

**IOWA DEPARTMENT  
OF EDUCATION  
(Cite as 21 D.o.E. App. Dec. 293)**

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*In re Micah Janell Reed*

Kelly D. Reed,	:	
Appellant,	:	
vs.	:	
	:	<b>DISMISSAL OF APPEAL</b>
Cedar Rapids Community School District,	:	
Appellee.	:	[Admin. Doc. 4535]

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On the 24<sup>th</sup> day of February, 2003, this agency received a notice of appeal from the Appellant, Kelly D. Reed, on behalf of her daughter, Micah. Ms. Reed was appealing from a decision of the superintendent of the Cedar Rapids Community School District that Micah, who transferred intradistrict into Jefferson High School, is ineligible “to compete for one calendar year in any interscholastic athletics activity at the school” to which she transferred pursuant to the District’s policy entitled “STUDENT-ATHLETE TRANSFERS WITHIN THE CEDAR RAPIDS SCHOOL DISTRICT.”<sup>1</sup>

According to documents submitted to this agency by Ms. Reed, after she received the adverse decision from Superintendent Lew Finch, she appeared at the January 27, 2003 meeting of the Cedar Rapids Community School District Board of Directors and addressed the board during the “public comments” segment of the meeting. That board took no “action” regarding Micah’s situation. However, the board president did send to Ms. Reed a letter dated February 10, 2003 in which the president summarized the facts as follows:

The athletic eligibility of you daughter was determined by the principal at Jefferson High School based on your permit request from Washington High School to Jefferson High School. You requested an appeal of this decision that occurred. The Executive Director of Secondary Education reviewed the situation and affirmed the denial of athletic eligibility of your daughter. The Superintendent, also at your request, then reviewed this

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<sup>1</sup>Intradistrict transfers are not governed by this agency’s rules. Specifically, 281—Iowa Administrative Code 36.15(3)(d) states, “A school district that has more than one high school in its district shall set its own eligibility policies regarding intradistrict transfers.” In this case, the local policy of the Cedar Rapids district specifies the levels of appeal available to a dissatisfied student and states that the Superintendent’s “decision on the matter shall be final.”

decision. The Superintendent met with you to gather additional information<sup>2</sup> and after his review informed you of the decision to deny athletic eligibility in accordance with District regulations.

As a Board, we do follow-up on concerns raised by parents and members of the public. In this situation, we are satisfied that procedures prescribed through board policy and regulation have been followed and support the decision of the Superintendent as the final level of review. [Emphasis added.]

Appeals to the Iowa State Board of Education are governed by chapter 290 of the Iowa Code. Section 290.1 thereof states as follows:

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; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner.

The letter Ms. Reed received from the Cedar Rapids District board president does not constitute “a decision or order of the board” because the board took no formal action. This agency has ruled in the past that a local board cannot avoid an appeal to this agency by an affected pupil or the pupil’s parent by refusing to take formal action when required to do so. *In re Jed and Tessa Thompson*, 10 D.o.E. App. Dec. 195 (1993). However, the local board here not only was not required to take formal action, it had no authority to act because the local controlling policy plainly states that the superintendent’s decision in matters of a student’s eligibility vis-à-vis intradistrict transfers is final.

This is not to say that Ms. Reed has no recourse. She may file an action with the local state district court if she wishes to pursue this matter. However, as this agency is without jurisdiction to entertain this appeal, it must be dismissed.

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<sup>2</sup> Ms. Reed alleges that she withdrew her permit request and enrolled Micah at Jefferson because Micah’s legal guardian – appointed by the Linn County District Court on August 7, 2002 – resides in the attendance center for Jefferson High School. This “additional information” does not change the fact that the District’s policy regarding eligibility for intradistrict transfers gives the superintendent the final decision.

**Accordingly, IT IS ORDERED** that the notice of appeal filed herein by Kelly D. Reed is dismissed for lack of jurisdiction under Iowa Code section 290.1.

\_\_\_\_\_  
Date

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Carol J. Greta, J.D.,  
Administrative Law Judge

So Ordered.

\_\_\_\_\_  
Date

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Ted Stilwill,  
Director