

**IOWA DEPARTMENT
OF EDUCATION
(Cite as 22 D.o.E. App. Dec. 288)**

Lynn Richardson, Appellant,	:	
vs.	:	DISMISSAL OF APPEAL
Sioux City Community School District, Appellee.	:	[Admin. Doc. 4576]

On May 24, 2004, this agency received an appeal from the above-named Appellant. The appeal states that the subject of the appeal is a decision of the May 17, 2004, meeting of the Board of Directors of the Appellee, the Sioux City Community School District, “concerning the leasing for 99 years of Robert’s Stadium to Morningside College.”

The appeal alleges various conflicts of interest, as well as violations of the Iowa Open Meetings Law (Iowa Code chapter 21), Iowa Gift Law (Iowa Code chapter 68B), and Iowa Public Bid Law (Iowa Code chapter 73A). The State Board of Education has no jurisdiction over any of these allegations. It cannot enforce any of the above laws. Accordingly, the appeal herein is **dismissed**.

However, to give these parties and others direction and guidance, the following additional information is provided.

1. *Open Meetings.* The enforcement of this law lies with the district court for the county in which the governmental body has its principal place of business. *See* Iowa Code section 21.6, which states in part, “...Any aggrieved person, taxpayer to, or citizen of, the state of Iowa, or the attorney general or county attorney, may seek judicial enforcement of the requirements of this chapter. Suits to enforce this chapter shall be brought in the district court for the county in which the governmental body has its principal place of business.”
2. *Gift Law.* Iowa Code section 68B.32B provides that a complaint may be filed with the Iowa Ethics and Campaign Disclosure Board when a citizen suspects that the gift law has been violated.
3. *Conflict of Interest.* Conflicts of interest of public officials are also covered by Iowa Code Chapter 68B. In addition to the ability of a citizen to file a complaint, as mentioned in the above paragraph, it is

clear from Wilson v. Iowa City, 165 N.W.2d 813 (Iowa 1969), that a citizen may file a cause of action against a public board in state district court.

4. *Bid Process.* Prior to changes made in Iowa Code section 290.1 two years ago (see paragraph #6 below), the State Board of Education may have had jurisdiction over this allegation. A taxpayer of the District may bring an equitable action in district court or should consult the provisions of Iowa Code chapter 73A, which governs public contracts and bids.
5. *Petition to Submit to Voters.* Iowa Code chapter 278 enumerates the powers that the electors of a school district may choose to exercise, including the power to “[d]irect the sale, lease, or other disposition of any ... property belonging to the [school] corporation.” Section 278.1(2). The Appellant alleges that the Appellee was presented with the requisite number of signatures on a petition to submit this matter to the voters. Without indicating any likelihood of success, it appears that enforcement of chapter 278 may lie with an equitable mandamus action pursuant to Iowa Code chapter 661.
6. *Appeals over which the State Board of Education has Jurisdiction.* In 2002, the Iowa General Assembly amended Iowa Code section 290.1 to limit the types of matters over which the State Board of Education has jurisdiction. Only 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 local school board may have an appeal hearing before the State Board. There is no allegation in the appeal filed here that the Appellant is an affected pupil or the parent/guardian of a minor pupil who is aggrieved by the local board’s decision. If the Appellant is a pupil or the parent/guardian of a pupil of the District, there is no setting forth in the appeal of how that pupil is aggrieved by the May 17 decision.

In summary, the State Board of Education has no jurisdiction over the appeal filed herein. The Appellant has other avenues of relief available to him. However, his appeal filed herein is **dismissed**.

Date

Carol J. Greta, Administrative Law Judge