

**IOWA DEPARTMENT
OF EDUCATION
(Cite as 19 D.o.E. App. Dec.223)**

In re Hannah E. Hatfield :

Karla Hatfield, :
Appellant, :

v. : DECISION

Waterloo Community :
School District, Appellee. : [Adm. Doc. #4314]

The above-captioned matter was heard telephonically on March 9, 2001, before Susan E. Anderson, J.D., designated administrative law judge. Appellant, Karla Hatfield, was present telephonically and was unrepresented by counsel. Appellee, Waterloo Community School District [hereinafter, "the District"], was also present telephonically in the persons of Bernard Cooper, Director of Student Services; and Sharon Miller, board secretary. Appellee was represented by Attorney Steven Weidner of Swisher & Cohrt of Waterloo, Iowa.

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 Director of the Department of Education have jurisdiction over the parties and subject matter of the appeal before them.

Appellant seeks reversal of a decision of the Board of Directors [hereinafter, "the Board"] of the District made on January 22, 2001, denying Appellant's application for open enrollment for her daughter, Hannah E. Hatfield, on the ground that it was filed late without statutory good cause.

**I.
FINDINGS OF FACT**

At the time of the appeal hearing, Hannah Hatfield was attending third grade at the Casa Montessori School, a private school located in Cedar Falls, Iowa. In December 2000, a third grade teacher at the private school, told Ms. Hatfield that she recommended a public school for Hannah's fourth grade and beyond to better accommodate Hannah's academic and social needs. Although the private school recommended that Hannah attend fourth grade in a public school, the private school at no time suggested that Hannah wouldn't be welcome to continue attending the private school.

The Hatfield family resides in the Waterloo School District. Ms. Hatfield wanted Hannah to attend the Cedar Falls Community School District starting in fourth grade because Hannah already knows some children in that District and because Hannah's childcare arrangements are in Cedar Falls.

Ms. Hatfield was not familiar with the open enrollment deadlines. She filed her open enrollment application on January 8, 2001. The Board denied the application on January 22, 2001, on the basis that it was filed late without statutory good cause. Ms. Hatfield appealed.

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 a deadline of January 1. 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 nonpublic 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).

We conclude that Hannah's situation does not constitute good cause for a late-filed open enrollment application as defined by the Legislature and the Department rules. Hannah's situation involves neither a change in the family residence nor a change in the status of the District.

Although the State Board of Education has rulemaking authority under the open enrollment law, the rules do not expand the types of events that constitute good cause. 281 IAC 17.4. The State Board has chosen to review potentially "similar sets of circumstances" on a case-by-case basis through the contested case appeal process. *In re Ellen and Megan Van de Mark*, 8 D.o.E. App. Dec. 405, 408.

There have been many appeals brought to the Iowa Department of Education regarding the definition of good cause fol-

lowing the enactment of the Open Enrollment Law. The State Board has refused to reverse a late application in the following situations: when the parent was unaware of the filing

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deadline, *In re Candy Sue Crane*, 8 D.o.E. App. Dec. 198 (1990); when the parent missed the deadline because the application was mailed to the wrong place, *In re Casee Burgason*, 7 D.o.E. App. Dec. 367(1990); when a bright young man's probation officer recommended a different school that might provide a greater challenge for him, *In re Shawn and Desiree Adams*, 9 D.o.E. App. Dec. 157(1992); when a parent became dissatisfied with a child's teachers, *In re Anthony Schultz*, 9 D.o.E. App. Dec. 381 (1992); when the school was perceived as having a "bad atmosphere", *In re Ben Tiller*, 10 D.o.E. App. Dec. 18(1993); when a building was closed and the elementary and middle school grades were realigned, *In re Peter and Mike Caspers, et al.*, 8 D.o.E. App. Dec. 115 (1990); when a child experienced difficulty with peers and was recommended for a special education evaluation, *In re Terry and Tony Gilkinson*, 10 D.o.E. App. Dec. 205 (1993); or even when difficulties stemmed from the fact that a student's father, a school board member, voted in an unpopular way on an issue, *In re Cameron Kroemer*, 9 D.o.E. App. Dec. 302 (1992). Good cause was not met when a parent wanted a younger child to attend in the same district as an older sibling who attended out of the district under a sharing agreement, *In re Kandi Becker*, 10 D.o.E. App. Dec. 285 (1993). The Department has also denied a request to reverse a denial of open enrollment by a parent who had not received notice of the deadline and did not know it existed. *In re Nathan Vermeer*, 14 D.o.E. App. Dec. 83 (1997).

As noted above, the Department has denied a request to reverse a denial of open enrollment by a parent who had not received notice of the deadline and did not know it existed, *In re Nathan Vermeer*, 14 D.o.E. App. Dec. 83 (1997). The Department has refused to reverse a late application when the parent was unaware of the filing deadline, *In re Candy Sue Crane*, 8 D.o.E. App. Dec. 198 (1990). As in those two decisions, the fact that Ms. Hatfield was not aware of the open enrollment deadlines does not constitute good cause for filing a request for open enrollment after the January 1 deadline.

In addition, we conclude that this situation does not constitute an extraordinary case that requires the Board to

exercise its discretionary power under Iowa Code §282.18(18) (2001). Mrs. Hatfield testified that Hannah is a bright, well-adjusted child and her situation does not cry out for State Board invention. *In re Emily Reinen*, 18 D.o.E. App. Dec. 21 ((1999)).

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

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III.
DECISION

For the reasons stated above, the decision of the Board of Directors of the Waterloo Community School District made on January 22, 2001, denying the open enrollment application of Appellant on behalf of her daughter, Hannah, is hereby affirmed. There are no costs of this appeal to be assigned under Iowa Code §290.4.

DATE

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

It is so ordered.

DATE

TED STILWILL, DIRECTOR
IOWA DEPARTMENT OF EDUCATION