Education, Office of Educational Research and Improvement. March 2000.

Edwin C. Darden, Arthur L. Coleman and Scott R. Palmer, *From Desegregation to Diversity: A School District's Self-Assessment Guide on Race, Student Assignment, and the Law* (National School Boards Association, Council of Urban Boards of Education 2002).

Looking to the Future: Voluntary K-12 School Integration: A Manual for Parents, Educators, and Advocates. The NAACP Legal Defense and Educational Fund, Inc. The Civil Rights Project at Harvard University 2005.

II. VOLUNTARY STUDENT TRANSFER PROGRAM -- Policy 501.8

Voluntary transfers to a Waterloo school outside the regular attendance area shall be granted to a student in grades kindergarten through twelve (12) when requested by parents or legal guardians under the following general conditions.

The goal of the program is to allow students to transfer within the cluster of schools as defined by the District.

A. DIVERSITY PLAN BASED GUIDELINES

1. Each school will be grouped in a cluster of three or more schools at the elementary level and in a cluster of two schools at the middle and high school levels for the purpose of voluntary transfer.
2. Each cluster will be identified by:
 - the socioeconomic balance of a school,
 - the racial balance of a school,
 - the total number of students enrolled as of the certified enrollment date,
 - and the proficiency of the school from the spring test session with the intent to maintain the diversity of the District.
3. Cluster configurations will be reviewed every three years.
4. The number of spaces of an attendance center/cluster to receive students requesting voluntary transfer will be determined prior to applications being available.

B. APPLICATION PROCESS AND PROCEDURES

1. The receiving and sending schools must be in the designated cluster as outlined in the transfer process.
2. Students participating in the Voluntary Student Transfer Program will need to reapply when moving from elementary to middle school and from middle school to high school.
3. Applications will be made available to each school building and also at the Education Service Center, 1516 Washington St. for anyone wishing to apply.
4. The voluntary transfer application period will remain open for a predetermined amount of time and notification of approval or denial will be mailed to the families upon completion of the process.
5. Transportation is not guaranteed, but parents may complete a request form which will be reviewed and an approval/denial notice will be sent to the

parent/guardian. The District will provide transportation within the cluster schools for elementary students who apply before the deadline and who are approved for transfer as defined on the voluntary transfer application. Every reasonable effort will be made to provide transportation for middle and high school students, within a cluster, who apply by the deadline, but this is not guaranteed.

6. Applications for the fall semester must be completed before the published deadline determined by the Student Services Departments.
7. Parents of middle school and high school students wishing to cancel a Voluntary Transfer must submit their request in writing prior to the end of the first semester. The Executive Director of Student and At-Risk Services will review the request to ensure space availability. Parents of Elementary students may only request a transfer at the end of a tri-mester.
8. If an investigation indicates that the best interests of an individual student would be served by a change of attendance center/cluster, the Executive Director of Student & At-Risk Services may approve a transfer to another attendance center/cluster. Building administrators of the sending/receiving schools involved will be consulted before the transfer is approved.
9. Voluntary student transfers are subject to revocation if violations of the Conduct Code or Attendance policy occur.

C. GUIDELINES FOR STUDENTS WHO MOVE

1. Students on voluntary transfer, who move from one school attendance center/cluster to another, may be granted permission for the continuation of the student to remain in the same school attendance center/cluster through 5th grade in the case of elementary students and through 8th grade in the case of middle school students. Freshmen and sophomore high school students may remain through the current school year. The following year, the student will be assigned to the school attendance center/cluster based on his or her current address. Junior and senior level students, who move from one school attendance center/cluster to another, may be granted permission for the continuation of the student in the same school attendance center/cluster for the remainder of the current school year and, as applicable, the following school year as a senior. Transportation is the responsibility of the parents or legal guardians.
2. Students on voluntary transfer who move out of the District and return to the District during the same school year may re-enroll in the school they previously attended.

3. Students on voluntary transfer who move out of the District and return to the District in a subsequent school year must attend the attendance center/cluster based on their current address. The student may reapply for voluntary transfer within their attendance center/cluster for the next school year.

D. ATHLETIC PARTICIPATION

Athletic participation will be determined in accordance with the District and State Athletic Transfer Rule.

E. APPEAL PROCEDURE

Any request for permission to transfer a student to a school attendance center/cluster outside of his/her regular attendance center/cluster shall be made by the parents or legal guardians in writing to the Executive Director of Student & At-Risk Services. Appeals are reviewed by the Superintendent, and all decisions are final.

III. LIST OF SCHOOLS FOR THE VOLUNTARY STUDENT TRANSFER AND OPEN ENROLLMENT PROGRAMS FOR 2013-2014 2014-2015, and 2015-2016 SCHOOL YEARS BY CLUSTER

Voluntary transfers to a Waterloo School outside the regular attendance center shall be granted to a student in grades kindergarten through twelve (12) when requested by parents or legal guardians under the following general conditions. The goal of the program is to allow students to transfer within the cluster of schools as defined by the District. Each elementary school will be grouped in a cluster of three or more schools for the purpose of voluntary transfer. Each middle and high school will be clustered in groups of two. Voluntary transfer approvals will be based on the number of spaces available by grade at the school requested and the overall enrollment capacity.

Open Enrollment decisions are based in part on the resident school cluster.

Elementary School

Cluster #1	Kingsley	Lincoln	Lowell	Poyner
Cluster #2	Orange	Cunningham	Highland	Kittrell
Cluster #3	Lou Henry	Irving	Becker	

Middle School

Cluster #5	Central	Hoover
Cluster #6	**Carver	Bunger

High School

Because of lack of available space, no VTs or Open Enrollments to West High will be approved. This issue will be reevaluated each year to determine if conditions warrant a change.

*Based on the continuous year calendar, Cunningham School will allow K-5 students to apply based on space availability.

**In August 2009, George Washington Carver Academy replaced Logan Middle School.

***In January 2010, Highland Elementary School replaced McKinstry Elementary School..

****In January 2011, Becker Elementary School replaced the merged Black Hawk Elementary and Edison Elementary Schools.

These clusters will be reviewed and adjusted every three years to maintain their balance of socioeconomic, achievement, and racial characteristics.

IV. TRANSFER OF STUDENTS WITHIN DISTRICT (SPECIAL PERMISSION) -- Policy 501.9

The purpose of the program is to allow requests for the special permission transfer of students outside of their regular attendance center/cluster and will be considered on an individual basis and in accordance with District policy.

Building administrators of the sending/receiving schools involved will be consulted before the transfer is approved.

Transportation for students who have been approved for a special permission transfer will be the responsibility of the parents or legal guardians.

A. GUIDELINES FOR STUDENTS WHO MOVE

Students who move from one school attendance center/cluster to another may be granted permission for the continuation of the student to remain in the same school attendance center/cluster for the remainder of the current school year. The following year, the student will be assigned to the school attendance center/cluster based on their current address.

B. SPECIAL EDUCATION, ELL, and EARLY CHILDHOOD CONSIDERATIONS

Under certain circumstances, students with special education needs may be transferred to an alternative attendance center/cluster in order to meet their Individualized Education Program (IEP). English Language Learners and/or Early Childhood students may be transferred to an alternative attendance center/cluster to receive services. Such permission shall be approved by the program coordinator. In these special permission cases only, the District will provide transportation.

C. INVESTIGATIVE CONSIDERATIONS

If an investigation indicates that the best interest of an individual student would be served by a change of attendance center/cluster, the Executive Director of Student and At-Risk Services may approve a special permission transfer to another attendance center/cluster. Building administrators of the sending/receiving schools involved will be consulted before the transfer is approved.

D. HIGH SCHOOL CONSIDERATIONS

Special permission may be granted to a high school student to take a course which is not offered at his/her attendance center/cluster. Such permission will depend on class size in the receiving school and the student's schedule.

E. APPEAL PROCEDURE

Any request for permission to transfer a student to a school attendance center/cluster outside of his/her regular attendance center/cluster shall be made by the parents or legal guardians in writing to the Executive Director of Student and At-Risk Services. Appeals are reviewed by the Superintendent, and all decisions are final.

**V. OPEN ENROLLMENT PROCEDURES AS A RECEIVING DISTRICT –
Policy 501.12 R1**

The parent or legal guardian of a nonresident student wishing to open enroll into the Waterloo Community School District shall file a formal application with the resident district and the Waterloo Community School District.

A. DEADLINES

1. Students Entering First through Twelfth Grades

The application shall be filed on or before March 1 in order to be eligible for enrollment the following school year. Parents or legal guardians who have good cause as defined by law for failing to meet the March 1 deadline shall make an open enrollment request by September 1.

2. Students Entering Kindergarten

A parent or legal guardian wishing to open enroll a kindergarten student shall make application by September 1 of the year in which the child will enter kindergarten.

B. APPLICATION AND NOTICE PROCEDURES

The application to open enroll into the District shall be made on application forms developed by the State Department of Education and available at the Waterloo Community School District's Education Service Center, in the administrative office of the resident district, or online at www.iowa.gov/educate. These forms are available beginning the first workday after July 1 in the calendar year prior to the start of the school year desired for open enrollment.

The date of the filing of any application for open enrollment shall be recorded on the application.

The Superintendent will act on applications filed by March 1 no later than June 1 of that year. Action on good cause applications and kindergarten applications received after March 1 will be taken within 30 days of receipt. The Superintendent or his/her designee shall notify in writing the parent or legal guardian and the school district of residence of any action taken by the Superintendent within five (5) days of the action. The Superintendent shall also file a copy of the application form, indicating the Superintendent's action on the request, with the Iowa Department of Education.

C. BASIS FOR APPROVAL OR DENIAL BY THE WATERLOO COMMUNITY SCHOOL DISTRICT

1. Participation in an Academic Program Not Available in the Resident District

Applications for open enrollment so that the student may participate in an academic program offered by the Waterloo Schools and not available in the student's resident district will be approved by the WCSD if space is available.

The academic program must be available to the applicant student in the first year of open enrollment. The student must enroll in that program in order to qualify under this basis for open enrollment.

Applicants should note the specific program desired so that the curriculum may be reviewed prior to an approval. These students are not subject to the District's Diversity Plan (see C. 4).

2. Siblings of Open Enrolled Students

Applications of siblings who reside in the same household of students who are currently open enrolled in the Waterloo Community School District will be approved. These students are not subject to the District's Diversity Plan (see C. 4.).

3. Continuous Education

A resident student of the Waterloo Community School District whose legal residence changes to another Iowa public school district in grades K-12, will be allowed, if desired, to continue his/her education for the remainder of the school year under Iowa Administrative Code 281-17.8(7) as an open enrolled student in the Waterloo Community School District, with no interruption of the K-12 educational program. An open enrollment request must be filed with this District and the new resident district for the student to continue beyond the current school year. The application will be approved. These students are not subject to the District's Diversity Plan (see C.4).

4. Diversity Plan-Based Decisions, for Students Not Qualifying Under Program, Sibling, or Continuous Rules (C. 1-3 above).

The decision to approve will be based on the impact approval of the application would have on the District's Diversity Plan (available online at www.waterloo.k12.ia.us), which is designed to promote the diversity of the District and avoid minority student isolation.

District schools are clustered to provide maximum opportunities for parents/legal guardians to have a choice of attendance centers. Assignment to a school other than that serving the attendance area in which the child lives is on a space available basis. See the policies, Voluntary Student Transfer Program, 501.8, and Special Permission, 501.9.

Each fall, data shall be collected by the Executive Director of School and Community Relations on the number of students who are eligible for Free or Reduced Lunch, hereafter referred to as Low Socioeconomic Status (SES), enrolled in each school cluster on the official enrollment count day, October 1. The number of students who are Low SES, and the corresponding number of students who are not Low SES, and therefore defined for this purpose as High SES, at each school cluster will be used in the following procedures:

- a. Applicants for open enrollment into the Waterloo Schools will designate the school into which they wish to enroll their child. The applicant may also designate a second and third choice if desired.
- b. All applicants for open enrollment into the District will be designated as either Low SES (that is, eligible for Free or Reduced Lunch) or High SES. A financial status form, completed by the applicant, will determine whether

the student will be designated as Low SES or High SES for purposes of the open enrollment process.

- c. All Low SES applicants will be placed on a Low SES waiting list by their respective school cluster for further consideration; all eligible High SES applicants will be placed on a High SES waiting list by their respective school cluster for further consideration.
- d. As an open enrollment out of the District, from a specific cluster, application is received, for either a Low SES or High SES student, a corresponding Low SES or High SES application for open enrollment into the school cluster will be approved.
- e. Names will be selected at random from the relevant SES and cluster list.
- f. As new kindergarten or “good cause” [as defined by Iowa Code section 282.18(2); 281-IAC rule 17.7] applications are received after March 1 and no later than the September 1 deadline, they will be eligible for selection in the same manner as the earlier-filed applicants.

D. SEVERE HEALTH NEEDS OR PERVASIVE HARASSMENT

In the case of applications in which severe health needs or allegations of pervasive harassment, are reported to the District (on or accompanying the open enrollment application), each case will be investigated. If the severe health need is substantiated or the allegation of pervasive harassment is founded, and if Waterloo Schools cannot adequately address the student’s needs, each case will be addressed on its own merits in the best interests of the affected child. Applicants should provide information about the health or harassment situation, including the names of any District staff who have worked to address this situation.

E. HARDSHIP EXCEPTION

If the parent or legal guardian wishes to request a “hardship” exception for an application that would otherwise not be granted under these procedures, a request for consideration, detailing the information that could justify an exception to the basis for approvals stated in section C. above should be made in writing to the Executive Director of School and Community Relations, 1516 Washington Street, Waterloo, IA 50702. This information should accompany the original application for open enrollment if possible.

Recognizing that each family’s situation is unique and that each applicant for open enrollment has reasons which are personally important, the Board of Education is responsible for applying its policies equitably and consistently.

“Hardship” generally means severe suffering or privation. Hardship applies to a circumstance in which excessive and painful effort of some kind is required, as enduring acute discomfort from cold, or battling over rough terrain. For the purposes of open enrollment exceptions, it should be based on conditions beyond the control of the parent or guardian, in the past, present, or future.

Some examples of situations which probably do not rise to the level of a possible hardship exception to the open enrollment rules could be:

- Preference for a specific day care provider
- Continuity of services (such as continuing in a physical location where preschool has been provided near or in an elementary school building)
- Transportation arrangements
- Continued association with a familiar peer group
- Work schedules of parents or guardians

Some examples of situations which may result in a hardship exception are:

- Release of student from treatment with recommendation from care provider for change of peer group
- Ongoing difficulties in resident district school that may be remedied by placement in a different district

Some examples of situations which should be brought to the attention of the District for consideration under other provisions of this policy are;

- Severe health or pervasive harassment (see section D above)
- Unique educational programs offered in another district (see section C1 above)

The Superintendent will review these requests and respond in writing to the parent or legal guardian within 30 days. If the Superintendent does not approve the application, an appeal may be filed in accordance with paragraph K. below.

F. EXPIRATION OF WAITING LISTS

The waiting list of applications will expire on September 1 of the year for which the request was made. This is the last possible date for application for the school year that includes that particular September. A request for open enrollment for a succeeding year requires the filing of a new application.

G. WITHDRAWALS OF APPLICATIONS/RETURNS TO THE DISTRICT

A parent/legal guardian may withdraw an application for open enrollment into the District at any time. Upon written notice to both the Waterloo Community School District and the resident district, students who have open enrolled in may return to their resident district.

H. ASSIGNMENT OF STUDENTS TO SCHOOLS

Assignments to schools of students who are open enrolled into the District will be made so that the entry of the student into the Waterloo school supports the socioeconomic status (SES) balance of the cluster to which that school belongs.

Every effort will be made to accommodate parental or guardian requests relative to specific attendance centers that qualify under the above rules. However, the Waterloo Community School District reserves the right to determine attendance center assignments for all students enrolled in the District.

I. CLASSROOM SPACE

The Superintendent shall consider classroom space when making decisions regarding open enrollment into the District and may refuse an application if insufficient classroom space exists. In the event that one or more siblings or step siblings, residing in the same home, submit requests for the same academic year, and insufficient classroom space exists in one or more of the grades requested, the Superintendent may waive the criteria for insufficient classroom space for those students affected in order to prevent the division of a family between two school districts.

Criteria for insufficient classroom space are outlined in Board Policy 601.3, Insufficient Classroom Space.

J. SUSPENSION/EXPULSION

Application to open enroll a student who has been suspended or expelled in the district of most recent attendance, will not be approved until the student has been reinstated in that district.

K. SPECIAL EDUCATION STUDENTS

An application for a special education student will first be considered under the bases of C.1-4 above. The application to open enroll into the District shall only be approved if the Waterloo Community School District maintains a special education instructional service which is appropriate to meet the child's educational needs and the caseload for the District is adequate to meet the student's educational needs.

If the appropriateness of the special education service in the resident district is questioned by the parent, then the parent should request a due process hearing. If the appropriateness of the special education service in the receiving district is at issue, the determination of appropriateness shall be with the Director of Special Education of the Area Education Agency in which the receiving district is located. Questions regarding appropriateness of special education services shall be directed to the District's Associate Superintendent for Educational and Student Services. The special education student will remain in the resident/sending district until the final determination is made.

L. RESTRICTIONS ON PARTICIPATION IN INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS

Generally, a student in grades nine through twelve who open enrolls is ineligible for varsity athletic competition during the student's first 90 consecutive school days of enrollment in the receiving district. Refer to Policy 510.5, Athletic Transfer Rule, for further details.

M. STUDENT GOVERNANCE

An open enrolled student shall be governed by the rules and policies established by the Board of Education of the Waterloo Community School District.

N. TRANSPORTATION RESPONSIBILITIES OF THE RECEIVING DISTRICT

The parent or legal guardian of a student that has been accepted for open enrollment in the Waterloo Community School District shall be responsible for transporting the child(ren) to and from the District without reimbursement from this District. Students may be provided bus transportation by the Waterloo Community School District to and from a point on a regular school bus route of the District if this designated stop meets the transportation guidelines as established by the Waterloo Community School District (one or more miles—elementary; two or more miles—middle; three or more miles—high school) from the school designated for attendance by the Superintendent or his/her designee. The Waterloo Community School District shall not send buses into a resident district solely for the purpose of transporting an open enrollment student.

O. NOTICE TO BE PROVIDED

By September 30 of each year, the District shall notify parents and legal guardians of open enrollment deadlines, transportation assistance, and possible loss of athletic eligibility for open enrollment students through the media.

P. APPEAL PROCEDURES

A denial by the Superintendent of an open enrollment request may be appealed to the Board of Education. Notice of the intent to appeal should be provided in writing to the Executive Director of School and Community Relations, 1516 Washington Street, Waterloo, IA 50702, within 30 days of the receipt by the applicant of the notice of denial.

Appeals of the Board's decision must be filed through an Iowa District Court unless the application was filed because the child was a victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. These two issues may be appealed to the Iowa State Board of Education under the procedure in Iowa Code Chapter 290.

All appeals shall be in the form of an affidavit signed by the parent or legal guardian, and it shall state in a plain and complete manner what the parent or legal guardian feels to be the basis for appeal.

VI. OPEN ENROLLMENT PROCEDURES AS A SENDING DISTRICT – Policy 501.12 R2

The parent or legal guardian of a resident student wishing to open enroll out of the Waterloo Community School District, under the Open Enrollment Act of 1989, shall file a formal application with this District.

A. DEADLINES

1. Students Entering First through Twelfth Grades

A parent or legal guardian wishing to open enroll a student shall notify the Superintendent or his/her designee of that intention by filing a formal application on or before March 1 for enrollment in the district of choice the following school year. Parents who have good cause, as defined by law, for failing to meet the March 1 deadline shall make an open enrollment request by September 1.

2. Students Entering Kindergarten

A parent or legal guardian wishing to open enroll a kindergarten student shall make application by September 1 of the year in which the child will enter kindergarten.

B. APPLICATION AND NOTICE PROCEDURES

The application to open enroll out of the District shall be made on application forms developed by the State Department of Education and available at the Waterloo Community School District's Education Service Center or online at www.iowa.gov/educate. These forms are available beginning the first workday after July 1 in the calendar year prior to the start of the school year desired for open enrollment.

The date of the filing of any application for open enrollment shall be recorded on the application.

The superintendent or his/her designee shall be responsible for reviewing and processing open enrollment requests. The Superintendent will act on applications filed by March 1 no later than June 1 of the school year preceding the school year for which the application is made. Action on good cause applications and kindergarten applications received after March 1 will be taken within 30 days of receipt. Notice will be provided to the parent/legal guardian within five days of the Superintendent's action and, if approved, to the receiving district within five days. The Superintendent shall also file a copy of the application form, indicating the Superintendent's action on the request, with the Iowa Department of Education.

C. BASIS FOR APPROVAL OR DENIAL BY THE WATERLOO COMMUNITY SCHOOL DISTRICT

- 1. Participation in an Academic Program Not Available in the Resident District**
Applications for open enrollment so that the student can participate in an academic program offered by the receiving district and not available in the Waterloo Community School District will be approved.

The academic program must be available to the applicant student in the first year of open enrollment. The student must enroll in that program in order to qualify under this basis for open enrollment.

Applicants should note the specific program desired so that the curriculum can be reviewed prior to an approval. These students are not subject to the District's Diversity Plan (see C. 4. below).

2. Siblings of Open Enrolled Students

Applications of siblings who reside in the same household of a currently open enrolled student will be approved to attend the same receiving district as the open enrolled sibling. These students are not subject to the District's Diversity Plan (see C. 5).

3. Continuous Education

A current student of another Iowa public school district in grades K-12, whose legal residence changes to the Waterloo Community School District, will be allowed, if desired, to continue his/her education for the remainder of the school year under Iowa Administrative Code 281-17.8 (7) as an open enrolled student in the former district, with no interruption of the K-12 educational program. An open enrollment request must be filed with this district and the former resident district for the student to continue beyond the current school year. These students are not subject to the District's Diversity Plan (see C. 5).

4. Diversity Plan-Based Decisions, for Students Not Qualifying Under Program, Sibling, or Continuous (Rules (C, 1-3 above)

The superintendent's decision will be based on the impact approval of the application would have on the District's Diversity Plan (available online at www.waterloo.k12.ia.us), which is designed to promote the diversity of the District and avoid minority student isolation.

District schools are clustered to provide maximum opportunities for parents/legal guardians to have a choice of attendance centers. Assignment to a school other than that serving the attendance area in which the child lives is on a space available basis. See the policies, Voluntary Student Transfer Program, 501.8, and Special Permission, 501.9.

Each fall, data shall be collected by the Executive Director of School and Community Relations on the number of students who are eligible for Free or Reduced Lunch, hereafter referred to as Low Socioeconomic Status (SES), enrolled in each school cluster on the official enrollment count day, October 1. The number of students who are Low SES, and the corresponding number of students who are not Low SES, and therefore defined for this purpose as High SES, at each school cluster will be used in the following procedures:

- a. All applicants for open enrollment out of the District will be asked to designate whether their household is either eligible for Free or Reduced Lunch or not eligible for Free or Reduced Lunch.

1. A household who is new to the District and who designates eligibility for FRL will complete a financial status form to verify that eligibility for purposes of the open enrollment process.
 2. In the case of a household which has a student currently attending the Waterloo Schools and that designates eligibility for FRL, that eligibility may be verified by information maintained on the District's student information system.
 3. If a household has not already been determined to be eligible for Free or Reduced Lunch and wishes to apply for that status, the applicant may do so at the time of applying for open enrollment.
 4. If the applicant does not check either eligible or not eligible for FRL, the student will be treated as High SES.
- b. All Low SES applicants will be placed on a Low SES waiting list by their respective school cluster for further consideration; all High SES applicants are placed on a High SES waiting list by their respective school cluster for further consideration.
 - c. As an open enrollment application to come into the cluster is received, for either a Low SES or High SES student, a corresponding Low SES or High SES application for open enrollment out of the school cluster will be recommended for approval.
 - d. Names will be selected at random from the relevant SES and cluster list.
 - e. As new kindergarten or "good cause" [as defined by Iowa Code section 282.18(2); 281-IAC rule 17.7] applications are received after March 1 and no later than the September 1 deadline, they will be eligible for selection in the same manner as the earlier-filed applicants.

D. SEVERE HEALTH NEEDS OR PERVASIVE HARASSMENT

In the case of applications in which severe health needs or allegations of pervasive harassment are reported to the District (on or accompanying the open enrollment application), each case will be investigated. If the severe health need is substantiated or the allegation of pervasive harassment is founded, and if Waterloo Schools cannot adequately address the student's needs, each case will be addressed on its own merits in the best interests of the affected child. Applicants should provide information about the health or harassment situation, including the names of any District staff who have worked to address the situation.

E. HARDSHIP EXCEPTIONS

If the parent or legal guardian wishes to request a "hardship" exception for an application that would otherwise not be granted under these procedures, a request for consideration, detailing the information that could justify an exception to the basis for approvals stated in section C. above should be made in writing to the Executive Director of School and Community Relations, 1516 Washington Street, Waterloo, IA 50702. This information should accompany the original application for open enrollment, if possible.

Recognizing that each family's situation is unique and that each applicant for open enrollment has reasons which are personally important, the Board of Education is responsible for applying its policies equitably and consistently.

"Hardship: generally means severe suffering or privation. Hardship applies to a circumstance in which excessive and painful effort of some kind is required, as enduring acute discomfort from cold, or battling over rough terrain. For the purposes of open enrollment exceptions, it should be based on conditions beyond the control of the parent or guardian, in the past, present, or future.

Some examples of situations which probably do not rise to the level of a possible hardship exception to the open enrollment rules could be:

- Preference for a specific day care provider
- Continuity of services (such as continuing in a physical location where preschool has been provided near or in an elementary school building)
- Transportation arrangements
- Continued association with a familiar peer group
- Work schedules of parents or guardians

Some examples of situations which may result in a hardship exception are:

- Release of student from treatment with recommendation from care provider for change of peer group
- Ongoing difficulties in resident district school that may be remedied by placement in a different district

Some examples of situations which should be brought to the attention of the District for consideration under other provisions of this policy are;

- Severe health or pervasive harassment (see section D above)
- Unique educational programs offered in another district (see section C1 above)

The Superintendent will review these requests and respond in writing to the parent or legal guardian within 30 days. If the Superintendent does not approve the application, an appeal may be filed in accordance with paragraph K. below.

F. EXPIRATION OF WAITING LISTS

The waiting list of applications will expire on September 1 of the year for which the request was made. This is the last possible date for application for the school year that includes that particular September. A request for open enrollment for a succeeding year requires the filing of a new application.

G. WITHDRAWALS OF APPLICATIONS/RETURNS TO THE RESIDENT DISTRICT

A parent/legal guardian may withdraw an application for open enrollment out of the District at any time. Upon written notice to both the Waterloo Community School District and the receiving district, students who have open enrolled in may return to the WCSD.

H. SPECIAL EDUCATION STUDENTS

An application for a special education student will first be considered under the bases of C.1-4. The application to open enroll to another district shall only be approved if the receiving district maintains a special education instructional service which is appropriate to meet the child's educational needs and the caseload for the receiving district is adequate to meet the student's educational needs.

The District shall pay the receiving district the actual cost incurred in providing the appropriate special education services. If the parent or legal guardian of the child moves to a different district during the course of the academic year, the child's first district of residence shall be responsible for payment of the cost, including special education costs, to the receiving district for the balance of the school year for which the move took place.

If the appropriateness of the special education service in the resident district is questioned by the parent, then the parent should request a due process hearing. If the appropriateness of the special education service in the receiving district is at issue, the determination of appropriateness shall be with the Director of Special Education of the Area Education Agency in which the receiving district is located. Questions regarding appropriateness of special education services shall be directed to the District's Associate Superintendent for Educational and Student Services. The special education student will remain in the resident/sending district until the final determination is made.

I. TRANSPORTATION RESPONSIBILITIES OF THE SENDING DISTRICT

It shall be the responsibility of the parent or legal guardian to provide transportation for the child (ren) to and from the receiving district. Open enrollment students that meet the economic eligibility requirements as established by the Department of Education and the State Board of Education shall receive transportation assistance from the Waterloo Community School District as follows:

1. The student involved in open enrollment must be enrolled in a district that is contiguous to the Waterloo Community School District.
2. The Waterloo Community School District shall provide transportation for the student to a point that is a designated stop on a regular bus route of the contiguous receiving district, or as an alternative, the Waterloo Community School District shall pay the parent or legal guardian for providing this transportation.
3. The Waterloo Community School District will not be obligated to expend more than the average cost per pupil transported amount established for the District for the previous school year.

J. NOTICE TO BE PROVIDED

By September 30 of each year, the District shall notify parents and legal guardians of open enrollment deadlines, transportation assistance, and possible loss of athletic eligibility for open enrollment students through the media.

K. APPEAL PROCEDURES

A denial by the Superintendent of an open enrollment request may be appealed to the Board of Education. Notice of the intent to appeal should be provided in writing to the Executive Director of School and Community Relations, 1516 Washington Street, Waterloo, IA 50702, within 30 days of the receipt by the applicant of the notice of denial.

Appeals of the Board's decision must be filed through an Iowa District Court unless the application was filed because the child was a victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. These two issues may be appealed to the Iowa State Board of Education under the procedure in Iowa Code Chapter 290.

All appeals shall be in the form of an affidavit signed by the parent or legal guardian, and it shall state in a plain and complete manner what the parent or legal guardian feels to be the basis for appeal.