IOWA DEPARTMENT OF EDUCATION
(Cited as 27 D.o.E. App. Dec. 568)

In re Intra-district School Assignments	)	
	)	
Jennifer Crumley et. al.	)	DECISION
Appellants,	)	
	)	
v.	)	
	)	
Clear Creek Amana Community	)	Admin. Doc. No. #5000
School District,	)	
Appellee.	)	

On October 20, 2014, the Appellants Jennifer and William Crumley, Julie and Adam Sychra, Alan and Diana Kremzar, Jerrod and Michele Miller, Aaron and Sarah Betlach, Darla C. Bartels, Jason Timmerman, and Jill M. Kain filed an appeal of the Clear Creek Amana Community School District ("CCACSD") Board of Directors' decision rendered on September 18, 2014, regarding schools of assignment within the district affecting the neighborhood of Deerview Estates.

Appellee filed a motion to dismiss on November 10, 2014, and a Motion for Summary Judgment on November 26, 2014. Appellants filed a Resistance to the Motion for Summary Judgment on December 12, 2014. Appellee filed a Reply on December 16, 2014. After review of the Appellee's motions and Appellants' Resistance, the undersigned has made the following findings and conclusions.

Iowa Code section 290.1 states in pertinent part:

> An *affected pupil, or the parent or guardian of an affected pupil who is a minor*, who is aggrieved by a decision or order of 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 . . . (emphasis added)

Based on the record, the undersigned finds and concludes that the following Appellants are not "a parent or guardian of an affected pupil" who is attending school

in the district as of November 7, 2014: Jennifer and William Crumley, Julie and Adam Sychra, Alan and Diana Kremzar, Jerrod and Michele Miller, Aaron and Sarah Betlach, Darla C. Bartels, and Jill M. Kain. As a result, those Appellants are not aggrieved parties under Iowa Code section 290.1. The State Board has ruled that in order to be an aggrieved party there must be a direct and immediate impact from the decision. Simply being affected indirectly or remotely is not sufficient. *In re Pam Rohlk*, 11 D.o.E. App. Dec. 20, 22 & n. 2 (1994).

This leaves one remaining Appellant, Jason Timmerman. The undersigned need not consider the Appellee's argument that his appeal should be dismissed for lack of jurisdiction because of the manner in which he filed his appeal. This is because, even broadly construing his filings he is not entitled to relief for the reason stated below.

The undersigned now considers the Appellee's Motion for Summary Judgment. Summary judgment is appropriate if in viewing the evidence in the light most favorable to the nonmoving party, the Appellant, "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Iowa R. Civ. Pro 1.981(3); *Weddum v. Davenport Cmty. Sch. Dist.*, 750 N.W.2d 114, 117 (Iowa 2008). For summary judgment purposes an issue of fact is material only if the dispute is over facts that might affect the outcome. *Id.* "When the only controversy concerns the legal consequences flowing from undisputed facts, summary judgment is the proper remedy." *Id*.

The scope of review in this matter is well-settled. The State Board will not disturb local decisions unless they are "unreasonable and contrary to the best interest of education." *In re Jesse Bachmann*, 13 D.o.E. App. Dec. 363, 369 (1996). Here, the Appellants' own brief acknowledges "the appellants have not met the burden of proving that the [CCACSD] Board has abused its discretion in excluding Deerview Estates in the enrollment boundaries of the new elementary school in Tiffin…." Appellants' Brief, Pg. 2. Further, there is nothing contained in the Appellants' Statement of Disputed facts that supports an issue of a material fact over any facts that might affect the outcome in this case. The record conclusively establishes that the Appellee's decision was within a zone of reasonableness. Simply put, Appellants do not like the outcome. However, a mere preference for a different outcome does not entitle the Appellants to relief.

DECISION

For the forgoing reasons, the appeal filed by Jennifer and William Crumley, Julie and Adam Sychra, Alan and Diana Kremzar, Jerrod and Michele Miller, Aaron and Sarah Betlach, Darla C. Bartels, and Jill M. Kain on October 20, 2014, is hereby DISMISSED for lack of jurisdiction.

The District's Motion for Summary Judgment is GRANTED as to the remaining Appellant, Jason Timmerman, and the decision made by the Board of Directors of CCACSD on September 18, 2014, regarding schools of assignment within the district affecting the neighborhood of Deerview Estates is AFFIRMED.

02/11/2015_____
Date

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

02/11/2015_____
Date

/s/_____
Charles C. Edwards, Jr., Board President
State Board of Education