

**IOWA DEPARTMENT  
OF EDUCATION  
(Cite as 22 D.o.E. App. Dec. 255)**

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*In re Jason Klaffke*

Mary Klaffke,	:	
Appellant,	:	PROPOSED
	:	DECISION
vs.	:	
	:	[Admin. Doc. 4572]
Alden Community School District,	:	
Appellee.	:	

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The above-captioned matter was heard telephonically on March 29, 2004, before designated administrative law judge Carol J. Greta, J.D. Appellant, Mary Klaffke, was present, as was her son, Jason Klaffke. Others present on behalf of the Appellant were Dennis Klaffke (husband of Mary and father of Jason), Janet Schutt, and Matt Schutt, son of Janet Schutt. Interim Superintendent Dr. Richard Ploeger represented the Appellee, the Alden Community School District. Also present on behalf of the District were High School Principal and Activities Director Kim Nelson, high school baseball coach Jason Smuck, Board member Brian Lauterbach, and Board secretary Vicki Porter. Neither party was represented by legal counsel.

An evidentiary hearing was held pursuant to agency rules found at 281 Iowa Administrative Code 6. Authority and jurisdiction for the appeal is found in Iowa Code § 290.1 (2003). The administrative law judge finds that she and the State Board of Education have jurisdiction over the parties and subject matter of the appeal before them.

Appellant challenges the February 16, 2004 decision of the local board of directors of the Alden District to share a high school interscholastic baseball program with the Iowa Falls Community School District, commencing with the 2004 baseball season.

**I.  
FINDINGS OF FACT**

Commencing with the 2004-05 school year, Alden secondary students will attend high school at the Iowa Falls Community School District pursuant to a recent whole grade sharing agreement. Accordingly, as of the fall of 2004, the Districts will share all interscholastic athletic programs. Until then, each District may operate its own summer athletic programs.

Prior to February 16, 2004, Coach Smuck met with prospective baseball team members from Alden High School to find out how many were planning to participate in the upcoming baseball season. Coach Smuck told the students with whom he met that the only options available in his opinion were to abolish the Alden High School team or enter into a cooperative sharing agreement with Iowa Falls High School.

Interim Superintendent Ploeger called just one witness, Jason Smuck, the Alden baseball coach. Coach Smuck testified that at the local Board meeting of February 16, he related to the Board members that he felt that only 10-11 Alden students would participate in baseball this summer,<sup>1</sup> and that only nine of those students were healthy. The minutes from that meeting summarize this discussion as follows:

Jason Smuck discussed his views on sharing. He stated that he had talked to the kids and that the numbers just weren't there. He said that he has great respect for the Iowa Falls coach and that he wants our kids to play baseball.

The Alden Board voted unanimously, with one member absent, to enter into a cooperative sharing program for baseball with the Iowa Falls District, effective this summer. Neither Ms. Klaffke nor any of the other persons present here on behalf of Ms. Klaffke was present at the Board meeting of February 16.<sup>2</sup>

Jason Klaffke and Matt Schutt are both juniors at Alden High School. Next school year, both shall attend the Northeast Hamilton Community School District under open enrollment. They agreed that Coach Smuck met with them before the local Board meeting. Jason estimated that 9-10 eligible Alden students would participate in baseball, including two or three young men who could pitch. At this hearing, Ms. Klaffke stated that her concern was that Jason, Matt, or others who do not intend to attend Alden High School this coming fall would be awarded a starting position over some other player who will be a member of the cooperative baseball program for more than just one year. She also stated her opinion that there were enough eligible students at Alden High School for that school to field its own baseball team this spring.

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<sup>1</sup> Although the first day allowed for baseball practice is May 3, the Iowa High School Athletic Association categorizes baseball as a summer sport. For the sake of consistency, we shall use this terminology.

<sup>2</sup> In a letter filed prior to this hearing, Ms. Klaffke complained that she was unaware of the agenda for the February 16 meeting. The undersigned administrative law judge explained to the parties on the record that this agency has no authority to determine violations of the open meetings law, and that the exclusive mechanism for enforcement of Iowa Code chapter 21 is an action in the appropriate district court. *Keeler v. Iowa State Board of Public Instruction*, 331 N.W.2d 110, 111(Iowa 1983).

Ms. Klaffke asks this Board to reverse the decision of the local Board to enter into a cooperative sharing agreement for baseball with the Iowa Falls District. In the alternative, she asks that Jason, Matt and similarly situated Alden students be granted permission to play baseball “where they choose.”

## II. CONCLUSIONS OF LAW

This is a case of first impression for this Board. Never before has a student or parent appealed to us a decision of a local Board to share interscholastic athletics. The Code section authorizing such cooperative sharing agreements is Iowa Code section 280.13A, which states in pertinent part as follows:

If a school district or nonpublic school does not provide an interscholastic activity for its students, the board of directors of that school district or the authorities in charge of the nonpublic school may complete an agreement with another school district or nonpublic school to provide for the eligibility of its students in interscholastic activities provided by that other school district or nonpublic school.

Iowa Code section 290.1 states that the parent of an affected pupil “who is aggrieved by a decision” of a local school board may appeal to the state board of education by filing an affidavit which “shall set forth any error complained of in a plain and concise manner.” In her affidavit of appeal, Ms. Klaffke states her opposition to “expect these kids [Alden students] to play for a school [Iowa Falls] they didn’t want to attend in the first place. All we are asking is for the State Board to override the School Board’s decision and allow the kids to play where they want.”

### *Review of Decision on its Merits*

The Iowa Legislature has directed that the State Board, in regard to appeals to this body, make decisions that are “just and equitable.” Iowa Code section 290.3. The standard of review, articulated in *In re Jesse Bachman*, 13 D.o.E. App. Dec. 363 (1996), requires that a local board decision not be overturned by the State Board unless the local decision is “unreasonable and contrary to the best interest of education.” *Id.* at 369.

We cannot conclude that it was unreasonable for the Alden Board to determine that its District would not provide a baseball program of its own to high school boys, and to arrange for eligibility for its students who wish to play baseball at Iowa Falls. While it is physically possible to have a high school team with 9 – 11 players,<sup>3</sup> this leaves little or

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<sup>3</sup> This assumes that Alden could arrange its schedule of games so as not to violate the Iowa High School Athletic Association rule limiting high school pitchers to 16 innings per week.

no margin of error for illness and injuries. Indeed, if Alden were to have to forfeit games due to the availability of fewer than nine players, the forfeiture would negatively impact the Alden students, the students of the team to whom a competition was forfeited, and the umpires contracted to officiate the forfeited game. The margin of error is so slim that a decision to cling to its own program is the more difficult decision to justify under these facts. We conclude that the local Board was forward-looking and selfless. It did not act unreasonably and contrary to the best interests of education.

*Request for Carte Blanche Eligibility of Students*

In the alternative, Ms. Klaffke has asked that Jason (and other Alden students similarly situated) be allowed to compete in baseball “where they want.” Coach Smuck also voiced a similar desire on behalf of the students. This Board simply has no authority to allow such eligibility. Jason is a resident of the Alden District. Once he commences his attendance at Northeast Hamilton, he will be eligible immediately to compete for that district in interscholastic athletics.<sup>4</sup> But, barring a bona fide change of residence of his family to the Northeast Hamilton District prior to the first day of classes in the upcoming fall, Jason is eligible to compete in a summer sport – such as baseball – only at Alden or any host school with whom Alden has a cooperative sharing agreement. The parties are referred to the eligibility rules of this Board in 281—IAC 36.15(3).

**III.  
DECISION**

For the foregoing reasons, it is recommended that the decision of the Board of Directors of the Alden Community School District made on February 16, 2004, to share interscholastic baseball with the Iowa Falls Community School District be AFFIRMED. There are no costs of this appeal to be assigned.

\_\_\_\_\_  
Date

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

It is so ordered.

\_\_\_\_\_  
Date

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Gene E. Vincent, President  
State Board of Education

<sup>4</sup> Ordinarily, a student who transfers his attendance from one school to another school without a contemporaneous change of familial residence is ineligible to compete in interscholastic athletics for 90 school days. However, a transfer of an affected student because of a whole grade sharing agreement is one of the stated exceptions to the general rule.