

BEFORE THE IOWA STATE BOARD OF EDUCATION

In re Open Enrollment of L.P. & K.P.,	)	
Torry Peck	)	
	)	
Appellant,	)	Case No. 26DOE0009
	)	DE Admin Doc. No. 5236
vs.	)	
	)	FINAL DECISION
Seymour Community School District,	)	
Respondent.	)	

On June 19, 2026, the administrative law judge issued a proposed decision, which dismissed this appeal as moot. 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) (effective for all appeals pending as of June 30, 2026). PROPOSED DECISION ADOPTED; APPEAL DISMISSED.

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: August 13, 2026

Iowa State Board of Education, by:

John Robbins, President

CC by certified mail to parties and counsel

IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
CENTRAL PANEL BUREAU

In re Open Enrollment of L.P. and K.P., children: Torry Peck Complainant, v. SEYMOUR COMMUNITY SCHOOL DISTRICT, Respondent.	Case No. 26DOE0009 DOE Admin Doc. No. 5236 PROPOSED DECISION
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STATEMENT OF THE CASE

Complainants Torry and Lindsay Peck seeks reversal of a January 8, 2026 decision by the Seymour Community School District (District) denying a late-filed open enrollment request on behalf of their minor children, L.P. and K.P. The State Board of Education has jurisdiction over the parties and subject matter of the appeal, pursuant to Iowa Code sections 282.18 and 290.1.

A telephone hearing in this matter was held on May 6, 2026. Attorney Verle Norris represented the Complainants. Attorney Brett Nitzschke represented the District.

The record includes the testimony of Torry Peck, Anne Morgan, Scott Valentine, and Corrie Wray. The Complainants submitted Exhibits 1-4 and 6-13, which are considered a part of the record. The Respondent submitted exhibits A-J, which are considered a part of the record. (See exhibit index for descriptions).

Following post-hearing briefing, the record was closed on May 21, 2026.

ISSUES

Whether the Seymour Community School District properly denied Torry Peck's application to have his children open enrolled to the Wayne Community School District.

FINDINGS OF FACT

On December 9, 2025, the Complainants filed open enrollment applications with the District for the 2025-26 school year for children, L.P. and K.P. The open enrollment

applications were filed after March 1, so the Complainants alleged that there was good cause to grant the applications due to pervasive harassment. (Ex. I, 2).

On December 9, 2025, the Complainants also submitted a complaint with the District, alleging L.P. and K.P. had been subject to harassment and bullying throughout the 2025-26 school year. The complaint was based on social media posts on December 6, 2025 and December 8, 2025. (Ex. 1, A).

The District's Superintendent, Scott Valentine, reviewed the complaints. On December 13, 2025, Mr. Valentine emailed the Complainants and explained that the District had hired investigator Anne Morgan to perform an investigation into the complaints. The email also notified them that the Board had a 30-day window to review and take action on the open enrollment applications. Due to the investigation and 30-day window, the open enrollment applications would not be on the December 15, 2025 Board meeting agenda. (Ex C, 3, Valentine testimony).

On December 15 and 16, 2025, Ms. Morgan interviewed the Complainants, L.P., and K.P. The Complainants' allegations identified two school officials and two students. Ms. Morgan testified that she interviewed all individuals accused by the Complainants. L.P. and K.P. also mentioned two boys, but asked that she not interview them because they were friends. (Morgan testimony).

Ms. Morgan issued three investigation reports in regard to the Complainants' complaint. Ms. Morgan determined that all of the Complainants' complaints were unfounded. (Ex. D, 4).

On January 5, 2026, Mr. Valentine emailed copies of Ms. Morgan's findings to the Complainants. On January 8, 2026, the Seymour Community School District Board held a special school board meeting.¹ Prior to the Board's decision, Mr. Valentine informed the Board:

the District engaged an independent, third-party investigator to review allegations of bullying and harassment involving district staff and coaches. The investigator has completed their review and determined that the allegations were unfounded. No disciplinary action is warranted, and no corrective action is recommended. Based on the investigator's findings and in accordance with district policy and applicable athletic eligibility rules, I am recommending that the Board deny the open enrollment requests and deny the associated 90-day athletic eligibility waiver requests. I want to emphasize that this recommendation is based solely on the outcome of the independent investigation and district policy. It is not a disciplinary matter and does not involve any action against students or staff.

¹ The meeting was scheduled on January 8, 2026, in order to comply with the 30-day window for the Board to review and take action on the open enrollment applications. (Valentine testimony).

(Ex. F). The Board voted to deny the Complainant's open enrollment applications for L.P. and K.P. (Ex. G, 6).

The Complainants learned of the Board's decision after the January 8th special meeting. (Peck testimony). On January 12, 2026, the Complainants appealed the Board's decision to the Iowa Department of Education.

The Complainants argued the Respondent's investigation failed to analyze whether the events alleged by the Complainants were objectively hostile in the context of the ages of L.P. and K.P. They argued that the District's investigation was primarily limited to interviews of the targets and accused, and ignored interviews of other material and neutral witnesses. As a result, the District's investigation was inherently unreliable and inconsistent with the purpose of Iowa Code §280.28, to protect Complainants' children from bullying and harassment. They also argued the District's investigation failed to consider the totality of the circumstances.

Next, they argued the District deprived the Complainants of meaningful participation in the decision-making process by failing to provide notice of appeal rights after determining that the Complainants' children had not been bullied. The District failed to provide notice of the school board meeting at which the District denied the Complainants' open enrollment request based upon bullying.

CONCLUSIONS OF LAW

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. 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, subsection 4 apply.² Subsection 4 provides:

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.³

Good cause is not defined in subsection 4, nor is it defined in the Department's open enrollment regulations. Good cause is defined in Iowa Code section 282.18(11)(a)(8), which relates to participation of open enrollment students in varsity interscholastic

² Iowa Code (ICA) § 282.18(2)(a) (2026).

³ ICA § 282.18(4)(a).

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, placement in foster care, participation in a foreign exchange program, and permanent closure of a nonpublic school.

Iowa Code subsection 282.18 governs open enrollment applications filed after March 1 that do not qualify for good cause. These applications are subject to the approval of the board of the resident district and the board of the receiving district. A decision of either board to deny an application filed under subsection 4 involving repeated acts of harassment of the student or a serious health condition of the student that the resident district cannot adequately address is subject to appeal under Iowa Code section 290.1. The subsection provides that the state board “shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.”⁴

There is no dispute here that the district did not receive an open enrollment application for L.P. and K.P. until after the March 1 deadline that applied for the 2025-26 school year. The Complainants do not allege that L.P. and K.P. meet the good cause exception under of the circumstances applicable to subsection 4. The question, then, is whether L.P. and K.P. qualify based on the alleged repeated acts of harassment and whether that justifies a late-filed application for open enrollment.

However, before consideration of whether Seymour Community School District properly denied the open enrollment application, the undersigned must consider whether the tribunal can consider this appeal. When, because of changed circumstances, the court’s decision will no longer matter, a court will generally decline to hear a case. This is known as the doctrine of mootness.”⁵ “A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent.”⁶ “A case is moot when judgment, if rendered, will have no practical legal effect upon the existing controversy.”⁷

The school year for each school district and accredited nonpublic school shall begin on July 1.⁸ There is no dispute the Seymour Community School District ended classes for the 2025-2026 school year on or about May 21, 2026. After a proposed decision, any adversely affected party may appeal to the state board within 20 days after issuance of the proposed decision.⁹ “Unless otherwise ordered, within 15 days of a party’s filing of the notice of appeal, each appealing party may file exceptions and briefs. Within ten days after the filing of exceptions and briefs by the appealing party, any party may file a responsive brief.”¹⁰ An opportunity for oral arguments may be given with the consent of

⁴ ICA § 282.18(5).

⁵ *Homan v. Branstad*, 864 N.W.2d 321, 328 (Iowa 2015).

⁶ *Iowa Bankers Ass’n v. Iowa Credit Union Dep’t*, 335 N.W.2d 439, 442 (Iowa 1983).

⁷ *Toomer v. Iowa Dep’t of Job Serv.*, 340 N.W.2d 594, 598 (Iowa 1983) (internal citation omitted).

⁸ ICA 279.10(1).

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

¹⁰ 281 IAC 6.6(5).

the board.¹¹ With or without oral argument, the appeal of the proposed decision will be placed on the next regular board agenda.¹² The board may affirm, modify, or vacate the decision or may direct a rehearing before the director or the director's designee.¹³

That date of this proposed decision is before the June 30 end of school year date; however, because each party has 20 days to appeal the proposed decision, 15 days to file exceptions and briefs, and 10 days for responsive briefs, the 2025-2026 school year will have concluded. Regardless of whether the Seymour Community School District improperly denied the request, students can no longer utilize open enrollment for the 2025-2026 school year once the school year has concluded. Thus, were a judgment to be rendered in this matter, it would have no practical legal effect upon the existing controversy.

The undersigned has heard the arguments of the Complainants' family; however, the undersigned is unable to address any argument beyond the issue certified for hearing, "Whether the Seymour Community School District properly denied Torry Peck's application to have his children open enrolled to the Wayne Community School District."

That issue is now moot, which concludes the appeal.

ORDER

For the foregoing reasons, the decision of the Seymour Community School District is moot and this appeal is dismissed. There are no costs associated with this appeal to be assigned to either party.

cc: Verle Norris (by AEDMS)
Brett Nitzschke (by AEDMS)
Rebecca Griglione, DOE, (by AEDMS)

¹¹ *Id.*

¹² *Id.*

¹³ 281 IAC 6.6(6).

Case Title: IN RE: L.P. AND K.P., MINOR CHILDREN BY TORRY PECK,
APPELLANT V. SEYMOUR COMMUNITY SCHOOL DISTRICT,
RESPONDENT (5236)
Case Number: 26DOE0009
Type: Proposed Decision

IT IS SO ORDERED.

Kathleen M. O'Neill

Kathleen O'Neill, Administrative Law Judge