

IOWA DEPARTMENT OF EDUCATION
(Cite as 26 D.o.E. App. Dec. 377)

In Re Transportation)	
)	
Ryan McFarland,)	DISMISSAL
Appellant,)	
)	
v.)	
)	
Northwest Area Education Agency,)	Admin. Doc. No. 4772
Appellee.)	

Appellant, Ryan McFarland, filed an affidavit of appeal under Iowa Code section 285.12 (2013), which was received by the Director of the Department of Education on August 26, 2013. The Director takes this appeal as the parties presented it and all parties asserted jurisdiction based under Iowa Code section 285.12. This Code section permits a school patron dissatisfied with the decision of the local school district board regarding transportation issues to file an appeal with the area education agency and then an appeal to the Director. Appellant's affidavit and attached exhibits do not establish that there was a decision by the Sioux City Community School District board from which to appeal. Exhibit 2 provided by the Appellee shows that the decision the Appellant seeks to appeal is a decision of the Northwest Area Education Agency denying Hinton Community School District's request for a transportation agreement under Iowa Code section 285.9. There was no evidence presented that the Sioux City Community School District board made any decisions regarding transportation in this case. Nor is there any evidence that Hinton Community School District board made any decisions regarding transportation in this case. The record in this appeal was construed broadly in favor of the Appellant; however, the Director has no jurisdiction. The Director only has jurisdiction over school board decisions that are conferred upon the Director by statute. Consequently, the Director does not have jurisdiction to hear this appeal.

The request for appeal is therefore dismissed. This is a final agency action for purposes of Iowa Code chapter 17A (2013).

9/22/2013
Date

/s/
Nicole M. Proesch, J.D.
Administrative Law Judge