

matter of law or fact, or a decision or order of a board of directors under section 282.18, subsection 5, 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[.]

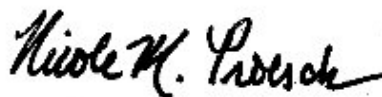
The State Board has previously ruled that in order to be an aggrieved party there must be a direct and immediate impact from the decision, as opposed to speculation. *In re Pam Rohlk*, 11 D.o.E. App. Dec. 20, 22 & n. 2 (1994); *see also In re Dissolution Commission Appointments*, 27 D.o.E. App. Dec. 733 (2016). Simply being affected indirectly or remotely is not sufficient. *Id.* First, we note that the decision of the Board to reject the Petition and the Dissolution Commission's proposal did not have an articulated direct and immediate impact on the Appellant or his minor children. Thus, we do not find the Appellant's children are aggrieved under the statute. Furthermore, a new petition has been filed with the District to correct any errors perceived from the first petition. Thus, the dissolution process is still underway. Based on these facts, the Appellant's arguments are a combination of unripe and moot. "A case is ripe for adjudication when it presents an actual, present controversy, as opposed to one that is merely hypothetical or speculative." *State v. Wade*, 757 N.W.2d 618, 626 (Iowa 2008). The rationale for ripeness is to prevent courts from entangling themselves in disagreements over administrative policies and to avoid premature adjudication of cases until an administrative decision has been made and the effects felt in a concrete way on the parties. *Id.* "A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent." *Homan v. Branstad*, 864 N.W.2d 321, 228 (Iowa 2015) (quoting *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 334 N.W.2d 439, 442 (Iowa 1983)).

Consequently, we find the State Board does not have jurisdiction to hear this appeal under Iowa Code section 290.1. The request for appeal is therefore denied and the case is dismissed. This is a final agency action for purposes of Iowa Code chapter 17A. **The hearing scheduled for Wednesday, February 8, 2017 is cancelled.**

January 20, 2017

Date

Date



Nicole M. Proesch, J.D.
Administrative Law Judge

Charles C. Edwards Jr., Board President
State Board of Education