

Iowa State Board of Education

Executive Summary

May 14, 2026

Agenda Item: Appeal Decision 5232 (In re Discipline of E.K.)

**State Board
Priority:** Statutory obligation

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

Presenter(s): Thomas A. Mayes
General Counsel

Attachment(s): Five

Recommendation: It is recommended that the State Board not grant the application for rehearing in this matter.

Background: On March 13, 2026, the State Board affirmed the Respondent's decision in this matter.¹ Appellant timely requested rehearing. The purpose for rehearing under Iowa Code section 17A.16(2) is to provide the agency an opportunity to correct errors in its final decision. It is not a vehicle for a second "bite at the apple" or to raise issues that could have been raised but were not. After considering the filings of the parties, the Department recommends that the request for rehearing be denied.

¹ Available online at <https://educate.iowa.gov/media/12586/download?inline>.



Petition for Judicial Review Case No. 26DOE0007 DE Admin Doc. No. 5253

Amanda Kaats <amandakaats@gmail.com>

Tue, Mar 31, 2026 at 3:03 PM

To: "Mayes, Thomas" <thomas.mayes@iowa.gov>, Rachel Bosovich <rachel.bosovich@iowa.gov>

Cc: John Robbins <john.robbins@iowa.gov>, Stacy Volmer <svolmer@heartlandaea.org>, Michael Kline <michael.kline@northpolk.org>, Carrie Weber <cweber@ahlerslaw.com>

Iowa Department of Education

Grimes State Office Building

[400 E 14th St](#)

[Des Moines, IA 50319](#)

Rachel Bosovich

Special Education Due Process Coordinator

Iowa Department of Education

Grimes State Office Building

[400 E 14th St](#)

[Des Moines, IA 50319](#)

Request for Re-Evaluation of Due Process Appeal – Case No. 26DOE0007, DE Admin Doc. No. 5232. In re Suspension of E.K., a child, Amanda Benton, Appellant, vs. North Polk Community School District, Respondent

Petition for judicial review under section 17A.19 of Iowa Administrative Procedure Act.

Dear Mr. Mayes and Ms. Bosovich,

I am writing to formally request reconsideration or re-evaluation of any prior due process determination (or to initiate a new complaint) regarding my child, EK, due to newly discovered and/or missing evidence that was not previously addressed. This petition addresses primarily the lack of manifestation determination, but would also note additional concerns of due process violations occurring at NP School Board Disciplinary hearing.

Key facts include:

- A self-harm safety plan was reportedly in place (or should have been), documented by teachers and/or school staff, yet no copy exists in my records despite repeated requests.
- Teacher observations of self-harm behaviors were referenced but never provided or preserved.
- Academic records show sustained struggling grades prior to suspension—evidence on file but ignored in any behavioral assessment.
- The district suspended for a full academic year without conducting a manifestation determination or functional behavioral assessment, despite clear disability-related indicators.

This raises serious concerns:

1. Denial of Free Appropriate Public Education (FAPE) under IDEA (34 C.F.R. § 300.530). *This concern was mediated on 3/27/26 and compensatory services have been agreed to.
2. Failure to provide reasonable accommodations under Title II of the ADA.*This concern was mediated on 3/27/26 and compensatory services have been agreed to.
3. Potential FERPA violation—missing/destroyed records related to disability needs, safety plans, and academic progress, preventing full access and accurate documentation. *This concern was mediated on 3/27/26 and compensatory services have been agreed to.

These omissions and losses violate due process by denying me the opportunity to present complete evidence. I request:

- Assignment of an impartial ALJ for a new hearing or expedited due process complaint.
- Request to discuss other options or solutions agreeable to all parties.
- An order for the district to produce all related records immediately. *Records have been destroyed noted 2/18/26
- Consideration of compensatory services for lost instruction, credit recovery, and mental health support. *This concern was mediated on 3/27/26 and compensatory services have been agreed to.

Additional Concerns Include:

- School Board Member failed to identify previous involvement with EK in disciplinary matter and I was not given the opportunity for impartial judgement.
- False and/or misleading testimony was given by Superintendent and Attorney at NP School Board Disciplinary Hearing in regards to The Take It Down Act, and 2021 Supreme Court Case BL vs. Mahanoy School District. Leading to the false conclusion Federal Laws had been Violated. The social media platform, TickTock's, filter failed and responsibility to remove falls on the platform.

- This event did not occur while the School stood in loco parentis. Failure to provide evidence of Material Disruption to the school environment beyond 20 mins of substitute teaching. Supreme Court Case: Tinker vs. Des Moines Public Schools & BL vs. Mahanoy School District
- The disruptor, as presented in Tinker vs. Des Moines public school, is defined as the person who yells fire in the theater. Only one documented report was made to the school prior to school involvement. The school caused any disruption that would have been present in the School District by the manner in which this event was handled ie. assumed intent to harm, email sent to all staff promising punishment to the “fullest extent of the district’s purview.” Second email sent to entire district raising awareness of event.
- No evidence EKs presence would be detrimental to the best interests of the school per Iowa code 282.4 Suspension — expulsion. EK was reportedly quiet and respectful by staff and had no serious disciplinary history.
- Violation of Iowa Administrative Code 281—41.530(256B,34CFR300) Authority of school personnel. Student may not be removed for more than 10 days, and maximum of 45 day displacement for offences. EK’s offence in contrast is a possible civil violation, no threat, no weapons, no drugs.
- Failure to prove defamation. No ill intent, views do not meet the 100,000 view viral standard for exposure, TickTock filter failure, School not in loco parentis.
- Affirming that the School has the right to suspend, without addressing the validity of said decision is viewed as circular logic and not the intent of the appeal.

Please confirm receipt and advise next steps. I am prepared to submit supporting documents (suspension notice, grade reports, any partial safety-plan references) upon request.

Thank you for your urgent attention.

Sincerely,

Amanda Benton (parent of EK)

cc: John Robbins, President, Iowa State Board of Education

Disability Rights Iowa (for awareness)

BEFORE THE IOWA STATE BOARD OF EDUCATION

In Suspension of E.K.,	(
a child,)	
	(Docket No. 5232
Amanda Benton,)	
Appellant,	(
)	ORDER REGARDING
vs.	(PETITION FOR REHEARING
)	
North Polk Community School District,	(
Appellee.)	

On March 31, 2026, Amanda Benton submitted a “petition for judicial review” of the State Board’s decision of March 13, 2026. This matter has been referred to me for attention.

The undersigned will construe this as a timely-filed petition for rehearing under Iowa Code section 17A.16 (2). Appellant seeks review based on “newly-discovered and/or missing evidence” as well as a lack of a manifestation determination under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 and additional arguments. The undersigned makes the following case processing order.

- I. Within fourteen days of the date of this order, each party may file, and serve upon the opposing party, a written argument about whether rehearing should be granted.
- II. Service and filing (via electronic mail to Rebecca.Griglione@iowa.gov) are to be by electronic mail.
- III. The parties may provide additional exhibits. Such exhibits are to be labelled – Appellant to use letters, starting with A, and Appellee to use numbers, starting with 1.
- IV. In any written argument, each party is urged to address the following four considerations.
 - a. To what extent is an appeal to the State Board under Iowa Code chapter 290 a proper vehicle for challenging whether a manifestation determination is required? *See In re T.M.*, 16 D.o.E. App. Dec. 1, 4 (1998).
 - b. To what extent is any petition for rehearing governed by the legally binding mediation agreement executed by the parties on March 27, 2026,

in docket number 26-57, and referenced by Appellant in her petition for rehearing?

- c. To what extent were any additional exhibits offered by the parties both relevant to the issues presented to the administrative law judge (“ALJ”) and unavailable at the time of the hearing?
 - d. To what extent does the petition for rehearing raise new issues that were not before the ALJ and, if any, why were those not presented to the ALJ?
- V. The Department of Education will review the submissions of the parties and recommend to the State Board placement on its agenda at either its May 2026 or its June 2026 meeting. Depending on the nature of the written submissions, this will either be placed on the consent agenda (with no oral argument) or as an action item with oral argument (with oral argument). This will be a separate scheduling order.

Done on April 7, 2026, in Des Moines.

/s/ Original Signed
Thomas A. Mayes
General Counsel

Via Electronic Mail to Amanda Benton, Appellant, and Carrie Weber, counsel for Appellee

Copies to Director McKenzie Snow, Chief of Staff John Elkin, Attorney Rachel Bosovich



Mayes, Thomas <thomas.mayes@iowa.gov>

Scheduling Order on Petition for Rehearing

Amanda Kaats <amandakaats@gmail.com>
To: Thomas Mayes <thomas.mayes@iowa.gov>
Cc: Carrie Weber <cweber@ahlerslaw.com>

Tue, Apr 21, 2026 at 4:16 PM

Please see attached:

In addition, Medical records, e-mails, receipts for mental evaluations can be provided if necessary, but I do not wish to share more than is necessary

Thank you,

Amanda Benton

In Suspension of E.K., a child

Docket No. 5232

Amanda Benton, Appellant

ORDER REGARDING vs. PETITION FOR REHEARING

North Polk Community School District, Appellee.

To whom it may concern,

As parents, we did not know what we did not know. However, we believe the school system should have known their own procedures and protocols. Why didn't anyone ask for a manifestation determination? Why was the child never questioned or considered during this process?

This appeal should be allowed because the schools failure to follow procedure is why more evidence was not presented to the ALJ. The school was making adjustments to facilitate EKs needs. So many individuals were aware and yet no one said anything. The school had more than enough information to know a 504 should have been in place at minimum. Iowa Code §§ 282.4-282.5, 290.1-290.3; IDEA/504 manifestation requirements.

Why was this not brought before the ALJ? To answer that, we must return to what we could prove. We knew that just one of the following truths should have been enough to grant a fair punishment.

1. This did not happen at school.
2. The school had not been materially disrupted.
3. This was an unprecedented punishment for a possible civil violation.
4. This was not an attack on teachers as emails sent to the entire district had suggested.
5. The way the school handled the situation increased visibility and harm far beyond the initial impact.
6. Laws are made to protect from harm, not offense. Ie. First amendment.
7. An intention to "punish to the fullest extent of the districts purview" by the decision maker is not how a fair trial starts.

8. Our daughter's presence at school has never been disruptive.
9. For the past 3 years our daughter has ADHD and a history of self harm and suicidal ideation. Our daughter was struggling and we have tried tirelessly to get her help. We knew the school was aware I had stepped down as Head Cook to better support my daughter the previous year. We knew principals, counselors, teachers, and even support staff were aware of this.

We knew that regardless of our daughter's eligibility for a 504 or IEP, that more than 2 week suspension for a possible civil violation would be unheard of. Countless federal and state laws, Supreme Court cases and even school rules had been ignored.

No one understood why this happened, yet no one asked or cared to listen. This situation was so clear to us that we could not conceive a third party would not correct this situation. With limited budget we focused our efforts on the cleanest facts for which there were plenty.

The ADHD was in her file. The short plea by EKs dad and myself at the end of a very long school board trial. Of course the ALJ carefully reviewed the entirety of this case in the weeks of review. What did they not see? The ALJ must also trust the school is following procedures.

How can it be allowed that a single mother is forced to stay home to ensure her daughter's safety? This isn't free, appropriate, public, or even an acceptable education. We had been told this was FAPE by the superintendent. This was blatantly not the case. Where is the safety plan that the counselor went over with us? Why are these things not in the file? How can it be allowed that you destroy a safety plan before a child leaves that building. Where is the email to the principal about the pencil sharpeners I provided. There should be a note in a file somewhere. So many people knew, but nobody spoke up?

We did not know that consistently our pleas about our daughters' struggles would go unheard. We did not know our daughter was

qualified for a 504 and very likely an IEP. We did not know our child's counselor had left and no records remained. This case is still under the umbrella of the school system. The interests motivating this decision are only allowed if every possible exception around the rules is granted while others are ignored.

It should be in the interest of all involved to seek justice and correct this. Presidents that can be consistently followed should be set. It is in the best interest of all involved to do right, we are here for the children.

The mediation addressed the services which were lacking due to the decisions made. The mediation was not allowed to address any decision at the schools request. Liability for the services was delayed to allow the decision to be addressed.

One issue is procedural, one addresses services. The simple fact that a decision was reached about services should be adequate to prove a procedural miss.

I ask that the court's decision on suspension be reconsidered in light of procedural oversights. I ask that EK not be held responsible for the unintended consequences of her actions. I ask that a child is not held accountable for the school district's lack of discretion. I ask that executive function disabilities in addition to a history of quiet and respectful behavior be acknowledged.

Sincerely,

Amanda Benton

Sent from my iPhone

On Apr 7, 2026, at 9:05 PM, Amanda Kaats <amandakaats@gmail.com> wrote:

Thank you! I'm on it.

Amanda
Sent from my iPhone

On Apr 7, 2026, at 11:38 AM, Mayes, Thomas <thomas.mayes@iowa.gov> wrote:

Please see the attached order.

Thomas A. Mayes
General Counsel
Iowa Department of Education
400 E 14th St
Des Moines, IA 50319-0146
515-281-8661
515-681-2309 mobile
515-242-5988 fax
thomas.mayes@iowa.gov
<https://educate.iowa.gov/>



Department of Education

<5232 Scheduling Order.pdf>

5 attachments

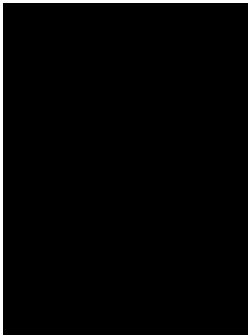






image0.jpeg
3391K

-  **Petition for Consideration of EK.pdf**
56K
-  **EK Attendance.pdf**
1195K
-  **Re- Team Ella.pdf**
91K
-  **EK Safety Timeline - Google Sheets.pdf**
32K

BEFORE THE STATE BOARD OF THE
IOWA DEPARTMENT OF EDUCATION

<i>In re discipline of E.K.,</i> Amanda Benton, Appellant, v. North Polk Community School District, Appellee.	Case No. 26 DOE0007 DOE Admin. No. 5232 APPELLEE’S RESISTANCE TO PETITION FOR REHEARING
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COMES NOW the Appellee North Polk Community School District (the “District”) and submits the following in resistance to Appellant’s Petition for Rehearing:

I. Factual Background

A school board disciplinary hearing concerning student E.K. was held before the North Polk Community School District Board of Directors on September 9, 2025. Appellant was present at hearing and represented by legal counsel. The Board issued a decision that, amongst other things, found E.K. violated school policy and issued a long-term suspension for the remainder of the 2025-2026 school year.

Appellant’s appealed the Board’s decision and an evidentiary hearing was held before Administrative Law Judge (“ALJ”) David Lindgren on December 3, 2025. Again, Appellant was present at the hearing and was represented by legal counsel.

The ALJ affirmed the school board’s decision. The Iowa State Board of Education affirmed the ALJ’s decision on March 13, 2026.

Appellant then sent an email to the parties on March 31, 2026, which the Department of Education (“Department”) has construed as a timely petition for rehearing pursuant to Iowa Code

§ 17A.16(2). There is no legal or factual basis to support rehearing, and Appellant’s request should be denied.

II. Analysis

The Department requested a written response that included discussion of four considerations. Each will be addressed separately below.

- A. To what extent is an appeal to the State Board under Iowa Code chapter 290 a proper vehicle for challenging whether a manifestation determination is required? *See In re T.M.*, 16 D.o.E. App. Dec. 1, 4 (1998).

One of the issues raised in Appellant’s request for rehearing is that the District did not conduct a “manifestation determination” or “functional behavioral assessment” prior to taking disciplinary action against E.K. These terms relate to procedural safeguards concerning discipline of students with disabilities under the Individuals with Disabilities in Education Act (IDEA).

The District, along with Heartland Area Education Agency, is currently conducting an evaluation of E.K. to determine whether she may qualify for services under the IDEA or Section 504 of the Rehabilitation Act of 1973. E.K. has not previously been evaluated or identified as eligible for services under either law.

It would be improper to grant a rehearing on this basis. Alleged violations of the IDEA have specific dispute resolution procedures under state and federal law. *See* 281 Iowa Admin. Law r. 41.140. As noted in Appellant’s email, she did file a special education state complaint related to this same topic and a mediated agreement was reached.

Further, Appellant has not identified any reason why she did not or could not have raised this issue at the time this disciplinary matter first arose. The District’s records show that Appellant raised self-harm concerns regarding E.K in the 2022-2023 school and the 2023-2024 school year. Appellant was aware of these issues at the time of the disciplinary hearing. Appellant was also

represented by counsel at both the school board disciplinary hearing and the subsequent appeal hearing before the ALJ. The request for rehearing should be denied.

B. To what extent is any petition for rehearing governed by the legally binding mediation agreement executed by the parties on March 27, 2026, in docket number 26-57, and referenced by Appellant in her petition for rehearing?

No provision of the legally binding mediation agreement would govern the petition for rehearing.

C. To what extent were any additional exhibits offered by the parties both relevant to the issues presented to the ALJ and unavailable at the time of hearing?

The District received a request from Appellant for records related to E.K.'s safety plan at the end of February 2026, long after the hearing in front of the ALJ had concluded. The District located correspondence sent to E.K.'s teachers concerning potential self-harm in the 2023-2024 school year. This was provided to Appellant. The District has no other records concerning a safety plan for E.K. No records were destroyed.

D. To what extent does the petition for rehearing raise new issues that were not before the ALJ and , if any, why were those not presented to the ALJ?

The manifestation determination issue is new and was not presented to the ALJ. As already explained above, Appellant has not provided any reason why this issue was not raised until well after the hearing concluded. All facts underlying Appellant's argument were known to her at the time of the original disciplinary hearing as they concern incidents that largely occurred in the 2022-2023 and 2023-2024 school years.

Appellant raises other issues related to First Amendment law and Board Policy in her request for rehearing. These issues were already addressed by the ALJ. There is no basis for rehearing and Appellant's request should be denied.

III. Conclusion

Appellant has presented to legal or factual basis to support rehearing in this matter. The petition for rehearing should be denied.

/s/Carrie L. Weber

Carrie Weber (AT0012015)
AHLERS & COONEY, P.C.
100 Court Avenue, Suite 600
Des Moines, Iowa 50309
(515) 243-7611
(515) 243-2149 (fax)
cweber@ahlerslaw.com

**ATTORNEY FOR NORTH POLK
COMMUNITY SCHOOL DISTRICT**

Electronically filed and served.

CERTIFICATE OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on: <u>04/20/2026</u>	
<input type="checkbox"/> Electronically (via EDMS)	<input checked="" type="checkbox"/> E-mail
Signature: <u>/s/ Carrie Weber</u>	

4902-8160-1699-1\17071-2067

BEFORE THE IOWA STATE BOARD OF EDUCATION

In re Suspension of E.K., a child,)	
Amanda Benton,)	
)	
Appellant,)	Case No. 26DOE0007
)	DE Admin Doc. No. 5232
vs.)	
)	FINAL DECISION
North Polk Community School District,)	
Respondent.)	

On March 13, 2026, this Board issued a decision adopting a proposed decision in this matter, as a matter of law (see Iowa Admin. Code r. 281-6.6(3)), which affirmed the Respondent’s decision in this matter. Appellant filed a timely petition for rehearing. After full consideration, the petition is DENIED.

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: May 14, 2026

Iowa State Board of Education, by:

John Robbins, President

CC by certified mail to parties and counsel