

**IOWA DEPARTMENT  
OF EDUCATION  
(Cite as 20 D.o.E. App. Dec. 57)**

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<i>In the matter of the Appeal of</i>	:	
<i>Linda Zimmerman &amp; Robert Zimmerman</i>	:	
<b>Linda &amp; Robert Zimmerman,</b>	:	
<b>Appellants,</b>	:	
<b>v.</b>	:	<b>DISMISSAL FOR LACK OF JURISDICTION</b>
<b>Loess Hills Area Education Agency 13,</b>	:	
<b>Appellee.</b>	:	<b>[Adm. Doc. # 4407]</b>

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On September 21, 2001, Appellants, through their attorney, filed an Affidavit of Notice of Appeal of a decision regarding the transportation of their son, Brandon. Appellee's decision affirmed a decision made by the Board of Directors of the Atlantic Community School District made on July 9, 2001.

Iowa Code section 285.12 (2001) states, in pertinent part, as follows:

...Either party may appeal the decision of the agency board to the director of the department of education by notifying the opposite party and the agency administrator in writing within **five** days after receipt of notice of the decision of the agency board and by filing with the director of the department of education an affidavit of appeal, reasons for appeal, and the facts involved in the disagreement within five days after receipt of notice of the decision of the agency board.

*Id.* (Emphasis added.)

Appellee decided the appeal on September 7, 2001; Appellants' Affidavit of Notice of Appeal was filed with the Director of the Department of Education on September 21, 2001.

Due to the passage of the time period in which a party may file an appeal, Appellants' affidavit was not filed in a timely manner. Therefore, the Department of Education lacks jurisdiction to hear Appellants' appeal and the appeal is dismissed.

IT IS SO ORDERED.

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DATE

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SUSAN E. ANDERSON, J.D.  
ADMINISTRATIVE LAW JUDGE

Copies to:

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Loess Hills AEA 13

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