

BEFORE THE IOWA STATE BOARD OF EDUCATION

In re Open Enrollment of E.V. & B.V.,	)	
Jon and Ashley Van Dusseldorp,	)	
	)	
Appellants,	)	Case No. 26DOE0018
	)	DE Admin Doc. No. 5246
vs.	)	
	)	FINAL DECISION
Newton Community School District,	)	
Respondent.	)	

On June 24, 2026, 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) (effective for all appeals pending as of June 30, 2026). 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: 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 E.V. and B.V., children: Jon and Ashley Van Dusseldorp, Complainants, v. Newton Community School District, Respondent.	Case No. 26DOE0018 DOE Admin Doc. No. 5246 PROPOSED DECISION
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Statement of the case

Appellants Jon and Ashley Van Dusseldorp seek reversal of an April 13, 2026 decision by the Newton Community School District (District) denying a late-filed open enrollment request on behalf of their minor children, E.V. and B.V. The State Board of Education (State Board) has jurisdiction over the parties and subject matter of the appeal, pursuant to Iowa Code sections 282.18(4) and 290.1.

A telephone hearing in this matter was held on June 22, 2026. Both Jon and Ashley Van Dusseldorp appeared and testified. Respondent Newton Community School District was represented by Superintendent Tom Messinger who provided testimony. The record includes the affidavit of appeal, the case file and supporting documents, including Exhibits A - C submitted by the Van Dusseldorps.

Findings of Fact

The Van Dusseldorps reside within the boundaries of the District with their children, E.V. and B.V. E.V. will be entering fifth grade during the 2026-27 school year and B.V. will be entering third grade during the 2026-27 school year.

On March 31, 2026, after the open enrollment deadline had passed, the Van Dusseldorps filed an open enrollment application for their children. The Van Dusseldorps wished to transfer their children from the District to the Bondurant-Farrar Community School District. In support of their late application, the Van Dusseldorps stated that E.V. has “experienced bullying and harassment” and has “frequent stomach discomfort and other physical symptoms consistent with anxiety.” Case File at 13.

Bullying and Harassment

When the District received the Van Dusseldorps' application, it reviewed E.V.'s records for reports of bullying and harassment. During E.V.'s third grade year, there were three incident reports involving physical altercations with E.V. In October 2024, a student pulled E.V. down and kicked him in the back multiple times during lunch recess. Later that same year, on May 7, 2025, E.V. slapped another student on the arm during a game of tag. On May 15, 2025, a student in E.V.'s class kicked E.V. in the shin and the stomach. In all circumstances, the District handled the incidents pursuant to their discipline policies. See Case File, Ex. B at 35.

During E.V.'s fourth grade year, E.V. became disruptive in the classroom and there were multiple communications with the Van Dusseldorps and incident reports regarding E.V.'s classroom behavior. These communications included discussions regarding E.V. talking to his neighbors during class, calling student names and laughing at them, damaging school property, and using inappropriate language toward peers. Case File, Ex. B at 38-41. On December 3, 2025, E.V.'s teacher informed the Van Dusseldorps that E.V. had engaged in multiple arguments with classmates and his behaviors were affecting his relationships with his peers. His teacher noted that "some students are becoming hesitant to sit with [E.V.], work with him, or play with him due to the choices he is making." Case File, Ex. B at 39. His teacher requested that the school's guidance counselor meet with E.V. *Id.* In response, Ms. Van Dusseldorp informed E.V.'s teacher that she was noticing that E.V. had stomach issues in the morning and she believed it was due to anxiety. *Id.* E.V.'s teacher continued to communicate concerns to Ms. Van Dusseldorp throughout the spring semester and continued working with the school's guidance counselor on E.V.'s behavior. *Id.*

In addition to disruptive classroom behavior, there were at least three incidents that were reported to the school's principal. On December 12, 2025, a student hit and shoved E.V. on the playground. On March 12, 2026, E.V. called another student an inappropriate name. On May 26, 2026, E.V. used profanity twice during physical education class and was held after class as a result. Messenger Testimony.

Despite the above issues, Superintendent Messenger testified that the situations involving E.V. were not uncommon and did not amount to an alarming number. Further, E.V.'s attendance was not an issue, the school's discipline practices were working, and the District had not received a formal bullying or harassment complaint. Messenger Testimony.

Health Concerns

In support of their late-filed application, the Van Dusseldorps also alleged that E.V. had a serious health condition. In the fall of E.V.'s fourth grade year, E.V. began experiencing stomach pain. On November 3, 2025, E.V. visited his pediatrician and disclosed that his stomach had been hurting at school for a couple of months and the pain sometimes "comes out of nowhere." Case File, Ex. A at 27. E.V. reported that his

stomach pain is “particularly severe in the mornings,” but he “does not attribute [the stomach pain] to school-related stress as [the pain] also occur[s] on weekends.” Case File, Ex. A at 28.

On January 6, 2026, E.V. had a second appointment with his pediatrician due to stomach pain. E.V. reported that he did not believe his stomach pain was related to anxiety, because the stomach pain did not change even when things were stressful at school. *Id.* at 29.

On April 7, 2026, after the Van Dusseldorps applied for open enrollment, E.V. returned to his pediatrician for a follow-up visit. Ms. Van Dusseldorp reported that the stomach pain was still occurring but not as frequent. E.V.’s pediatrician reported the following in regards to anxiety:

Teacher and guidance counselor at school stated he has a hard time getting things done at school and hard time working in groups with peers at school. He is struggling with his hand writing and if the teacher tries to push him to do things he will do it sloppy and fast. He is having to redo assignments at school. Conferences were in March and the only time he is struggling is with writing things out.

. . .

School has been a source of frustration, especially with writing tasks. Handwriting remains messy despite efforts at home, and this concern was raised at the start of the academic year. Drawing pictures is not problematic, indicating intact fine motor skills. No additional time is provided for writing at school but he is kept in from recess to finish work. The teacher has expressed concerns about social interactions, group work, and occasional disruptive behavior in class. No concerns for attention deficit or oppositional defiant behavior have been raised.

Occasional anxiety or nervousness occurs, particularly related to school issues, about once a week. He has not missed school due to these feelings and finds relief after discussing concerns with his mother.

Id. at 32. E.V.’s physician noted for the first time that E.V. screened positive for anxiety. However, he found that his “symptoms do not meet criteria for anxiety disorder.” The physician did not recommend medication or therapy for E.V. The physician noted that the parents may wish to explore a 504 Plan for handwriting difficulties. *Id.* at 34. To date, E.V. has not been diagnosed with an anxiety disorder or other health condition.

Open Enrollment Request

The Van Dusseldorps determined that they needed to pursue open enrollment after a March 10, 2026 parent teacher conference. During the conference, the Van

Dusseldorps learned that E.V. was struggling with foundational reading and writing skills. The Van Dusseldorps were upset that they were not aware of the extent of E.V.'s academic challenges. At the conferences, the school counselor discussed interventions for E.V.'s anxiety, such as school-based counseling or therapy services. However, prior to filing their open-enrollment request on March 31, 2026, the Van Dusseldorps had not received information regarding the interventions. A. Van Dusseldorp Testimony.

On March 31, 2026, the Van Dusseldorps filed their late open enrollment application requesting that E.V. and B.V. be allowed to enroll in the Bondurant-Farrar Community School District. On April 13, 2026, Bondurant-Farrar approved the open enrollment application. *Id.* at 21. However, the District denied the Van Dusseldorps' request finding that there was no good cause for the late open enrollment application. *Id.* at 18.

The Van Dusseldorps appealed the District's denial of their application. At the hearing, the Van Dusseldorps provided additional details about E.V.'s health and experiences of bullying. Ms. Van Dusseldorp testified that E.V. often comes home from school in tears and asks not to return to school. He reports being targeted and harassed by specific, individual students. Ms. Van Dusseldorp reported a couple of bullying incidents that were not disclosed to the school, one concerning another student exposing himself to E.V. Ms. Van Dusseldorp explained that they did not seek open enrollment earlier because they were unaware of the extent of E.V.'s academic issues until a parent teacher conference held on March 10, 2026. Further, they were frustrated that interventions that were discussed at the parent teacher conference were not put in place prior to the filing of their open enrollment application on March 31, 2026. Based on this experience, the Van Dusseldorps believe that the District cannot adequately address E.V.'s anxiety and the bullying E.V. has experienced.

In response, the District stated that it was not informed that E.V. suffers from a serious health condition, and specifically had been diagnosed with an anxiety disorder. Superintendent Messinger testified that the school has supports and interventions that could be put in place to help ease E.V.'s anxiety. In regards to bullying and harassment, the District noted that only three behavioral incidents were reported to the principal this school year and of those three, only one involved bullying or harassment behavior directed towards E.V. In all the other instances, E.V. instigated the inappropriate behavior. Further, Superintendent Messinger noted that the District was not overly concerned about E.V. because E.V.'s attendance was not an issue and the behavioral issues can be adequately addressed by the District's discipline policies.

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(4a) apply. Subsection 4(a) provides:

4. 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.

Good cause is not defined in subsection 4(a), 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 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. The Department's website information regarding open enrollment mirrors the list of circumstances described in subsection 282.18(11)(a)(8) and indicates that such circumstances are acceptable conditions for a timeline waiver if the change occurred or began after March 1.

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 4(a). 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 5 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.

In this case, the Van Dusseldorps have alleged that E.V. suffers from both a serious health condition and repeated acts of harassment. As discussed below, the Van Dusseldorps' argument is not supported by the record.

1. Serious Health Condition

Neither the statute nor the Department's regulations define the term "serious health condition," nor do they provide any further guidance regarding how to assess whether the resident district can adequately address the condition. The Department has published an Open Enrollment Handbook (Handbook) that provides information for parents and guardians as well as school districts. The Handbook provides that an applicant may qualify under the serious health condition provision if all of the following are true:

1. The serious health condition of the child is one that has been diagnosed by an appropriate healthcare provider, and the diagnosis has been provided to the district of residence.
2. The serious health condition is neither short-term nor temporary.
3. The district has been provided with the specifics of the child's health needs caused by the serious health condition and knows (or should know) what specific steps its staff must take to meet the child's needs.
4. Upon notification of the serious health condition and the steps to be taken to meet the child's needs, school officials failed to implement such steps or its implementation of the steps was unsuccessful despite the district's efforts.
5. A reasonable person could not have known before March 1 that the district could not (or would not) adequately address the child's health needs.
6. It can be reasonably anticipated that a change in the child's school district will improve the situation. (In re Anna C., 24 D.o.E. App. Dec. 5 (2005)).

See <https://educate.iowa.gov/media/10193/download?inline> (visited June 24, 2026).

There is no dispute that the Van Dusseldorps did not file the open enrollment application for E.V. until after the March 1 deadline. Likewise, the Van Dusseldorps do not allege that E.V. meets the good cause exception under of the circumstances applicable to subsection 4(a). The question, then, is whether E.V. has a serious health condition that the District cannot adequately address and whether that serious health condition justifies a late-filed application for open enrollment.

The director of the Department of Education (Department) is required under the open enrollment statute to recommend rules to the State Board for the orderly implementation of section 282.18 and the State Board is directed to adopt rules as needed for the implementation of section 282.18. Iowa Code chapter 17A sets out the requirements for agency rulemaking. Validly adopted rules have the force and effect of law. While the criteria referenced in the Handbook are apparently being communicated to school districts and parents and guardians as an aid in evaluating good cause requests for a serious health condition, the State Board cannot rely on the criteria as legal justification for such determinations. At best, the criteria are advisory, but not controlling.

In the absence of any other criteria, however, it makes sense to consider the Handbook criteria to the extent that they are relevant to the situation and do not contradict the statute or existing rules. The criteria that are explicitly articulated in the statute are the deadline, the existence of a serious health condition, and the inability of the resident district to adequately address the condition.

In this case, the Van Dusseldorps' request for open enrollment for E.V. must be denied because E.V. has not been diagnosed with a serious health condition. The Van Dusseldorps argue that E.V. has anxiety that is manifesting as stomach pain. However, E.V.'s medical records do not indicate that E.V.'s stomach issues are caused by school

related anxiety. Indeed, in numerous places in the medical notes, E.V. specifically denied that his stomach issues were caused by school issues. Further, E.V.'s pediatrician noted that although E.V. had a positive screen for anxiety, his symptoms do not yet warrant an anxiety disorder diagnosis. His pediatrician noted that E.V. did not need anxiety medication or therapy. Case File, Ex. A at 33. Given that E.V. has never been diagnosed with a "serious medical condition," E.V. cannot by definition meet the criteria for a serious health condition.

Further, had there been a diagnosis of an anxiety disorder, it appears that the District could have adequately addressed the health condition. Superintendent Messenger credibility testified that there are a number of interventions available to assist students who suffer from anxiety, such as close monitoring of the student, small groups with the counselor called "sage groups," and a check in/check out system with individuals at the school. Although the Van Dusseldorps were upset that they discussed anxiety issues with E.V.'s teacher and with the counselor at the March 10, 2026 conference and hadn't received any information from the counselor by the time they filed their March 31, 2026 open enrollment application, they acknowledge that during this time period the school was out of session for spring break.

While it is clear from the evidence in the record that the Van Dusseldorps wish for E.V. to attend another school district, having missed the March 1 deadline they now face a higher burden of establishing that E.V. has a serious health condition that the District cannot adequately address. The Van Dusseldorps have not made this showing. E.V. has not been diagnosed with a serious medical condition and there is nothing in the record that indicates that the District could not adequately address or is unwilling to address E.V.'s anxiety should he be diagnosed with an anxiety disorder in the future. Both these factors are required in order to allow a late-filed application for open enrollment based on a serious health condition.

2. Harassment

In support of their open enrollment application, the Van Dusseldorps also allege that E.V. suffers from bullying and harassment. However, there is no evidence in the record that indicates that E.V. endured "repeated acts of harassment."

Late filed open enrollment applications may be granted if a student has endured "repeated acts of harassment." Iowa Code 282.18(5). Neither the statute nor the Department's regulations define "repeated acts of harassment." However, as discussed above, the Department has published the Handbook that provides information for parents and guardians as well as school districts. The Handbook defines "repeated and pervasive harassment" as follows:

1. The harassment must have occurred after March 1 or the student or parent demonstrates that the extent of the harassment could not have been known until after March 1.

2. The harassment must be specific electronic, written, verbal, or physical acts or conduct toward the student which created an objectively hostile school environment that meets one or more of the following conditions:

(a) Places the student in reasonable fear of harm to the student's person or property.

(b) Has a substantially detrimental effect on the student's physical or mental health.

(c) Has the effect of substantially interfering with a student's academic performance.

(d) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

3. The evidence must show that the harassment is likely to continue despite the efforts of school officials to resolve the situation.

4. It is reasonable to anticipate that changing the student's school district will alleviate the situation. (In re Hannah T., 25 D.o.E. App. Dec. 26 (2007))

5. It is important to note that parents and guardians must provide accurate and complete documentation of the facts and circumstances of the repeated harassment to the school board prior to any decision being made (In re 27 D.o.E. App. Dec. 960 (2016)).

See <https://educate.iowa.gov/media/10193/download?inlineee> (visited June 24, 2026); see also Iowa Code § 279.82 (defining "harassment" for purposes of intra-district enrollment the same as the second criteria listed above). Therefore, the State Board must determine if the behavior of E.V.'s classmates created an objectively hostile school environment that placed E.V. in reasonable fear of harm to his person or property, had a substantially detrimental effect on his physical or mental health, substantially interfered with his academic performance, or substantially interfered with his ability to participate in or benefit from the services, activities, or privileges provided by the school.

Here, it is undisputed that during the past school year, E.V. has been involved in at least three incidents that were addressed by the school's principal. On December 12, 2025, another student shoved and hit E.V. while on the playground. On March 12, 2026, E.V. called another student a disparaging name; the other student did not respond. Finally, on May 26, 2026, E.V. used profanity twice during physical education class and was held after class as a result. Importantly, in all but the first incident, it was E.V.'s behavior that was concerning to the school, not bullying behavior towards E.V. It is also undisputed that E.V.'s teacher noted and documented several instances when E.V.'s behavior disrupted the classroom. Case File, Ex. B at 38-41.

Although E.V. experienced a physical altercation in December 2025, one incident of reported bullying behavior does not constitute "repeated acts of harassment" required under Iowa law for late open enrollment applications. The State Board has granted relief

under Iowa Code section 282.18(5) in only a few cases. In each case, the facts established that the experienced harassment involved serious physical assaults and destruction of student property. See *In re: Melissa J. Van Bommel*, 14 D.o.E. App. Dec. 281(1997) (allowing late open enrollment when a student was repeatedly harassed by a group of 20 students that climaxed when the vehicle the student was riding in was forced off the road twice by vehicles driven by the other students); See also *In re: Jeremy Brickhouse*, 21 D.o.E. App. Dec. 35 (2002) and *In re: John Meyers*, 22 D.o.E. App. Dec. 271 (2004) (cases in which the students had been subjected to numerous physical assaults and destruction of property at school).

At the hearing, the Van Dusseldorps testified that E.V. often came home from school in tears and indicated that he did not want to return to school. However, the Van Dusseldorps could not provide specific examples of bullying and harassment directed towards E.V. other than a student exposing himself to E.V. and another student throwing a ball at his face. These instances may constitute serious harassment or bullying, however, the Van Dusseldorps acknowledged that they never reported the student who exposed himself to the District and there is nothing in the school documentation regarding the ball incident. Therefore, the District did not have an opportunity to respond to such incidents. Further, although the Van Dusseldorps argued that there were certain students who targeted E.V., the District has no information regarding such students and there is nothing in the communication between the Van Dusseldorps and E.V.'s teacher that indicates that E.V. was being targeted by specific, individual students. See Case File, Ex. B at 38-41.

In addition, Superintendent Messinger testified that E.V. does not have an attendance problem. E.V. has an absentee percentage of 4.96%; the school considers a student to have an attendance issue when they have an absentee percentage of 10%. Under this record, the Van Dusseldorps have failed to establish that there was an objectively hostile school environment that would have negatively affected a student in E.V.'s position.

Moreover, the Van Dusseldorps have not presented sufficient evidence that the District could not adequately address any alleged bullying and harassment. At the hearing, Superintendent Messinger testified that the school has a complaint form available to parents to report instances of bullying. Once the District receives a bullying complaint, the complaint is sent to an individual who monitors the investigation and follows up until the complaint is considered closed and resolved. The Van Dusseldorps never filed a bullying complaint with the District.

In sum, the undersigned has empathy for the Van Dusseldorps' frustration with the District and the fact that they did not fully understand E.V.'s academic and social situation until the March 2026 parent teacher conference. However, the Van Dusseldorps have to make certain showings in order to allow a late-filed application for open enrollment based on a serious health condition and repeated acts of harassment. The Van Dusseldorps are unable to meet this burden as E.V. has not been diagnosed with a serious health condition and the record does not support a finding that E.V. was

subject to an objective hostile school environment. While it does appear that E.V. struggles both academically and behaviorally, this struggle does not allow E.V. to open enroll to another school district past the March 1 deadline. The Van Dusseldorps may wish to explore the interventions mentioned by Superintendent Messinger at the hearing and academic resources such as special education services. The District's decision to deny E.V.'s open enrollment application is affirmed.

In regards to the Van Dusseldorps' application for open enrollment for B.V., their application was based on the fact that they wanted their children to go to the same school district. The Van Dusseldorps have offered no independent basis in which to grant B.V.'s open enrollment application for a serious health condition and/or harassment. The District's decision to deny B.V.'s open enrollment application is also affirmed.

Order

For the foregoing reasons, the decision of the Newton Community School District Board of Directors made on April 13, 2026 denying the open enrollment request filed by the Van Dusseldorps on behalf of their minor children E.V. and B.V. is affirmed.

cc:

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Thomas Mayes, Rebecca Griglione, DOE, (by AEDMS)

Case Title: IN RE: OPEN ENROLLMENT OF E.V. AND B.V., CHILDREN BY
ASHLEY VAN DUSSELDORP AND JON VAN DUSSELDORP V.
NEWTON COMMUNITY SCHOOL DISTRICT (5246)

Case Number: 26DOE0018

Type: Proposed Decision

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Rachel D Morgan". The signature is written in a cursive, flowing style.

Rachel Morgan, Administrative Law Judge