

**IOWA STATE DEPARTMENT  
OF EDUCATION  
(Cite as 18 D.o.E. App. Dec. 109)**

---

*In re Codie, Hollie & Alyce Johnson* :  
  
Lynda Johnson, :  
Appellant, :  
  
v. : DECISION  
  
Wellsburg-Steamboat Rock :  
Community School District, :  
Appellee. :  
: [Admin. Doc. # 4167]

---

The above-captioned matter was heard on December 2, 1999, before a hearing panel comprised of Jim Tyson, consultant, Bureau of Administration and School Improvement Services; Gary Heinrichs, consultant, Bureau of Technical and Vocational Education; and Susan E. Anderson, J.D., designated administrative law judge, presiding. Appellant Lynda Johnson, and her husband, Vernon Johnson, were present and were unrepresented by counsel. The Appellee, Wellsburg-Steamboat Rock Community School District [hereinafter, “the District”], was present in the persons of Charles Stalker, superintendent; and Jim Stotser, board president. The District was represented by Ron Peeler of Ahlers, Cooney, Dorweiler, Haynie, Smith & Albee, P.C., of Des Moines, 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(1999). 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.

Appellant seeks reversal of a decision of the Board of Directors [hereinafter, “the Board”] of the District made on August 16, 1999, which denied her request to add a new bus stop in the District so her open-enrolled children could board the Aplington-Parkersburg Community School District’s bus in front of their home instead of at another bus stop which is one mile west of their home.

**I.  
FINDINGS OF FACT**

Lynda and Vernon Johnson and their four children reside on a farm in the Wellsburg-Steamboat Rock District. Codie is in the third grade; Hollie is in the second grade; Alyce is in kindergarten and another child is not yet of school age. Codie, Hollie,

and Alyce are open-enrolled into the Aplington-Parkersburg Community School District. They attend school in Parkersburg.

Currently, an Aplington school bus comes into the Wellsburg-Steamboat Rock District and stops in front of Krystal Meester's house [hereinafter, "the Meester stop"]. Krystal Meester is also open-enrolled into the Aplington-Parkersburg Community School District. The Johnson children are transported by their father from home, which is one mile east of the Meester residence, to the bus stop in order that they may ride that bus to attend school in Parkersburg.

From the Meester stop, the bus then travels north for a couple of miles and then turns west in order to pick up another child at the "Buck Grove" bus stop, which is in the Aplington-Parkersburg District. Mr. and Mrs. Johnson contend that the bus could just as easily travel one more mile west from the Meester bus stop and pick up their children directly in front of their residence and then turn north to travel the two miles to the Buck Grove stop. Since there is no current designated bus stop in front of the Johnson residence, they requested the District to approve a new stop, which the District declined to do at its August 16, 1999, Board meeting.

The Board denied the request to add the new stop because of its policy not to add any new bus stops due to financial concerns regarding a potential increase in open enrollments out of its district. Until the time of the Johnson request, the current Board was not aware that the Aplington bus was picking up Krystal Meester at the Meester stop. Superintendent Charles Stalker testified that the arrangement for Aplington-Parkersburg to enter the Wellsburg-Steamboat Rock Community School District at the Meester stop was not on file in his office and that he would be following up to determine if this stop had been approved by the Area Education Agency. The Johnsons decided not to apply for the income ineligibility exemption under Iowa Code section 282.10.

The Johnsons testified at the appeal hearing that the reason they were requesting the new bus stop was for their family's convenience. Mr. Johnson farms and gets up early in the morning to do his chores. He currently interrupts his farming chores to put his children in their pickup truck and drive them over to the Meester stop. He then drives back home and continues his morning chores. In the afternoon, he interrupts his afternoon chores to drive over to the Meester stop to pick up the children after school. Mr. Johnson then continues his afternoon chores.

The Johnsons testified that it does make any sense for Mr. Johnson to have to make these two daily trips over to the Meester bus stop when the Aplington bus could just as easily stop in front of their farm on its way to the Buck Grove stop north of their farm. The Johnsons also testified that if the Aplington bus were to stop in front of their residence and then continue straight north to the Buck Grove stop, it would be safer for the children getting on the bus at the Buck Grove stop. This is due to the fact that the

students are currently boarding across a black-topped highway which carries heavy, semi-truck traffic. The Johnsons' safety concerns for the Buck Grove stop were not raised at the Board's meeting on August 16, 1999.

The District argues that under the Open Enrollment Law, the parents of pupils who have been accepted for open enrollment are responsible for transportation to and from a point on a regular bus route of the receiving district. The Board has a policy of not approving new bus stops in its district for buses from receiving districts. The Board feels that new bus stops in the District to transport open-enrolled students would not be in its best interest. For these reasons, the District denied the Johnsons' request to add a new bus stop in its District.

Superintendent Stalker testified that the Buck Grove stop north of the Johnson farm, where the students currently get on across the black-topped highway, is safer than if the students boarded the bus in an alternate way, due to the fact that all traffic is stopped from both directions when the students board the bus.

Mrs. Johnson appealed the District's denial of their request.

## **II. CONCLUSIONS OF LAW**

Unfortunately for Mr. and Mrs. Johnson and their children, the law is clear and specific regarding this situation. Parents who open enroll their children are responsible for transporting them without reimbursement to and from a point on a regular bus route of the receiving district. Iowa Code §282.18(10)(1999); 281 Iowa Administrative Code 17.9(1). The point must be a designated stop on the bus route of the receiving district. 281 IAC 17.9(1). The only exception to this is if the child meets the income eligibility guidelines set by the Iowa Department of Education. Iowa Code §282.18(10)(1999); 281 IAC 17.9(2). The Johnsons decided not to apply for the income eligibility exception. Therefore, the Johnsons are responsible for transporting their children to a designated stop on the Aplington-Parkersburg bus route.

However, the open enrollment law also provides that if the boards of the receiving district and the sending district agree, the receiving district may send buses into the sending district to pick up open-enrolled students. Iowa Code §282.18(10)(1999); 281 IAC 17.9(1). This agreement must be approved by the Area Education Agency. Iowa Code §285.9(3)(1999); 281 IAC 17.9(1). In this case the Aplington-Parkersburg District is allowed into the Wellsburg-Steamboat Rock District only at the Meester stop. This decision is allowed by Iowa law. Iowa Code §282.18(10)(1999). A local school board has the authority to deny receiving districts' buses the ability to enter its district to pick up open-

enrolled students, and it also has the authority to allow receiving districts' buses into its district. Iowa Code §282.18(10)(1999); 281 IAC 17.9(1). There is no provision for special circumstances or exceptions in the statute or the rule.

Given the Legislature's requirement in the statute that both districts must agree before buses are allowed to enter into another district to pick up open-enrolled pupils, we interpret this rule to mean that bus routes may be allowed to transport open-enrolled students only if both districts agree. The Wellsburg-Steamboat Rock Board did not agree to allow the Aplington-Parkersburg bus to transport open-enrolled students at an additional stop.

Local boards do not have the authority to act unreasonably. *In re Jesse Bachman*, 13 D.o.E. App. Dec. 363(1996). The question in this case is whether the District acted unreasonably when it denied the Johnsons' request. We find that it did not. The Board's decision in this case is reasonable and within its authority. The Board acted within its authority when it decided not to allow the additional Aplington-Parkersburg bus stop within its District to pick up the Johnson children, even though the bus might not have to go out of its way in terms of mileage to do so. This decision was not made unreasonably and is consistent with the District's policy and past practice not to allow new stops in its District.

Our conclusion is consistent with a previous decision considering similar circumstances in *In re Tyler and Daniel Hall*, 15 D.o.E. App. Dec. 184(1998). The facts in the *Hall* decision were even more compelling than the facts of the case at hand. In that case, the State Board affirmed the Fremont Community School District's decision not to allow the Appellant's children to board a school bus that had permission to enter the district only to turn around in the Appellant's driveway. The children, instead of getting on the bus when it turned around in their driveway, had to travel one-quarter of a mile down the road to an approved bus stop to board the bus. The decision was based on the local board's statutory authority to make its own decisions regarding if and when a receiving district's school buses may actually stop within the boundaries of the sending district.

The Board's decision to deny Appellant's request to add a bus stop in front of the Johnsons' farm in this case was consistent with State law and the rules of the Iowa Department of Education as interpreted in our past decisions. Therefore, there are no grounds to justify reversing the Board's decision.

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

### **III. DECISION**

For the foregoing reasons, the decision of the Board of Directors of the Wellsburg-Steamboat Rock Community School District made on August 16, 1999,

which denied Appellant's request to add a bus stop within its District to allow the Aplington-Parkersburg bus to pick up her open-enrolled children in front of their farm, is hereby recommended for affirmance. There are no costs of this appeal to be assigned.

---

DATE

---

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

It is so ordered.

---

DATE

---

CORINE HADLEY, PRESIDENT  
STATE BOARD OF EDUCATION