

**IOWA STATE DEPARTMENT
OF EDUCATION
(Cite as 17 D.o.E. App. Dec. 192)**

In re Devan Wright	:	
Catherine Wright, Appellant,	:	
v.	:	PROPOSED DECISION
Fairfield Community School District, Appellee.	:	
		[Admin. Doc. #4121]

This above-captioned matter was heard on July 7, 1999, before Ann Marie Brick, J.D., legal consultant and designated administrative law judge. The Appellant, Catherine Wright, was “present” telephonically and was unrepresented by counsel. The Appellee, Fairfield Community School District [hereinafter, “the District”], was “present” telephonically in the person of John Kelley, superintendent, and was also unrepresented by counsel.

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 section 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.

The Appellant seeks reversal of a decision of the Board of Directors [hereinafter, “the Board”] of the District made on March 15, 1999, denying her request to allow her son to attend an attendance center other than his assigned attendance center.

**I.
FINDINGS OF FACT**

Catherine Wright is a resident of the Fairfield Community School District. Her son, Devan, is five years old and will enter kindergarten for the 1999-2000 school year. The Wright home is in a rural area, and the assigned attendance center for elementary students in that part of the District is the Lockridge Elementary School, about 10 miles from the home.

Ms. Wright testified that she and Devan's father have been divorced for two years and this has been very difficult for Devan. Adjusting to new situations and people has been particularly difficult for him. In addition, Devan has had numerous health problems, including bronchitis, croup and pneumonia. Ms. Wright read statements from the director of his childcare/preschool center and one of his teachers about problems with adjustment and social skills and from his doctor about his tendency to experience respiratory illness.

Because of these factors, Ms. Wright concluded that attending Washington Elementary School would be preferable for Devan. Washington is closer to the Wright home and to Ms. Wright's place of employment. This would result in a shorter bus ride for Devan and would more easily allow Ms. Wright to pick him up in case of illness. She also testified that Washington was the assigned attendance center for the previous residents of her home.

Ms. Wright addressed the Board during its March 15, 1999, meeting and requested that Devan be allowed to attend Washington Elementary School, rather than Lockridge, beginning with the 1999-2000 school year. The Board denied the request.

Testifying for the District, Superintendent Kelley pointed out that Iowa Code section 279.11 gives local boards of directors the authority to determine the attendance center each student will attend. To implement this authority, the Board has a policy, "School Attendance Areas," Code No. 503.1, that states its intention to maintain uniform class sizes throughout the District while considering the educational needs of students and transportation requirements. (Appellee's Exh. 2.) The Board also has administrative regulations based on this policy. Regulation No. 501.3a establishes the elementary school attendance boundaries. Regulation No. 501.3b, "Guidelines for Placement," states in pertinent part:

Children who live within designated boundaries will attend that school unless there is a particular education need that can be provided better through a program at another building.

(Appellee's Exh. 2.)

Mr. Kelley testified that the students are not allowed to transfer to different elementary buildings, with one exception: They may transfer to Lockridge Elementary or Libertyville Elementary, the two rural buildings. He further testified that since he assumed his position in 1979, the Board has approved only three requests for an exception to this policy. All of these were for students with serious medical conditions.

Mr. Kelley explained that the Wright home had been in the Washington Elementary attendance area prior to a boundary change in 1996. The previous residents of the home were allowed to continue attending Washington under a “grandfather” provision, but any subsequent residents would be subject to the new boundaries. The purpose of the boundary change was to increase enrollment at Lockridge Elementary so the Board could justify keeping it open, which is what the residents of that area want. He noted that the enrollment at Lockridge is about 100, and the kindergarten class will be 10 to 15 students, a beneficial size for Devan Wright.

II. CONCLUSIONS OF LAW

Local boards of directors have specific powers and duties regarding attendance centers, as provided by Iowa law:

The board of directors of each public school district and the authorities in charge of each nonpublic school shall establish and maintain attendance centers based upon the needs of the school age pupils enrolled in the school district or nonpublic school.

Iowa Code § 280.3(1999); and

The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, *determine the particular school which each child shall attend*, and designate the period each school shall be held beyond the time required by law.

Iowa Code § 279.11(1999). Emphasis added.

The law clearly gives boards of directors the absolute right to assign students to specific attendance centers. Even open enrollment does not limit this right. The Iowa Administrative Code clarifies that open enrollment is “to a district ... not to an attendance center.” [281 Iowa Administrative Code 17.6(4)], and “the receiving district board has the same authority it has in regard to its resident pupils ... ‘to determine the particular school which each child shall attend.’” *Id.* In addition, the Fairfield Board has a policy and a procedure detailing how it will implement this right, and the evidence shows that it has been consistent in following both.

The evidence and the testimony in this appeal show that the Board followed the law and its own policy when it denied the Appellant's request to allow her son to attend Washington Elementary rather than the Lockridge Elementary School. We do not dispute the sincerity of Ms. Wright's position. She is clearly a conscientious parent whose primary concern is the welfare of her child. Her preference for one attendance center over another, however, is not legally sufficient to reverse the Board's decision. The Board acted within its authority under the law.

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 Fairfield Community School District made on March 15, 1999, denying Catherine Wright's request to allow her son to attend an attendance center other than his assigned attendance center is hereby recommended for affirmance. There are no costs of this appeal to be assigned.

DATE

ANN MARIE BRICK, J.D.
ADMINISTRATIVE LAW JUDGE

It is so ordered.

DATE

CORINE HADLEY, PRESIDENT
STATE BOARD OF EDUCATION