

IOWA DEPARTMENT OF EDUCATION

(Cite as 29 D.o.E. App. Dec. 241)

In re: Athletic Eligibility)	
)	
A.T.)	Case No. 20DOE0001
Appellant,)	DE Admin. Doc. No. 5111
)	
v.)	
)	
Iowa High School Athletic Association,)	DECISION
Appellee.)	
)	

On August 28, 2019, the Iowa High School Athletic Association (IHSAA) Board of Control found that the Appellant, a sixth-year student at Cedar Rapids Washington High School, is ineligible to compete in interscholastic athletics. *See* Iowa Admin. Code r. 281-36.15(2)(b)&(e). Following an evidentiary hearing, Administrative Law Judge Joseph Ferrentino issued a decision affirming 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 A.T. is ineligible to participate in interscholastic athletics and I also AFFIRM the decision of the IHSSA.

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

In the present matter, I find that the appropriate scope of review is abuse of discretion and not *de novo*. Under rule 281-36.16, the first level of review in eligibility decisions has been authorized to the Executive Board of the governing organization. *See* Iowa Admin. Code r. 281-36.16. After that level of review a parent or student may make further appeal to the Director of the Department under rule 281-36.17. *See* Iowa Admin. Code r. 281-36.17. Appeals to the Executive Board and the state Director are not contested cases under Iowa Code subsection 17A.2(5). Our past precedent has applied the abuse of discretion standard when reviewing these appeals. *See White-Cilifo vs. Iowa Girls High School Athletic Union*, 27 D.o.E. App. Dec. 559 (2014). The Department will continue to apply the abuse of discretion standard in these cases unless compelled otherwise.

However, a decision on the appropriate scope of review is not necessary to the outcome of this case. Even under an abuse-of-discretion standard, I find and conclude that A.T. is ineligible to compete in interscholastic athletics under the maximum age rule which provides that

“[a]ll contestants must be under 20 years of age.” This rule is neutrally applied to both students of disability and students without a disability.

Additionally, I find and conclude that A.T. is ineligible to compete under the eight-semester rule which provides “[a] student who meets all other qualifications may be eligible to participate in interscholastic athletics for a maximum of eight consecutive semesters upon entering the ninth grade for the first time.”

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 August 28, 2019, is AFFIRMED. There are no costs of this appeal to be assigned.

It is so ordered.

11-14-19
Date

Ryan M. Wise
Ryan M. Wise, Director
Iowa Department of Education