(Cite as D.o.1	E. App. Dec	053)
In re: Athletic Eligibility)	
)	
)	Case No. 19DOE0002
Appellant,)	DE Admin. Doc. No. 5086
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ν.)	
)	
wa High School Athletic Association,)	DECISION
Appellee.)	
)	

On June 11, 2018, the Iowa High School Athletic Association (IHSAA) Board of Control found that the Appellant was ineligible to compete in varsity interscholastic athletics for ninety consecutive school days under the provision of the general transfer rule. *See* Iowa Admin. Code r. 281-36.15(3). Following an evidentiary hearing, Administrative Law Judge Joseph Ferrentino issued a decision reversing the decision of the IHSAA.

I have reviewed and considered the attached proposed decision from Administrative Law Judge Joseph Ferrentino. Having been fully advised, I determine that **set of the set of th**

I find and conclude that the administrative law judge and the Department of Education have jurisdiction of the parties and of the subject matter.

I find that was a resident of an Illinois school district, was placed in a residential treatment facility in Utah, and, upon his discharge from that facility, moved in with relatives in Iowa when his parents would not allow him to return home. This voluntary decision to move to Iowa was based on the recommendation of **streatment** professionals. I give great weight to **s** assertion that returning to Illinois "would certainly" result in "his demise."

I conclude these facts establish **and** meets an exception to the General Transfer Rule. Iowa Admin. Code r. 281-36.15"a"(4). Specifically, **and** is residence changed because of "participation in a mental health program," and upon his release from that program. *Id.* r. 281-36.15"a"(4)(6). **Constant** meets the plain language of this exception, based on the facts that I have found. I reject any attempt to impose additional conditions on this exception to the General Transfer Rules imposed by the IHSSA which are beyond those imposed by Rule 36.15 and Iowa Code section 256.46, such as considering whether **and** was motivated by sports or whether and the State Board. *See, e.g., Matter of Estate of Thompson*, 512 N.W.2d 560, 564 (Iowa 1994).

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We determine legislative intent from the words chosen by the legislature, not what it should or might have said. ... Absent a statutory definition or an established meaning in the law, words in the statute are given their ordinary and common meaning by considering the context within which they are used. ... Under the guise of construction, an interpreting body may not extend, enlarge or otherwise change the meaning of a statute....

Auen v. Alcoholic Beverages Div., 679 N.W.2d 586, 590 (Iowa 2004) (citations omitted). The sole question is whether **See In retraining**'s residence changed because of "participation in a mental health program," and that question is answered in the affirmative. *See In re Evan P.*, 27 D.o.E. App. Dec. 634 (2015).

In the present matter, I need not consider the administrative law judge's analysis of the proper scope of review. This is because it is not necessary to the outcome of this case. [Even under an abuse-of-discretion standard, I find and conclude that **set at a state of the state of the standard** is entitled to relief from the General Transfer Rule. *Id.* at 638].

I also need not discuss the other grounds for relief in the proposed decision because meets the exception contained in Rule 36.15"a"(4)(6). While I understand the administrative law judge must address all contentions raised by the parties, it is not necessary for me to do so to reverse the decision of the IHSSA.

Any allegation not specifically addressed in this decision is either incorporated into an allegation that is specifically addressed or is overruled. Any legal contention not specifically addressed is either addressed by implication in legal decision contained herein or is deemed to be without merit. Any matter considered a finding of fact that is more appropriately considered a conclusion of law shall be so considered. Any matter considered a conclusion of law that is more appropriately considered a finding of act shall be so considered.

DECISION

For the foregoing reasons, the decision of the Iowa High School Athletic Association made on June 11, 2018 is REVERSED. There are no costs of this appeal to be assigned.

It is so ordered.

8-10-18

Date

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Ryan M. Wise, Director Iowa Department of Education

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