

**IOWA DEPARTMENT OF EDUCATION**  
**26 D.o.E. App. Dec. 53**

***In re Petition for Declaratory Order***

Meskwaki Settlement School,	:	
Petitioner,	:	ADDENDUM TO
for a Declaratory Order as to	:	DECLARATORY ORDER
281—IAC 36.15(3)	:	
(General Transfer Rule)	:	[Adm. Doc. #4718]

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On or about October 5, 2010, the South Tama County Community School District requested a clarification from the Iowa Department of Education ["Department"] regarding the Department's Declaratory Order issued to Meskwaki Settlement School ["MSS"]. That request is attached to this Addendum as Exhibit 1.

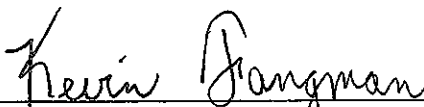
In the underlying action, MSS had requested relief from the general transfer rule, 281—Iowa Administrative Code 36.15(3), for students who transfer from South Tama County High School to MSS. On September 22, 2010, the Department ordered that a student who transfers from South Tama County High School ["South Tama"] to MSS or from MSS to South Tama for the first day of school in August 2011 at the school to which the student transfers shall have immediate eligibility to participate in varsity interscholastic athletics if the student meets all four conditions specified in that Order.

As the Declaratory Order states, such reciprocity was included because of the Department's belief that "fundamental fairness dictates that any relief must be reciprocal between the two affected high schools." One of those two high schools, South Tama County High School, now correctly points out that it did not ask for the relief to be reciprocal, and asks that it be allowed to exercise its general authority under Iowa Code sections 279.8 and 280.3, and 281—IAC 36.15(1) to impose additional eligibility requirements. In this case, that would mean imposing the usual 90 consecutive school days of ineligibility for a transfer student. MSS does not object to this request.

The Department knows of no reason why South Tama's request cannot be granted.

Accordingly, it is ordered that South Tama County Community School District may choose, by local school board action, to fully honor the ineligibility period of the general transfer rule, 281—IAC 36.15(3), as long as the District does so uniformly regarding all students who transfer into its high school. Officials at both schools shall work together to ensure that their students and families are aware of this Addendum. The Declaratory Order at 26 D.o.E. App. Dec. 44 is so amended.

Issued this 8<sup>th</sup> day of October, 2010.

  
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Kevin Fangman, Acting Director