

Iowa State Board of Education

Executive Summary

November 19, 2025

Agenda Item: Appeal Decision 5226 (In re Open Enrollment of D.F.)

State Board Goal: Statutory obligation

State Board Role/Authority: The State Board has the duty to decide this appeal. Iowa Code chapter 290 (2025).

Presenter(s): None (consent agenda)

Attachment(s): Two

Recommendation: It is recommended that the State Board adopt the proposed decision in this matter.

Background: On September 18, 2025, Administrative Law Judge David Lindgren issued a proposed decision, affirming the Appellee's decision to deny open enrollment to D.F. The Appellants did not file an appeal of the proposed decision within the time period provided by Iowa Administrative Code chapter 281-6. The proposed decision will be placed on the Iowa State Board of Education's consent agenda at its November 19, 2025, for adoption as a matter of law. Iowa Administrative Code r. 281-6.6(3).

IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
CENTRAL PANEL BUREAU

the Allens to submit a change-of-address form. She attached a copy of the open enrollment form to this email. Because she had not yet received any response, Moss followed up with an identical email on May 13, 2025.

On or about May 15, 2025, Allen then submitted an Open Enrollment Application asking for D.F. to be open enrolled back into Indianola for the 2025-2026 school year. She reported that D.F. is eligible for special education services, and that the change of districts had occurred some thirteen months earlier, on April 24, 2024, due to a family move. On June 13, 2025, Superintendent Paul reported her decision by signing the form and indicating that the application had been denied. As reason for the denial, she checked the box indicating “insufficient classroom space.” She did not mark the box indicating “appropriate special education program not available” or the box indicating it had been filed late with no good cause.

On June 17, 2025, Allen followed up by letter requesting a formal written explanation for the denial. She also noted that D.F. had been in the Indianola District since preschool and has had an IEP since the sixth grade. She related that the loss of his Indianola educational team “WILL be an extreme set back for [D.F.]” and she expressed concern that his progress had been fragile and may cause regression if he could not return to Indianola.

Superintendent Paul replied by email on June 12, 2025, indicating that “the decision to deny your son’s open enrollment request is based on a lack of available space in our high school special education programming.” In particular, she noted that the district must first ensure the provision of appropriate services for its resident students, and that due to limited spacing, Indianola had denied open enrollment requests that require additional special education classroom and program space. She also reported the following specific reasons for the denial:

- Six (6) additional high school resident students have moved in, registered and are confirmed to require special education services in the fall, significantly increasing current teacher caseloads.
- An indeterminate number of additional resident students may still register and require services over the summer. Traditionally, we see additions of students who move in during school registration time that do have an IEP.
- Three (3) high school special education teaching positions remain unfilled at this time, further impacting our staffing capacity and program space.
- Caseload limits established by the district's service delivery plan and supported by Iowa’s guidelines establish the expectation for teacher capacity in a manner that does not compromise service quality or compliance

On June 23, 2025, Allen received from the Des Moines Independent School District a notification that it, as the resident district, had denied the open enrollment application because it was “turned in late or past the deadline.” Then, on June 24, 2025, Allen requested a formal review of Indianola’s decision to deny open enrollment. She was

informed by Sarah Baker that the Indianola School Board would review the decision at its July meeting. However, Baker also informed Allen that:

In special education, insufficient classroom space is used when current caseloads (special education rosters) would be excessive. Although we have the appropriate programming for Dominick, we currently have special education staff shortages that are impacting roster sizes at the high school leading to the denial based on insufficient space.

The matter came before the Board in closed session under Iowa Code 21.5(1)(a) on July 25, 2025. Superintendent Paul reported to Allen by email following that meeting the following:

The board acted on the Open Enrollment request for Dominick this morning and voted to deny the OE request and deny waiving the insufficient classroom space reason for denial for students of the same nuclear family as per Board Policy 501.15.

Dominick is a resident student of the Des Moines Public School system and should enroll with them as soon as possible to be ready to start attending there when school opens in August.

Allen requested an appeal of this decision, stating that she believed the denial violates the Iowa Department of Education's "continuation rule," which reportedly provides that "[i]f a parent/guardian moves and wishes for their student to continue in the original resident district under open enrollment, requests cannot be denied due to insufficient classroom space policies." She also argued that a transfer to the Des Moines schools would "be both disruptive and harmful to his academic and emotional well-being."

The matter was then transmitted to the Iowa Administrative Hearings Division for hearing. At that hearing, Superintendent Paul explained that while the District does have the ability and material resources necessary to implement the programming provided for in D.F.'s IEP, it does not have the necessary people to staff it. In particular, they are down two special education teachers at the high school. They have posted for these positions, but they cannot find the teachers to fill them. This means they have to disperse the special education students among the remaining limited special education staff in order to fulfill their IEPs. This in turn has maxed out those teachers' student roster sizes. To add more students would force the District to exceed district delivery recommendations or recommended roster sizes for those classrooms.

Superintendent Paul also explained that they did accept the open enrollment application of D.F.'s younger sibling. However, this was considered on its own merits, and not in conjunction with D.F.'s. D.F.'s sibling was enrolled because there was sufficient space in the specific classrooms that she would be attending.

CONCLUSIONS OF LAW

Open enrollment is the procedure allowing a parent/guardian to enroll one or more pupils in a public school district other than the district of residence at no tuition cost to the parent.¹ Iowa Code section 282.18 governs the open enrollment process. The standard filing deadline for an application to open enroll a student for the upcoming school year is March 1.² If a parent or guardian fails to file a notification of intention to open enroll by the applicable deadline, then the procedures of Iowa Code section 282.18(4A) apply.³ Subsection 4A provides:

4A. a. After March 1 of the preceding school year and until the date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.⁴

Good cause is not defined in subsection 4A, nor is it defined in the Department's open enrollment regulations. Good cause, though, is defined in Iowa Code section 282.18(11)(a)(8), which relates to participation of open enrollment students in varsity interscholastic sports. That subsection provides a list of situations that provide "good cause" for open enrollment, including change in the child's residence due to a change in family residence. Iowa Code subsection 282.18(5) governs open enrollment applications filed after March 1 that do not qualify for good cause as provided in subsection 3A. These applications are subject to the approval of the board of the resident district and the board of the receiving district.

Iowa Department of Education regulations provide that "no receiving district is required to accept an open enrollment request if it has insufficient classroom space to accommodate the pupil(s)."⁵ Districts are required, though, to adopt a policy defining

¹ Iowa Admin Code r. 281-17.1.

² Iowa Code § 282.18(2)(a). With Senate File 2435, the legislature reinstated the open enrollment deadline effective July 1, 2024.

³ Iowa Code § 282.18(2)(a).

⁴ I note that the final sentence of subsection 4(a) might appear to preclude the Allens' appeal in its entirety. This appeal followed from a late-filed (post-March 1) application for open enrollment that was denied by the Indianola school board. The statute provides that in such a situation, a "denial of a request by the board of a receiving district is not subject to appeal." However, because the District does not object to this proceeding and does not raise any jurisdictional issues, I proceed to issue a decision on the merits even despite this language.

⁵ Iowa Admin. Code r. 281-17.6(2).

what insufficient classroom space means for that district, which is to establish a basis for considering open enrollment requests. The policy may include a number of considerations, including such availability of instructional staff, pupil-teacher ratio, facilities, and finances.⁶

But, if the student is eligible for special education, the request must consider (1) whether the receiving district is able to provide the appropriate special education program, and (2) whether enrollment of the child in the receiving district's program would cause the size of the class or caseload in that special education instructional program in the receiving district to exceed the maximum class size.⁷

I first conclude that the "continuation rule" does not apply to this situation. Essentially, that rule provides that "if a parent/guardian moves and wishes for their student to continue at the original resident district under open enrollment . . . requests cannot be denied due to insufficient classroom space policies."⁸ By its terms, open enrollment is a year-to-year enrollment process.⁹ Application must be made annually, and open enrollment is not a continual condition or a perpetual situation. Just because a student once resided in a particular district does not give him or her an indeterminate or unending right to remain in that original district.

With this in mind, it is also appropriate to be mindful that the Allens did not alert the District when they moved to Des Moines. In fact, Indianola only learned of this fact some thirteen months later, and this was only because a school resource officer happened to come across information concerning the family's new district of residence. Accordingly, the District here properly required the Allens to request that D.F. apply for open enrollment in order to attend Indianola. Des Moines was, at this time, the district of residence and D.F.'s presumed place of enrollment.

The District consistently informed the Allens that D.F.'s application was being denied due to insufficient classroom space. The record fully bears out this conclusion. As Superintendent Paul explained, the District simply does not have the necessary people to staff the special education classrooms that D.F. would be attending. In particular, the District is currently short two special education teachers at the high school¹⁰, and even though it has posted for these positions, it cannot find the teachers to fill them. As a result, it has had to disperse its special education students among the remain special education staff in order to fulfill their IEPs. This in turn has maxed out those teachers' student roster sizes. The District must give priority to resident students. Notably, the denial was not due to any inability to provide the appropriate special education programming. These considerations were proper and fully support the District's

⁶ *Id.*

⁷ 281—17.10.

⁸ <https://educate.iowa.gov/pk-12/educational-choice/open-enrollment> (Iowa Department of Education website page on open enrollment, last visited 9/17/2025); *see also* Iowa Code § 282.18(9)(b); Iowa Admin. Code r. 281-17.7(3).

⁹ Iowa Code § 282.18(1)(b) (For the school year commencing July 1, 1989, and each succeeding school year")

¹⁰ The school was reportedly short three special education staff at the time of the denial.

decision to deny open enrollment to D.F. under the Department's rules based on insufficient classroom space.¹¹

ORDER

For the foregoing reasons, the decision of the Indianola Community School District Board of Directors denying the open enrollment request filed by the Allens on behalf of their minor child D.F. is affirmed.

cc: Logan Allen and Heather Allen, Appellants, 420 Loomis Ave., Des Moines, IA 50315, l.bud86@gmail.com, heather.allen0911@gmail.com (By Email and Mail)
Emily Ellingson, Attorney for Appellee (AEDMS)
Carrie Weber, Attorney for Appellant (AEDMS)
Rebecca Griglione, DOE (AEDMS)

Appeal Rights

Any adversely affected party may appeal a proposed decision to the state board within 20 days after issuance of the proposed decision.¹² An appeal of a proposed decision is initiated by filing a timely notice of appeal with the office of the director. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service.¹³ The requirements for the notice are found at Iowa Admin. Code r. 281-6.6(4). Appeal procedures can be found at Iowa Admin. Code r. 281-6.6(5). The board may affirm, modify, or vacate the decision, or may direct a rehearing before the director or the director's designee.¹⁴

¹¹ 281—17.10.

¹² 281 Iowa Administrative Code (IAC) 6.6(4).

¹³ *Id.*

¹⁴ 281 IAC 6.6(6).

Case Title: IN RE: OPEN ENROLLMENT OF D.F., A CHILD BY HEATHER
AND LOGAN ALLEN, APPELLANTS V. INDIANOLA
COMMUNITY SCHOOL DISTRICT (5226)
Case Number: 26DOE0005
Type: Proposed Decision

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David Lindgren". The signature is fluid and cursive, with the first name "David" and last name "Lindgren" clearly distinguishable.

David Lindgren, Administrative Law Judge

BEFORE THE IOWA STATE BOARD OF EDUCATION

In re Open Enrollment of D.F., a child,)	
Heather Allen & Logan Allen,)	
)	
Appellants,)	Case No. 26DOE0005
)	DE Admin Doc. No. 5226
vs.)	
)	FINAL DECISION
Indianola Community School District,)	
Respondent.)	

On September 18, 2025, the administrative law judge issued a proposed decision, which affirmed the Respondent’s decision in this matter. The time to appeal the proposed decision has passed, and no appeal was filed. The proposed decision is adopted, as written. Iowa Admin. Code r. 281-6.6(3). PROPOSED DECISION ADOPTED; RESPONDENT’S DECISION AFFIRMED.

This is final agency action in a contested case proceeding.

Any party that disagrees with the Department’s decision may file a petition for judicial review under section 17A.19 of the Iowa Administrative Procedure Act. That provision gives a party who is “aggrieved or adversely affected by agency action” the right to seek judicial review by filing a petition for judicial review in the Iowa District Court for Polk County (home of state government) or in the district court in which the party lives or has its primary office. Any petition for judicial review must be filed within thirty days of this action, or within thirty days of any petition for rehearing being denied or deemed denied.

Dated: November 19, 2025

Iowa State Board of Education, by:

John Robbins, President

CC by certified mail to parties and counsel