

(Cite as 29 D.o.E. App. Dec. 001)

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**IOWA DEPARTMENT OF EDUCATION**


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*In re Open Enrollment of N.H.* :

T.O., :

Appellant, :

vs. : DISMISSAL

Des Moines Independent Community School District, : [Admin. Doc. 5087]

Appellee. :

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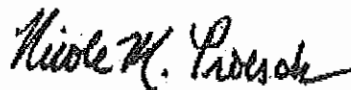
On July 5, 2018, the Iowa Department of Education received your Notice of Appeal of the June 5, 2018, decision of the Des Moines Independent Community School District School Board to deny your request for open enrollment for your son to attend the West Des Moines Community School District. On August 2, 2018, the District filed a Motion to Dismiss the appeal citing lack of jurisdiction. The Appellant filed a response on August 9, 2018.

The State Board only has jurisdiction over appeals involving allegations of pervasive harassment or a severe health need that the resident district could not meet. In this case, the application for open enrollment did not allege pervasive harassment or a severe health need. As such, the local board did not review the criteria for pervasive harassment or a severe health need in making its determination to deny the appeal. Therefore, the State Board has no jurisdiction to hear this appeal. Iowa Code § 282.18(5); 281 IAC 17.5(2).

If the Appellant files a new application for open enrollment alleging pervasive harassment or a severe health need that the resident district could not meet, the District should promptly process the new application under the appropriate criteria.

For the reasons stated above, the State Board does not have jurisdiction over this appeal. Therefore, this matter is dismissed.

IT IS SO ORDERED.



8/14/18  
Date

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