BEFORE THE IOWA STATE BOARD OF EDUCATION

In re Program Closing,	)	
	)	
Giselle Williamson,	)	
	)	DIA # 26DOE0019
Appellant,	)	
	)	State Board Docket 5249
-v-	)	
	)	FINAL DECISION
Burlington	)	
Community School District,	)	
	)	
Appellee.	)	

On September 2, 2026, the administrative law judge issued a proposed decision, which dismissed the appeal in this matter. The time to appeal the proposed decision has passed, and no appeal was filed. The proposed decision is adopted, as written. 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: October 15, 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

Giselle Williamson Appellant, v. Burlington Community School District Respondent.	Case No. 26DOE0019 AMENDED ORDER GRANTING MOTION TO DISMISS

An Order was entered in this case on September 1, 2026. The Order stated that the Appellant did not submit a response to the Respondent's Motion to Dismiss. Due to an internal electronic filing error, the Appellant's Resistance was filed timely but not uploaded in the electronic filing system prior to the issuance of the Order. This Amended Order now addresses the Appellant's arguments raised in her Resistance. As discussed below, the conclusion in the September 1, 2026 Order remains the same and this matter is dismissed for lack of jurisdiction.

Statement of The Case

On or about May 13, 2026, Appellant Giselle Williamson filed an appeal of a decision by Respondent Burlington Community School District (School District). On August 12, 2026, the School District filed a motion to dismiss the above-captioned case arguing that the State Board of the Iowa Department of Education (State Board) does not have jurisdiction to hear the Appellant's appeal. For the reasons stated below, the School District's Motion to Dismiss is granted.

Findings of Fact

This appeal arises from a determination by the School District to close the Corse Early Childhood Center (Childcare Center) at the end of the 2025-2026 school year. The Childhood Center housed both preschool and childcare programs. As a result of the facility's closure, the preschool programs were relocated to elementary schools. However, due to decreased funding for the childcare program, the childcare program was discontinued. Case File at 3-4.

On April 13, 2026, the Burlington School District School Board (the School Board) held a regularly scheduled meeting. Case File at 5-8. At the meeting, the superintendent of the School District, Superintendent Robert Scott, presented to the School Board a "Superintendent's Report." *Id.* at 7. As part of his report, Superintendent Scott informed the School Board that the Childcare Center was closing, the preschool programs were being moved to elementary buildings, and the childcare program would be discontinued due to lack of funding. Importantly, the School Board did not make a decision regarding

the closure of the childcare program; the decision was made by School District employees. *Id.*

On May 14, 2026, the Appellant filed an appeal of the decision to close the Childcare Center. The Appellant is a mother of five children. Her children regularly used the childcare programs offered by the School District. In addition to seeking review of the decision to close the Childcare Center, the Appellant argued that the School Board violated open meeting laws by not discussing the closure of the Childcare Center in an open session and violated open record laws by failing to provide her with certain documents. *Id.*

The School District subsequently filed a motion to dismiss the appeal. In its motion, the School District argues that pursuant to Iowa Code § 290.1, the State Board only has jurisdiction to review decisions made by a school board and there has been no decision by the School Board in this case. In addition, the School District argues that this Tribunal does not have jurisdiction to consider violations of the open meetings and open record laws.

Conclusions of Law

The School District's motion to dismiss raises the issue of whether the State Board has jurisdiction to hear this case. It is fundamental law that an administrative agency only has jurisdiction and authority as expressly conferred by statute or necessarily inferred from the power expressly granted. *Northwestern Bell Telephone Co. v. Iowa Utilities Bd.*, 477 N.W.2d 6788, 682 (Iowa 1991). The Department obtains its jurisdictional authority from Iowa Code § 290.1 which provides as follows:

> An affected pupil, or the parent or guardian of an affected pupil who is a minor, *who is aggrieved by a decision or order the board of directors of a school corporation* in a matter of law or fact . . . may, within thirty days after the rendition of the decision or the making of the order, appeal the decision or order to the state board of education; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner.

(Emphasis added). Iowa Code § 290.1 expressly requires that, in order for the School Board to exercise jurisdiction, the action appealed must be a "decision or order" by the directors of a school corporation, or school board. The State Board has held that a decision by a designee of a school board is not sufficient to confer jurisdiction to the Department over an appeal. *In re Good Conduct of O.D.*, 29 D.o.E. App. Dec. 036 (Oct. 2018).

Here, the School Board never reviewed or made a decision regarding the closure of the Childcare Center. In her affidavit on appeal, the Appellant stated that the School Board "finalized" the decision to close the childcare centers in a "closed board session." Case File at 20. However, there is nothing in the record that indicates that the School Board made any decisions regarding the Childcare Center or even went into a closed board

session. Rather, at the April 13, 2026 meeting, the School Board heard a report from the superintendent that the Childcare Center would be closed. The decision to close the Childcare Center had already been made by School District staff members. The School Board never reviewed or considered the issue. *See* Case File at 7.

In addition, the School Board was not required to consider the issue of closing the Childcare Center. The School District has implemented policies delegating certain duties to the superintendent. Policy 3.0 delegates all of the School Board's "operational connection" to the superintendent and provides that the superintendent may "make all decisions, take all actions, establish all practices, and pursue all activities" within certain limits. Policy 2.0 provides limitations to the superintendent's authority. No where in Policy 2.0 does it restrict the superintendent from making decisions regarding the programs offered by the School District, including childcare programs, or decisions regarding where to house preschool programs. Therefore, the School Board had no obligation to make the decision regarding the closure of the Childcare Center.

The Appellant argues that Policy 601.03 regarding "School Organization" requires the School Board to make decisions regarding the closure of buildings and relocation of school programs. However, the Appellant's argument is misplaced. Policy 601.03 states as follows:

> The Burlington Community School District shall be organized into levels of instruction as follows:
>
> Preschool: Ages 3 & 4
>
> Elementary schools: the elementary schools shall consist of grades kindergarten through 4.
>
> Intermediate school: the intermediate school shall consist of grades 5 & 6.
>
> Middle school: the middle school shall consist of grades 7 & 8.
>
> Senior high school: the senior high school and innovative learning academy shall consist of grades 9 through 12.
>
> James Madison Educational Center/VIBE Program: JMEC shall consist of grades kindergarten through 12.
>
> The Board of Directors, upon recommendation of the superintendent, may revise the organizational structure.

Pursuant to its plain language, Policy 601.03 provides the School Board with authority to determine what student grades and ages are taught in preschool, elementary schools, intermediate schools, middle schools, and high schools. Contrary to the Appellant's argument, it does not require the School Board to make decisions regarding

where preschool programs are physically located and it does not require the School Board to make decisions regarding childcare programs. Accordingly, the School Board is not obligated to make decisions regarding whether to maintain a childcare program or where to house preschool programs.

Further, this Tribunal does not have jurisdiction to consider the Appellant's argument that the School District violated the open meetings and open records laws. In her affidavit for appeal, the Appellant requests this Tribunal to issue remedies authorized under Iowa open meetings and records laws. However, in regards to Iowa open meetings laws, Iowa Code section 21.6 provides as follows: "Suits to enforce [open meeting laws] shall be brought in the district court for the county in which the governmental body has its principal place of business." Under the express language of the statute, actions alleging a violation of Iowa open meeting laws may only be filed in district court and are not properly addressed in an administrative proceeding. As such, this Tribunal cannot address the Appellant's arguments that the School District violated Iowa open meeting laws.

Turning to the Appellant's argument that the School Board violated open records laws, this argument also fails. Iowa Code section 22.5 provides that open records laws "may be enforced by a mandamus, an injunction, or . . . an action for judicial review. *See* Iowa Code 22.5. In addition, Iowa Code section 22.10, provides that suits to enforce Chapter 22 "shall be brought in the district court for the county in which the lawful custodian has its principal place of business" and violators are subject to monetary penalties. Iowa Code 22.10. This proceeding is not an action for judicial review filed in a district court and this Tribunal has no authority to award monetary penalties. Therefore, this Tribunal, has no jurisdiction to address arguments related to Iowa open records laws.

In sum, the State Board does not have jurisdiction over every decision made by a school district. The State Board only has jurisdiction to review decisions made by a school board. *See* Iowa Code § 290.1. *O.D.*, 29 D.o.E. App. Dec. 036. The School Board never reviewed or made a decision regarding the closure of the Childcare Center. Because the closure of the Childcare Center was never before the School Board and the School Board never took any action on the issue, under Section 290.1, the State Board has no jurisdiction to review the Appellant's appeal and the appeal must be dismissed.

Order

The State Board has no jurisdiction in this case and the Appellant's appeal is dismissed.

See e.g., Affidavit of Appeal at 4, requesting the Tribunal order the School District to "provide a detailed, itemized cost estimate consistent with Iowa Code section 22.3 . . . "

cc:
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Brett Nitzschke, Attorney for the Respondent (By AEDMS)
Rebecca Griglione, Rachel Bosovich, Jennifer Cira-Debban, DOE (By AEDMS)

Case Title: IN RE: CLOSING OF CHILDCARE PROGRAM BY GISELLE WILLIAMSON, APPELLANT V. BURLINGTON COMMUNITY SCHOOL DISTRICT, RESPONDENT

Case Number: 26DOE0019

Type: Order

IT IS SO ORDERED.



Rachel Morgan, Administrative Law Judge