

**Iowa State Department  
of Education**  
(Cite as 19 D.o.E. App. Dec. 12)

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<b><i>In re Kayla Goetsch</i></b>	:	
Karl & Judy Goetsch, Appellants,	:	
v.	:	PROPOSED DECISION
North Linn Community School District,	:	
Appellee.	:	[Adm. Doc. #4228]

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The above-captioned matter was heard on June 23, 2000, before Susan E. Anderson, J.D., designated administrative law judge. The Appellants, Karl and Judy Goetsch, were "present" telephonically and were unrepresented by counsel. Appellee, North Linn Community School District [hereinafter, "the District"], was also "present" telephonically in the person of Allen Whitlatch, superintendent. The District was also unrepresented by counsel.

An evidentiary hearing was held pursuant to departmental rules found at 281 Iowa Administrative Code 6. Authority and jurisdiction for the appeal are found at Iowa Code sections 282.18 and 290.1 (1999). The administrative law judge finds that she and the State Board of Education have jurisdiction over the parties and subject matter of the appeal before them.

The Appellants seek reversal of a decision of the Board of Directors [hereinafter "the Board"] of the District made on March 9, 2000, that denied open enrollment for their daughter because the request was filed after the January 1 deadline without statutory good cause.

**I.  
Findings of Fact**

Karl and Judy Goetsch are residents of the North Linn Community School District. They have two children: Kevin, who will be a kindergartner for the 2000-2001 school year; and Kayla, who will be a third-grade student.

Kayla, the subject of this appeal, attended grades K-2 at Cono Christian School, a non-approved, nonpublic school in Walker, Iowa. In late January, Kayla's teacher told Mrs. Goetsch that the school would not offer kindergarten for the 2000-2001 school year and there would be some changes to the program for grades 1-3. Mrs. Goetsch met with Joel Button, the Cono Christian principal, on February 15. He told her that the program for grades 1-3

would be half a day next year and that the parents would need to teach some subjects at home, although he did not specify what those would be.

Because of this information, the Goetsches immediately began to consider other educational alternatives for their children, including home schooling or enrolling them in a different school. They learned about the home school assistance program offered by the Marion Independent School District and decided that this was the preferable option for their children. Mrs. Goetsch is an Iowa-licensed teacher.

The Goetsches did not explore the North Linn District's home schooling assistance program because they felt that it was too little used and it would be inferior to the Marion home schooling assistance program. The North Linn home schooling assistance program offers on-site testing and text book assistance. It also offers certified teacher assistance when requested. Director of Development, Betty Coleman, operates the program at North Linn.

The Goetsches filed open enrollment applications for both Kayla and Kevin on February 23, 2000. Kevin's application was approved because it was filed before the June 30 deadline for kindergarten students; he is, therefore, not the subject of this appeal. Kayla's application to open enroll to the Marion District's home schooling assistance program was denied because it was filed after the January 1, 2000, deadline. The Goetsches have appealed this denial.

## II. CONCLUSIONS OF LAW

At the time the open enrollment law was written, the legislature apparently recognized that certain events would prevent a parent from meeting the January 1 deadline. Therefore, there is an exception in the statute for two primary groups of late filers: the parents or guardians of children who will enroll in kindergarten the next year and parents or guardians who have "good cause" for missing the January 1 filing deadline. Iowa Code §282.18(2) (1999).

The legislature chose to define the term "good cause" rather than leaving it up to parents or school boards to determine. The statutory definition of good cause addresses two types of situations that must occur after the January deadline and before the Thursday before the third Friday in September. That provision states that good cause means:

. . . a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, or a similar set of circumstances consistent with the definition of good cause; **a change in the status of a child's resident district, such as removal of accreditation by the state board, surrender of accreditation, or a permanent closure of a nonpublic school, the failure of negotiations for a whole-grade sharing, reorganization, dissolution agreement or the rejection of a current whole-grade sharing agreement, or reorganization plan, or a similar set of circumstances consistent with the definition of good cause.** If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

Iowa Code subsection 282.18(16)(1999). (Emphasis added.)

The "permanent closure of a nonpublic school" was added by the legislature to the statutory definition of good cause in 1996. Although the circumstances come close to meeting the definition of "good cause," they do not meet the letter of the law because Cono Christian School has not permanently closed. Certainly, the North Linn Community School District acted legally in denying the Goetsches' application for open enrollment.

However, after a school like Cono Christian had notified parents that it would no longer be offering a full school day and that the parents would have to teach part of the curriculum at home, one can reasonably argue that such a change results in a similar set of circumstances consistent with a reorganization of the school. The information that the Goetsches received regarding changes in the program being offered are so substantial that, according to the Goetsches, Cono Christian was no longer the same school that they had selected for their daughter.

We believe under the circumstances of this case, that the Goetsches' open enrollment application should be granted under the provision of statutory good cause that includes "a similar set of circumstances consistent with the definition of good cause" authorized by Iowa Code section 282.18(16)(1999). Granted,

this exact circumstance is not specifically mentioned in the list of "good cause" situations enumerated by the Iowa Legislature in Iowa Code section 282.18(16) (1999). However, if the Legislature intended to limit the "good cause" exception to only those situations described in the statute, it would not have included the broader language: "or a similar set of circumstances consistent with the definition of good cause." *Id.*

In the recent appeal decision of *In re Richard D. Hurd*, 17 D.o.E. App. Dec. 150 (1999), the State Board found that a 75% decrease in the student body at Des Moines Christian School, a nonpublic school, constituted "a similar set of circumstances consistent with the definition of good cause" under section 282.18(16) (1999). The State Board stated in the *Hurd* case that "one can argue that such a change results in a reorganization of the school." *Id.* at 152. Similarly in this case, although not a permanent closure of a nonpublic school, the changes in Cono Christian School are a substantial change in the programs being offered, which one can reasonably argue resulted in a substantial reorganization of the school.

For these reasons, the State Board finds that the circumstances of this case fit the definition of good cause as a "similar set of circumstances consistent with the definition of good cause," and grant the open enrollment request for Kayla Goetsch to the Marion Independent Community School District for the fall of the 2000-2001 school year.

All motions or objections not previously ruled upon are hereby denied.

### III. DECISION

For the foregoing reasons, the decision of the Board of Directors of the North Linn Community School District, made on March 9, 2000, that denied Appellants' request for open enrollment to the Marion Independent Community School District Home Schooling Assistance Program for the 2000-2001 school year, is hereby recommended for reversal. There are no costs of this appeal to be assigned.

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DATE

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SUSAN E. ANDERSON, J.D.  
ADMINISTRATIVE LAW JUDGE

It is so ordered.

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DATE

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CORINE HADLEY, PRESIDENT  
STATE BOARD OF EDUCATION