

**IOWA STATE BOARD
OF EDUCATION**

(Cite as 19 D.o.E. App. Dec. 342)

<i>In re Natasha Reeder</i>	:	
Duane & Rhonda Reeder,	:	
Appellants,	:	
v.	:	DECISION
Lawton-Bronson Community	:	
School District, Appellee.	:	[Adm. Doc. #4341]

The above-captioned matter was heard on May 23, 2001, before Susan E. Anderson, J.D., designated administrative law judge, presiding. Appellant Rhonda Reeder was present telephonically and was unrepresented by counsel. Appellee, Lawton-Bronson Community School District [hereinafter, "the District"], was also present telephonically in the persons of Robert Raymer, superintendent; and Teresa Myers, board secretary. Appellee was also unrepresented by counsel.

An evidentiary hearing was held pursuant to departmental rules found at 281 Iowa Administrative Code 6. Authority and jurisdiction for this appeal are found at Iowa Code sections 282.18 and 290.1(2001). 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.

Appellants seek reversal of a decision of the Board of Directors [hereinafter, "the Board"] of the District made on March 12, 2001, denying their application for open enrollment for their daughter, Natasha, on the ground that it was filed late without statutory good cause.

**I.
FINDINGS OF FACT**

Mr. and Mrs. Reeder reside with their family in the Lawton-Bronson Community School District. At the time of the appeal hearing, their daughter, Natasha, was a freshman attending high school in the District. They have not changed their residence during the current calendar year. There was no evidence that the District's status is undergoing any type of change.

As a freshman at the District's high school, Natasha earned a 4.0 grade point average. She has played the saxophone and oboe in the District's marching band. She also takes private music lessons in Sioux City. She participates in the District's dance squad and takes private dance lessons in Sioux City as well. Natasha participates in the District's large-group choir.

The Reeders filed an open enrollment application for Natasha to attend the Sioux City District beginning with her sophomore year. Mrs. Reeder testified that they want Natasha to attend Sioux City because they feel that a larger district has more fine arts opportunities, such as show choir, swing choir, jazz band, musicals, and music contests. They also want Natasha to have a band uniform, which Lawton-Bronson does not supply.

Mrs. Reeder testified that she knew about the January 1 deadline and had obtained the open enrollment application form in August of 2000. She testified that she waited to file the application until March 2, 2001, because Superintendent Raymer told her that she couldn't change her mind once she filed it. Superintendent Raymer testified that he did not tell her that.

On March 12, 2001, the Board voted to deny the Reeders' enrollment application for the 2000-2001 school year on the basis that it was filed after the January 1, 2000, deadline without good cause. Superintendent Raymer testified that the District published the open enrollment deadline in newsletters that are sent to all the District's patrons. He further testified that the Board has consistently denied late-filed open enrollment applications unless there was a medical reason to make an exception. The Reeders appealed to the Department of Education.

II. CONCLUSIONS OF LAW

The State Board of Education has been directed by the legislature to render decisions that are "just and equitable" [Iowa Code section 282.18(18)(2001)], "in the best interest of the affected child or children" [Iowa Code section 282.18(18)(2001)], and "in the best interest of education" [281 Iowa Administrative Code 6.17(2)]. Based on this mandate, the State Board's standard of review is as follows:

A local school board's decision will not be overturned unless it is unreasonable and contrary to the best interest of education.

In re Jesse Bachman, 13 D.o.E. App. Dec. 363(1996).

Parents must file open enrollment requests by the deadline of January 1 of the year preceding the school year for which open enrollment is requested. Iowa Code §282.18(2) (2001). However, the legislature recognized that certain events would prevent a parent from meeting the January 1 deadline. Therefore, there is an exception in the statute for two groups of late filers: the parents or guardians of children who will

enroll in kindergarten the next year, and parents or guardians who have "good cause" for missing the January 1 filing deadline. Iowa Code §§282.18(2) and (16) (2001).

The legislature has defined the term "good cause", rather than leaving it up to parents or school boards to determine. The good cause exception relates to two types of situations: those involving a change in the student's residence, and those involving a change in the student's school district. Iowa Code §282.18(16)(2001); 281 IAC 17.4. The statutory definition of good cause addresses those two types of situations that must occur after the January 1 deadline as follows:

For purposes of this section, "good cause" means:

[A] change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance abuse or mental health treatment program, or a similar set of circumstances consistent with the definition of good cause; a change in the status of a child's resident district, such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a non-public school, the failure of negotiations for a whole-grade sharing, reorganization, dissolution agreement, or the rejection of a current whole-grade sharing agreement, or reorganization plan, or a similar set of circumstances consistent with the definition of good cause. If the good cause relates to a change in status of a child's school district of residence, however, action by a parent or guardian must be taken to file the notification within forty-five days of the last board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

Iowa Code §282.18(16) (2001).

The evidence at the hearing showed no statutory good cause for an exception to the January 1 deadline. There has been no change in the child's residence and there has been no change in the District's status. In addition, this is not an

extraordinary case which cries out for State Board intervention pursuant to Iowa Code section 282.18(18) (2001). There is, therefore, no basis for reversal.

Any motions or objections not previously ruled upon are hereby denied and overruled.

III.
DECISION

For the reasons stated above, the decision of the Board of Directors of the Lawton-Bronson Community School District made on March 12, 2001, denying Appellants' open enrollment application on behalf of their daughter, Natasha, is hereby recommended for affirmance. There are no costs of this appeal to be assigned under Iowa Code section 290.4.

DATE

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

It is so ordered.

DATE

CORINE HADLEY, PRESIDENT
IOWA STATE BOARD OF EDUCATION