BEFORE THE IOWA STATE BOARD OF EDUCATION

In re Open Enrollment of C.V., a child,	)	
	)	
Melissa Votroubek,	)	
	)	DIA # 26DOE0026
Appellant,	)	
	)	State Board Docket 5253
-v-	)	
	)	FINAL DECISION
Cedar Rapids	)	
Community School District,	)	
	)	
Appellee.	)	

On August 18, 2026, the administrative law judge issued a proposed decision, which affirmed the Appellee's actions in this matter. The time to appeal the proposed decision has passed, and no appeal was filed. The proposed decision is adopted, as written. APPELLEE'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: 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

In re Open Enrollment of C.V. Melissa Votroubek Appellant, v. Cedar Rapids Community School District Appellee.	DIAL Docket No. 26DOE0026 DOE Admin Doc.5253 PROPOSED DECISION

Statement of The Case

Appellant, Melissa Votroubek, seeks reversal of a decision by the Cedar Rapids Community School District (District) denying a late-filed open enrollment request on behalf of her minor child, C.V. The State Board of Education has jurisdiction over the parties and subject matter of the appeal, pursuant to Iowa Code sections 282.18(4) and 290.1.

A telephonic hearing in this matter was held on August 6, 2026. Appellant, Melissa Votroubek, appeared and testified. Appellant, Cedar Rapids Community School District, was represented by attorney, Brett Nitzschke. Mark Timmerman, Elizabeth Jacobi, Dr. Tawana Lannin, and Jillian Schulte testified for the District. The administrative file, including the Appellant's appeal letter, the acknowledgement of the appeal, and the notice of hearing, were admitted into the record. The Appellant's exhibits A through D attached to the appeal letter were admitted into the record. The District's exhibits 1 through 11 were also admitted into the record.

Findings of Fact

Appellant Melissa Votroubek resides within the boundaries of the Cedar Rapids Community School District with her child, C.V. C.V. will be in fifth grade during the 2026-27 school year.

In or around 2023, C.V. was diagnosed with severe anxiety disorder. C.V. has ongoing nervousness and worry. He has physical symptoms associated with the anxiety, which include stomach-related concerns. The family has worked with medical and mental health professionals for C.V.'s ongoing anxiety.

The Appellant did not provide the school with documentation of the diagnosis, but C.V.'s diagnosis was still apparent to the school district because of his behavior. C.V. had issues with school attendance in second or third grade. C.V.'s mother had difficulty

physically getting C.V. into the school every day as he did not want to leave his mom. The school stepped in and helped. A staff member would meet Votroubek at the front door and get C.V. to the classroom.

The District continued to help C.V. cope with this ongoing condition. In the classroom, C.V. generally sat closer to the front of the room. He was also taken out of the classroom for testing so he could be in a smaller environment.

Despite the assistance received from the District, the Appellant believed a smaller school district would be a more appropriate educational setting and could better meet C.V.'s needs. Due to the family's support system, the family believed the Alburnett Community School District would be the best fit. The family registered C.V.'s sister, who is entering kindergarten in the 2026-2027 school year, into the Alburnett Community School District.

On or around April 12, 2026, the Appellant submitted an open enrollment application for C.V. for the 2026-2027 school year. The Appellant requested that C.V. be released from the Cedar Rapids Community School District to attend the Alburnett Community School District. On the second page of the application, the application states that if the application is being filed after March 1, the applicant should indicate a circumstance that applies to the student that necessitated the late application. The Appellant did not indicate any circumstance that necessitated the late-filed open enrollment application. The Appellant was unaware that she needed good cause.

The District denied the Appellant's open enrollment application on or around April 22, 2026, because the application did not meet the necessary criteria. The District specified that the application was filed late with no good cause. The District listed the applicable rules and procedures.

The Appellant submitted a new application on May 7, 2026, after looking more into the issue. In the new application, the Appellant noted that C.V.'s sibling would be under open enrollment. The Appellant indicated that pervasive harassment or a severe health condition was the circumstance or reason for requesting open enrollment. The Appellant also included a letter from the child's mental health provider, a psychiatric nurse practitioner. In the letter, the provider noted that the child has clinically significant anxiety symptoms exacerbated by environmental stressors, particularly in group settings. The provider opined that in the child's current school district and class size contributed to increased anxiety.

Upon receipt of the second open enrollment application, the District did a more thorough review since the application contained additional information. One of the chiefs of schools, Mark Timmerman, talked to the child's family and the administration at the child's school prior to providing an opinion to the superintendent.

The investigation showed the school had been meeting the child's needs. The principal at the child's school said that the school was aware of the child's needs and the

concerns for multiple years. However, the principal noted improvement over the child's years at the school. The principal stated that the child's second grade year was a challenge. The school provided some interventions in third grade. By fourth grade, the principal noted, that one could not tell the child from any other student. The child entered school in a calm manner. The school had interventions in place such as sitting closer to the teacher, placing the student with a small group for assessment, and providing the student access to the counselor. The child's recent testing from the fourth-grade year showed the child was proficient in math and reading.

The chief of schools reached out again to the Appellant. The Appellant agreed that things were going in the right direction and the child's school in the Cedar Rapids Community School District was great to work with.

Timmerman also reviewed the provider's letter when investigating the open enrollment application. Timmerman noted that the letter listed the same concerns he had heard from the Appellant. Based on his conversations with the principal and the Appellant, however, Timmerman believed the school was responding appropriately to the concerns.

Ultimately, Timmerman recommended denying the Appellant's open enrollment application for her child. Timmerman acknowledged that the child had a diagnosed, long-term serious health condition. Timmerman believed the school knew what was required to respond to the child's serious health condition. However, based on his conversations, Timmerman believed the District had addressed the child's needs. Timmerman also noted that the child's anxiety existed for multiple years and the school had been implementing intervention techniques for years. Thus, if the Appellant believed the intervention techniques were inadequate to meet her child's needs, she would have known that prior to the March 1 open enrollment deadline. Timmerman also did not believe that a change in the child's school district would improve the child's situation because the current school in the Cedar Rapids Community School District was meeting the child's ongoing serious health condition needs.

The Appellant's open enrollment application for her child went before the school board on May 18, 2026. The board met in closed session to hear the matter relating to the open enrollment application. The school board approved the recommendation to deny the Appellant's open enrollment application in an open session.

The District notified the Appellant through a letter dated May 19, 2026, that the open enrollment application was reviewed and denied. In the letter the District cited the relevant Iowa Code and rule sections as well as the relevant procedures. The District stated that the Appellant's request did not meet the severe health condition criteria.

The Appellant appealed the Cedar Rapids Community School District's denial of the open enrollment application on or around June 15, 2026.

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 entering grades one through twelve for the upcoming school year is March 1.[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(4) apply.[2] This subsection 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 the above subsection or 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 subparagraph provides a list of situations that provide "good cause" for open enrollment, including change in the child's or family's district of 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 is very similar to 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.[3]

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. 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 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

---

[1] Iowa Code § 282.18(2)(*a*).
[2] Iowa Code § 282.18.
[3] Iowa Department of Education, Open Enrollment, *available at* https://educate.iowa.gov/pk-12/educational-choice/open-enrollment#:~:text=Open%20Enrollment%20Deadlines,-Deadline&text=Any%20application%20filed%20on%20or,from%20the%20resident%20school%20district (last visited August 17, 2026).

broad discretion to achieve just and equitable results that are in the best interest of the affected child or children."[4]

In this case, the Appellant alleged that C.V. suffers from a serious health condition that the resident district cannot adequately address. The Appellant's argument is not supported by the record.

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 severe health need provision if all of the following are true:

- 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.
- The serious health condition is neither short-term nor temporary.
- 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.
- 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.
- 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.
- It can be reasonably anticipated that a change in the child's school district will improve the situation.[5]

The director of the Department of Education (Department) is required under the open enrollment statute to recommend rules to the state board of education 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 of education cannot rely on the criteria as legal justification for such determinations. At best, the criteria are advisory, but not controlling.

---

[4] Iowa Code § 282.18(5).

[5] Iowa Department of Education, Open Enrollment Handbook, pp. 21–22, *available at* https://educate.iowa.gov/media/10193/download?inline (last visited August 17, 2026). The Handbook cites *In re Anna C.*, 24 D.o.E. App. Dec. 5, 8 (2006) for the factors that must be shown to establish a serious health need.

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.

There is no dispute here that Votroubek did not file the open enrollment application for C.V. until after the March 1 deadline that applies for the 2026-27 school year. However, Votroubek contends that C.V. has a serious health condition that the resident district cannot adequately address, and that serious health condition justifies a late-filed application for open enrollment.

In this case, the request for open enrollment of C.V. must be denied because the District has addressed C.V.'s condition. C.V. has had issues with anxiety for multiple years. The parties do not dispute that C.V. has an ongoing serious health condition. While the family has not shared documentation regarding C.V.'s condition prior to this open enrollment application process, the District was aware of concerns. Over the past several years, the District has addressed the concerns. Both the principal and C.V.'s mother said the school has worked well with the family to accommodate C.V.'s needs. The District implemented interventions as requested. When the District investigated the open enrollment application, C.V.'s mother agreed that the school had been great to work with and things were moving in the right direction. The principal at C.V.'s school also opined that C.V.'s situation had improved. If C.V.'s parent or provider continue to have concerns, these concerns can be taken to the District and addressed.

While it is clear that Votroubek wishes for C.V. to attend the Alburnett Community School District, having missed the March 1 deadline, she faced a higher burden of establishing that C.V. has a serious health condition that the Cedar Rapids Community School District cannot adequately address. Votroubek has not made this showing. Votroubek failed to provide any information or request from C.V.'s provider to the District prior to the open enrollment application. The District appropriately responded to the concerns that C.V.'s mother relayed over the last few years. The situation has improved after the District's interventions. While Votroubek expressed the opinion that the District will not be able to meet C.V.'s needs due to the class sizes, this argument is unpersuasive. The District has been successfully working with Votroubek to address concerns and meet C.V.'s needs. There is no evidence in the record that the resident district cannot adequately address C.V.'s condition. This showing is required in order to allow a late-filed application for open enrollment based on a serious health condition.

Order

For the above listed reasons, Cedar Rapids Community School District's May 18, 2026, decision denying the open enrollment request filed by Votroubek on behalf of her minor child, C.V., is affirmed.

cc: Melissa Votroubek, melissa.j.banes@gmail.com (By Email)
Brett Nitzschke, Attorney for Cedar Rapids Community School District (By AEDMS)
Rebecca Griglione, DOE (By 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. 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. The requirements for the notice are found at Iowa Administrative Code rule 281—6.6(4). Appeal procedures can be found at Iowa Administrative Code rule 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.[6]

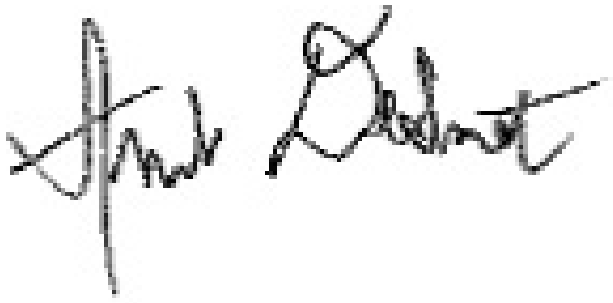
[6] Iowa Administrative Code 281—6.6 (June 24, 2026).

Case Title: IN RE: OPEN ENROLLMENT OF C.V., A CHILD BY MELISSA VOTROUBEK, APPELLANT V. CEDAR RAPIDS COMMUNITY SCHOOL DISTRICT (5253)

Case Number: 26DOE0026

Type: Proposed Decision

IT IS SO ORDERED.



Amber DeSmet, Administrative Law Judge