Des Moines Public Schools and Open Enrollment: Putting Schools Before Students

A special investigation by the Kirkwood Institute and Tax Education Foundation of Iowa

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Open Enrollment vs. Voluntary Diversity

Enrollment in Iowa's public schools is normally tied directly to geography, as anyone with children can relate to. The location of a family's home can be defined as much by a school district as it is by any city limits. Often the schools their children will attend are a key consideration as parents select housing for a family.

But sometimes family circumstances change. Children may not do well in a particular district and their parents may want to change schools. A change in schools can always be accomplished with a change in residency: nothing can stop a family from moving into what they perceive to be a more desirable school district and enrolling children there.

Moving, however, is not an option for all families. Whether because of limited job opportunities, other family needs, or general financial considerations, families cannot always simply relocate. Most of the time when faced with this situation, Iowa parents can choose *open enrollment*. This option allows parents to enroll their children in a public school district other than the one in which they live. The family stays, but the children go across a district boundary into another school system.

Many families choose this option. During the current school year, for example, over 35,000 Iowa children are taking advantage of open enrollment.

But open enrollment is not available equally to all Iowa children. Iowa <u>law</u> permits school districts to adopt *voluntary diversity plans* and to deny open enrollment to students whose transfer would harm the district's plan. There are five Iowa school districts with voluntary diversity plans. They are Des Moines, Waterloo, Davenport, Postville, and West Liberty. Nothing in the law places a limit on when, why, or how a district adopts a voluntary diversity plan.

The proponents of these voluntary diversity plans have a ready answer to why the law should allow a district's needs to be placed before a child's: that in districts with these plans, students benefit from the diversity of the school system. This benefit, according to supporters, outweighs the benefits to a family that would want to choose open enrollment.

The Kirkwood Institute and Tax Education Foundation (TEF) work in the area of education reform. Both organizations are interested in promoting opportunities for Iowa families to have meaningful educational choice for their children. Kirkwood and TEF asked the question "how do Iowa school districts with voluntary diversity plans administer them?" In at least one instance, the answer is disturbing.

A Startling Discovery

During a review of the website of the Des Moines Public Schools, Kirkwood and TEF Iowa discovered that the district had placed documents on the site that contained highly confidential information about specific requests for open enrollment. To protect the families involved, Kirkwood and TEF have heavily redacted the documents that are included with this special report. **The original documents contained on the DMPS's website had no redactions—the names of students were available for the public to see if they knew where to look.**

Appendix A shows the documents that were included in various DMPS school board packets. Appendix B displays screenshots as they were prepared for school board members to vote on denial of the open enrollment requests.

The details are shocking. There is no consideration given for the actual best interests of the children involved. Time and again, the district rejects a parent's concerns if those concerns are not also already held by district personnel.

The worst example, by far, is a student who requested open enrollment because she had been raped by another student "and no longer feels safe in the school because the accused follows her around school." The family notified the school about the incident but said they could not go into specifics because of police involvement. The document notes the family "did not give a case number or any other details." The document goes on that "DMPS is unaware of the specifics but we can accommodate [the student] at another high school if she no longer feels safe at North."

"These documents are deeply troubling," said Kirkwood Institute President and Chief Counsel Alan R. Ostergren. "A student who has reported sexual assault apparently has to jump through the Des Moines Public Schools' bureaucratic hoops to justify why she doesn't feel safe in the district" he added.

Other documents detail requests for open enrollment based on harassment, bullying, and other problems in adjustment to the district by students. Some families report that the district has failed to accommodate a student's health problems. Others cite specific family concerns such as changing jobs or other circumstances that would be assisted by open enrollment. In each case, the district denied the request.

"I think that most people associated with the school district would agree that the parents having the freedom to choose what's best for their child is of utmost importance," said TEF Deputy Director Walt Rogers. "It would appear that this system, under the guise of diversity, is doing just the opposite," Rogers continued.

What Should Be Done?

"We would not ordinarily know about how the Des Moines schools administer open enrollment. It is only because the district carelessly put these sensitive documents on their website that we learn how callously the district treats its students. It is clear that Iowa law needs to change to no longer allow districts to have this arbitrary power over their students" said Ostergren.

DMPS's carelessness with private information about student concerns underscores that their focus lies very far from what is best for each student. DMPS has recklessly revealed that student needs are routinely ignored to maintain strict adherence to their diversity plans. The truth is now plain to see that Iowa law must be changed to end this harmful policy.

The simple question must be asked: "Whose interests come first, students or educational policymakers?" This scandalous disregard for the children in their care clearly answers that question and demands a change in policy.

The Kirkwood Institute and TEF informed the DMPS of the existence of these documents on the district's website before releasing this report so that the district could take down the private information of the students involved.

Background:

The Kirkwood Institute is a nonprofit public-interest law firm based in Des Moines, Iowa. It is dedicated to promotion of the constitutional rights of all Iowans and is particularly interested in the structures of government that protect liberty. Alan R. Ostergren is the President and Chief Counsel of Kirkwood Institute. He is the former Muscatine County Attorney. He is also engaged in the private practice of law. Alan's email address is <u>alan.ostergren@kirkwoodinstitute.org</u>

Tax Education Foundation of Iowa (TEF Iowa) is a nonprofit organization based in Muscatine, Iowa that works to drive the debate in Iowa with free-market policy solutions, a pro-growth tax code, a friendly business climate, and a capable educational system. Walt Rogers is the Deputy Director. He is a former member of the Iowa House of Representatives where he represented Cedar Falls and parts of Black Hawk County. He served as assistant house majority leader and was chair of the education committee. Walt's email address is wrogers@tefiowa.org.

			Parent Name & Student Name Contact Info Grade
			& Case #
			# District Requested
Family f setting v Carlisle given th ***DMP not quit Union. kids. Or	Family move house in Url younger stu close to her ***The Mer home and w Additionally car specialist at the Urband:	Family r being ba not able drop oth to be at to DMP can acco children transpo help wit	ict sted
Family feels the student would do better in a smaller school setting where she has already made friends through the Carlisle soccer program. Dad worries DMPS may be too large given the student's change in living situation. ***DMPS can accommodate at another school that is not quite as large as her address-assigned school of South Union. (Lovejoy is close to the family home and has 100 less kids. Or Howe is on that side of town and is half the size.)	ed in with grandmother but is looking to buy a bandale where mom works. Additionally, the dent has Type I Diabetes so mom wants to be redith/Hoover complex is very close to the family rould be on the way to mom's work as well. , Meredith has a nurse that is able to assist with e. Lastly, mom mentioned receiving care from a Blank. Meredith would be closer to Blank than Blank. Meredith would be closer to Blank than	Family recently moved in with dad's fiancée. Daughter is being babysat by his cousin who lives in Pleasant Hill and is not able to transport to DMPS. Fiancée works in WDM, has to drop other children at daycare on South side of DSM and has to be at work by 8:00. Dad's hours vary. Unable to transport to DMPS school. ***DMPS can accommodate in a school that is close to the other children's daycare provider on the South Side to make transportation easier. That school would have Metro Kids to help with after school care until the fiancée can pick her up.	Reason for appeal
DMPS can accommodate the student's needs.	DMPS can accommodate the student's needs.	ter is I and is OM, has to I and has I DMPS can accommodate the ***DMPS student's needs. he other ke o Kids to her up.	Basis for Superintendent's recommendation

Appendix A

closes.	grab Monroe and get the foster child before either facility	until 6:00 PM which should allow for mom to get off work,	after school care issue. They would have someone available	Kids is able to accommodate this student to assist with the	need after school care. *** Metro	one and had the space. Mom could drop off but would	certain daycare facilities. The current daycare in Johnston is	mom does foster care for an infant who can only be placed in	determined the student is actually in the DMPS District. Also,	the student was enrolled at Lawson. Recently it was	under the impression her home was in the Johnston District so	Student currently attends daycare in Johnston. Mom was
						off but would student's needs						

			Parent Name & Student Name Contact Info & Grade
) Unique Identifier
CAM	Clayton Ridge	Carlisle	District Requested
Student attended private school her entire career. Student suffered a concussion in April 2017. She has been dealing with the effects of that concussion since. A 504 was put in place to assist her but the private school did not accommodate. According to the parents, the doctor recommends an online setting to lessen the student's anxiety. The OE app was submitted late, per the parents, because they were hoping she did not have to repeat 8th grade but the private school did not cooperate with her parents or support the student's needs. ***Student has never attended DMPS so the health needs not being met were not being met at the private school. Code does not allow for release based on what the private school could not accommodate. Furthermore, the doctor states that continued use of her 504 is recommended. DMPS can absolutely accommodate her 504 Plan.	Mom marked harassment/severe health needs on the applications but did not give us any details. ***According to IC, each child had one unrelated incident last school DMPS can year. and were the instigators in their incident. accommodate the was the victim of one incident. No other issues reported to student's needs the building last school year. DMPS can accommodate at a different school if the family desires.	Student has struggled in the larger school. Has started cutting himself as such. Mom thinks the smaller environment will help. ***DMPS can accommodate him at a smaller middle school if mom feels the smaller setting will help his anxiety, which is not supported by any medical professionals.	Reason for late app
DMPS can accommodate the student's needs	DMPS can accommodate the student's needs	DMPS can accommodate the student's needs	Basis for Superintendent's recommendation

Clayton Ridge	¥DМ
Family marked harassment/severe medical on the application but did not give any details. ***Per Infinite Campus no behavior incidents or report of any harassment. Student diagnosed with ADHD/Depression and is on the Autism Spectrum. Her needs have been addressed via her IEP. In addition, her name was given to DMPS Virtual Campus staff so we can determine if we can meet her needs virtually.	Student has been bullied, according to mom, all throughout 4th & 5th grade. They state he was threatened to be jumped at Meredith. The therapist note states a school change can be optimistic but did not indicate that DMPS was unable to meet his needs. ***State code says to qualify for a late app the issue had to begin on or after the deadline or a reasonable person had to not know that the issue would not be resolved by the deadline. The family indicates the issues have been ongoing for a couple of years which does not meet the state definition of good cause. Additionally, DMPS can accommodate at a different middle school if the family desires a different school setting.
DMPS can accommodate the student's needs	DMPS can accommodate the student's needs

Ankeny	WDM
Student was raped and no longer feels safe in the school because the accused follows her around school. ***In May the family told North was assaulted by a child but would not give any details and stated that the student could not be asked about it because of the police involvement. They did not give a case number or any other details. Staff advised her teachers to be on the lookout for any behaviors. DMPS is unaware of the specifics but we can accommodate at another high school if she no longer feels safe at North.	Mom states that the school did not comply in a timely manner with his IEP which resulted in him needing summer school. Plus he has been bullied all year. ***Per the school, the school complied with his IEP. There were a few incidents throughout the school year but pervasive harassment. Additionally, per code a late app for harassment is acceptable if the harassment began on or after the March 1 deadline or if a reasonable person could not have known that it would continue after the deadline. If as mom indicates this has been ongoing all year, this would not meet the state's definition for good cause. DMPS can, however, accommodate another middle school if the family desires.
DMPS can accommodate the student's needs.	DMPS can accommodate the student's needs

		Parent Name & Student Name Contact Info & Grade I
		Unique Identifier R
		District Requested
Per grandma, the student was pulled into a group chat where several girls were harassing the student. They met with the assistant principal and agreed to do a mediation with the originator of the group chat to resolve the conflict. They thought it was resolved but that afternoon several students called her names. She stayed home sick the next day because she thought the group was planning to beat her up in the bathroom. The grandma and therapist (brief note attached) feel a different school setting is in her best interest. ***Per the principal the issues are a result of refusing to remain in class, her inability to follow directions and inappropriately engaging with her peers. The principal attached all the behavior reports and family contact log as support of the issues they have observed. DMPS can accommodate a different middle school if the family desires.	Per letter from therapist, the student had court ordered therapy which has helped her with her personal growth. She wanted to remain at her current school and do well. She now reports a lot of conflicts with other peers and she does not want to get involved with those fights even though she finds herself getting pulled into them. As such they want her to go to Saydel where she can be away from established peer relationships. ***Per the principal there have been zero incidents or issues reported to Goodrell. The building is willing to help establish a plan if there are specific peers she wishes to avoid. The district could also accommodate at a different middle school if the family desires.	Reason for late app
DMPS can accommodate the student's needs.	DMPS can accommodate the student's needs	Basis for Superintendent's recommendation

		Parent Name & 1 Contact Info
		Student Name & Grade
		Unique Identifier
		District Requested
Per app, student was jumped at Lincoln twice. Charges were pressed but mom fears for her student's safety. ***Mom submitted a police report of one incident that happened between her student and a student that attends Saydel. Several Lincoln students were witnesses but the Saydel student was charged with assault. The school did not respond to me when I asked for more details. There are no other notes in our system about any incidents. DMPS can accommodate this student at a different high school if she feels unsafe attending Lincoln though a student from a different district was responsible for the assault.	Per app, all of her students are being bullied but she is only submitting an app for this student to see how the process works. Teacher only returns calls on Sunday evening when mom is in church and unable to answer. Mom feels DMPS has lost control of all of its students. Mom said the younger students (for whom she did not apply for OE) are bullied on a daily basis. For whom she did not white. Mom also states that there is non stop vaping in the restroom and her kids are not getting the education they deserve. ***The school received a parent complaint that had no specifics listed. Mom has received communication regarding attendance and that preceded her parent concern. The school is unaware of any issues regarding harassment. DMPS can accommodate this student at a different middle school if the family desires.	Reason for late app
DMPS can accommodate the student's needs	DMPS can accommodate the student's needs	Basis for Superintendent's recommendation

Per mom her student is being bullied and is having a hard time focusing. She wants to go to Urbandale where she hears it is better. ***Per school they are not aware of any issues. The family has not contacted them about any concerns. Per Infinite Campus, this student has had two behavior referrals this year. In both instances, he was the offender. In one he was play fighting with someone that escalated into real fighting. In the next he came into a class that was not his own and disrupted the teacher. DMPS can accommodate at another building but there does not appear to be any issues at his current building.	The student has moved several times and has had to switch schools due to the move. Student is accustomed to a small town now and has experienced culture shock. The student must walk to school and has not made any friends. ***Per the school, they have addressed concerns about her attendance and mom said the student is experiencing culture shock. Mom has not addressed any other concerns about harassment or health needs to the school. Callanan is one of our smaller middle schools but we can accommodate at Goodrell if they need something even smaller. In addition, per code, the family needs to give the district/school the opportunity to address any concerns. Since mom has not expressed any concerns with the building we are obligated to deny.
DMPS can accommodate the students' needs	DMPS can accommodate the student's needs

Student was assaulted at school in 2017. Due to an increase in violence in the building the student has severe anxiety, stress, nightmares and panic attacks. ***Per the school, they have not been notified about any concerns. However, out of the 43 days of school (at the time the building responded), the student has been absent 32 days and left early 3 days. The school counselor said that mom says the student does not want to attend school because of an incident that happened two years ago. In September 2017 the student reported that another student choked him. The teacher who witnessed the confrontation did not see the student choke and could not see any marks that indicated he was choked. In and could not see any marks that year nor the next. DMPS can accommodate this student at another elementary school if he does not feel safe at Studebaker.	Per app, her student is being bullied and is having a hard time focusing. She wants to go to Urbandale where she hears it is better. ***Per school they are not aware of any issues. The family has not contacted them about any concerns. Per Infinite Campus, this student has had no issues at school. DMPS can accommodate at another building but there does not appear to be any issues at his current building.
DMPS can accommodate the student's needs	DMPS can accommodate the student's needs

Student was a victim of assault on 10/2/19 so she no longer feels safe at school. The school put her on a safety plan which allows her to pass early but she still does not feel safe. ***Per the building, there was an incident on 10/2. The victim was placed on a safety plan. The offender was suspended. There have been no known incidents since. DMPS can accommodate at another building if the family desires.	Per mom, there are two students who continue to put their hands on Mom said the principal will not reveal what is happening to those students due to privacy concerns. Mom said in one class they moved her student's seat but not until she advised them that the student was bothering her daughter. And that the school said that her daughter needs to let them know when the other student messes with her. Mom feels she should not have to call their attention to a problem for it to be addressed. ***Per the school, According to the principal, and nothing that should be escalated to harassment. The principal said mom has been adamant that her student should be allowed to attend Carlisle. DMPS can accommodate at another middle school if the family desires.
DMPS can	DMPS can
accommodate the	accommodate the
student's needs.	student's needs

	not yet done so.	7			
	can accommodate her student at another middle school. She has				ŝ
	The girl was suspended and her class schedule was changed				
student's needs.	were no further issues. On November 13, this same girl assaulted				
accommodate the	friendship had soured. The school mediated the situation and there				
DMPS can	September. It was a mutual physical conflict because their				
	building, was involved with an incident with a girl in				
	incident with this child. ***Per the			63.	23
	daughter. Mom wants to move districts because this is the second				
	called and charges filed against the student who assaulted her				
	Per the app the student was assaulted on $11/13/19$. The police were			28	
recommendation		Requested	Identifier	& Grade	Contact Into
Superintendent's	Reason for late app	District	Unique	Student Name	Parent Name & Student Name
Basis for		2 - -		2	

		Parent Name & Student Name Contact Info & Grade
		ame Unique e Identifier
		District Requested
Per app student has been treated badly and threatened. He just wants to get a good education. They did not elaborate or provide any additional information. ***Per East Admin, they are not aware of any issues involving this student being treated unfairly. He does have poor attendance, however. The OE office advised the family to apply for WIDT but we have not received anything. DMPS can accommodate at another school if desired.	Parents marked harassment on the form and said they would drop off additional information but nothing was received. ***Per North Admin, no known issues other than attendance. The OE office advised the family to apply for our Virtual Campus. That application has not yet been received either. DMPS can accommodate in our VC program or at another school if desired.	Reason for late app
DMPS can accommodate the student's needs.	DMPS can accommodate the student's needs.	Basis for Superintendent's recommendation

Appendix B

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6.4.19 Meeting Reports and Attachments	9.17.19 Concurrent Boundary Resolution - Des Moines ICSD and Saydel.pdf (455 KB)	
5.21.19 Meeting Reports and Attachments	9.17.19 Concurrent Boundary Resolution - Des Moines ICSD and SE Polk.pdf (6,525 KB)	
5.7.19 Meeting Reports and Attachments	9.17.19 Concurrent Boundary Resolution - Des Moines ICSD and Urbandale.pdf (1,238 KB)	
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4.2.19 Meeting Reports and Attachments	9.17.19 Interim SMART goal targets.pdf (90 KB)	
3.5.19 Meeting Reports and Attachments	9.17.19 Labor Union Appreciation Proclomation.pdf (102 KB)	
2.19.19 Meeting Reports and Attachments	9.17.19 MOU for Youth Voice Presidential Forum.pdf (163 KB)	
2.5.19 Meeting Reports and Attachments	9.17.19 UpdatedWorkPlan.pdf (247 KB)	
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			10.1.19 OE board late apps for denial item.pdf (52 KB)	6.18.19 Meeting Reports and Attachments
			10.1.19 Monroe Elem Community Room.pdf (36 KB)	7.9.19 Meeting Reports and Attachments
			10.1.19 ISU Student Teaching Agreement.pdf (2,515 KB)	8.13.19 Meeting Reports and Attachments
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9.17.19 Meeting Reports and Attachments	
9.3.19 Meeting Reports and Attachments	11.5.19 Audit DM School Presentation-ppt.pdf (442 KB)
8.13.19 Meeting Reports and Attachments	11.5.19 board late apps for denial item.pdf (61 KB)
7.9.19 Meeting Reports and Attachments	11.5.19 Board Policy 2.10 - Social Emotional Learning Report.pdf (1,306 KB)
6.18.19 Meeting Reports and Attachments	11.5.19 BoardWorkPlanOct15.pdf (163 KB)
6.4.19 Meeting Reports and Attachments	11.5.19 Christ the King Contract NPT.pdf (1,001 KB)
5.21.19 Meeting Reports and Attachments	11.5.19 Dahl Grant Agreement South Union Walking Track Playground.pdf (6,871 KB)
5.7.19 Meeting Reports and Attachments	11.5.19 DMICSD NONGAS Report - Final.pdf (8,398 KB)
4.16.19 Meeting Reports and Attachments	11.5.19 Dowling Contract NPT.pdf (1,075 KB)
4.2.19 Meeting Reports and Attachments	11.5.19 DSM Quarterly Tracker Report.pdf (923 KB)
3.5.19 Meeting Reports and Attachments	11.5.19 EHS Williams Field Concession Stand.pdf (446 KB)
2.19.19 Meeting Reports and Attachments	11.5.19 Final Draft FY21 Downtown Calendar.pdf (363 KB)
2.5.19 Meeting Reports and Attachments	11.5.19 Final Draft FY21 Regular Schools Calendar.pdf (43 KB)
1.22.19 Meeting Reports and Attachments	11.5.19 FY 2019 PAFR.pdf (793 KB) 11.5.19 Gove Policy 1.2 revision.pdf (111 KB)
1.8.19 Meeting Reports and Attachments	11.5.19 Head Start Policy Committee Minutes from 9.17.19.pdf (124 KB)
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11.5.19 Meeting Reports and Attachments	12.3.19 Board Policy 2.11 Understanding and Influencing the Communtiy.pdf (2,837 KB)	
10.15.19 Meeting Reports and Attachments	12.3.19 Chapter12ExemptionRequest PE 2020-21.pdf (209 KB)	
10.1.19 Meeting Reports and Attachments	12.3.19 Chapter12ExemptionRequest alternative PE 2020-21-2.pdf (140 KB)	
9.17.19 Meeting Reports and Attachments	12.3.19 Head Start Policy Committee Minutes.pdf (128 KB)	
9.3.19 Meeting Reports and Attachments	12.3.19 Black Males 3rd Grade Reading Part 1 Monitoring Report.pdf (1,001 KB)	
8.13.19 Meeting Reports and Attachments	12.3.19 Black Males 3rd Grade Reading Part 1 Presentation.pdf (632 KB)	
7.9.19 Meeting Reports and Attachments	12.3.19 board late app for denial item.pdf (48 KB)	
6.18.19 Meeting Reports and Attachments	12.3.19 Science Board Monitoring Report.pdf (223 KB)	
6.4.19 Meeting Reports and Attachments	12.3.19 SOFG Fillable Self Eval Form.pdf (281 KB)	
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11.5.19 Meeting Reports and Attachments	1.7.20 Central Academy Pottery Studio.pdf (680 KB)		
10.15.19 Meeting Reports and Attachments	1.7.20 Committees and Board Members.pdf (164 KB)		
10.1.19 Meeting Reports and Attachments	1.7.20 Hoover Meredith FCS and Science.pdf (509 KB)		
9.17.19 Meeting Reports and Attachments	1.7.20 All Students 3rd Grade Reading Part 1 Monitoring Report.pdf (724 KB)	pdf (724 KB)	
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8.13.19 Meeting Reports and Attachments	1.7.20 board late apps for denial item.pdf (50 KB)		
7.9.19 Meeting Reports and Attachments	1.7.20 State Assessments Report.pdf (1,934 KB)		
6.18.19 Meeting Reports and Attachments	1.7.20 Prospect Replacement Fuel Storage Tank.pdf (90 KB)		
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