

**IOWA STATE BOARD  
OF EDUCATION  
(Cite as 16 D.o.E. App. Dec. 149)**

---

<b>In re James &amp; Jacey Hamblin,</b>	:	
	:	
Roger Hamblin, Appellant,	:	
	:	
v.	:	PROPOSED DECISION
	:	
Gilbert Community School District, Appellee.	:	
	:	

[Admin. Doc. #4016]

---

The above-captioned matter was heard on August 14, 1998, before a hearing panel comprising Lee Crawford, consultant, Bureau of Technical & Vocational Education; Dennis Brown, consultant, Bureau of School Administration and School Improvement Services; and Ann Marie Brick, J.D., legal consultant and designated administrative law judge, presiding. Appellant, Mr. Roger Hamblin, was present and unrepresented by counsel. The Appellee, Gilbert Community School District [hereinafter, "the District"], was present in the person of Dr. Douglas Williams, superintendent. The District also appeared *pro se*.

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(1997). 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 June 8, 1998, which denied his application for open enrollment into the District for his twins beginning in the 1998-99 school year, on the basis that there is insufficient classroom space.

**I.  
FINDINGS OF FACT**

Appellant and his children live in the Ames School District. His children, James and Jacey Hamblin, have just completed second grade. They have attended Ames Christian School since kindergarten.

Ames Christian School is a small school, approximately 4 to 5 years old with grades K-6. Because of small class sizes, grades first and second, third and fourth, and fifth and sixth are combined. Mr. Hamblin has requested to open enroll James and Jacey into the Gilbert Community School District so they can continue their education in what, he believes, is a relatively small school to which they are accustomed. He not only wants to keep them in a small school district but he would like them to build self-confidence by allowing them to be in different classrooms with only one grade being taught. He has spent a great deal of time talking to people in the Gilbert District and is certain that this would be the best placement for his children.

Mr. Hamblin filed separate open enrollment applications for his children with the Ames District on April 22, 1998. The Ames Board granted the open enrollment applications.<sup>1</sup> Jacey's application was denied on June 8, 1998 and James' application was denied on June 24, 1998<sup>2</sup>, by the Gilbert District Board, on the grounds that there was insufficient classroom space. A total of four open enrollment applications were denied at the June 8th board meeting. At the same meeting, the minutes showed that the Board reviewed its policy on "insufficient classroom space". The only change to the policy was a change in the dates to correspond to the upcoming school year.

According to Superintendent Williams, the Board has adopted a policy on insufficient classroom space that has determined that the District will be closed to all incoming open enrollment students at all grade levels K-12. There are certain exceptions to this policy regarding wholegrade sharing students, current open enrolled students, and siblings of open enrolled students. However, none of those exceptions are pertinent to the present case. (Appellee Exh. 1.) Superintendent Williams testified that when he started as superintendent for the District 19 years ago, only two sections at each grade level existed. At the present time, there are three sections at each grade level, and grades seven and one each have four sections.

Mr. Hamblin does not understand why two additional children "would be noticed" by the District. His home is within a block of the Gilbert School District boundary. He feels that if he sold his house and moved one block north, the School would have to accommodate him -- so why not accommodate him now? He has explored the best educational options for his children and is convinced that Gilbert is the place they should attend. In addition, a woman working with his children at the Educational Resource

---

<sup>1</sup> There was never an allegation that these open enrollment applications were filed late. According to Superintendent Williams, Gilbert, Roland-Story and Ames School Districts have an agreement that they will honor each other's late-filed open enrollment applications.

<sup>2</sup> Due to an oversight on the part of the Ames District, James' application was not sent to Gilbert with his sister's. After an inquiry by Appellant, the Gilbert District received James' application just prior to its June 24<sup>th</sup> meeting.

Center in Ames has advised him that James might have a problem with the Ames District because of a difference in curriculum. James has some reading problems already. Mr. Hamblin was very concerned that his children not be "held back" in school.

Mr. Hamblin could not testify regarding the type of curriculum or class sizes of the Ames Community School District. He has not explored that option. He really feels that he will do whatever he has to do to get his children into the Gilbert system.

Superintendent Williams testified in detail about the struggle the District is having to meet its growing population. He stated that as the District has grown over the past few years, the local board has continuously gone to the voters for approval of bond issues. Most recently in 1995, a bond issue was approved to add space to the junior and senior high school. Superintendent Williams testified that each time the District has gone to its voters, it has asked them to bond to the legal maximum of \$4.05 per \$1,000.00 evaluation. Because Gilbert lacks commercial development, residential development is forced to carry the funding for the school district and the bonded indebtedness. The Superintendent testified that the voters have been extremely supportive of education in Gilbert. They have passed every levy available in the Iowa Code.

Last fall, for example, the Gilbert voters approved the new enhanced physical plant and equipment levy going from a 67-cent levy to \$1.30. In September, the Board will be taking bids on a \$1.1 million addition to the elementary school. This will be the third addition in the past ten years. However, since the District no longer has the bonding capacity to finance the addition, it will be necessary for the Board to borrow ahead with capital notes on its physical plant and equipment levy. As a result, this elementary addition will tie up 75% of the District's PPEL funds over the next decade.

Even with the new addition, there won't be more than three additional regular education classrooms. There is a need for a special education classroom, a computer lab, and a separate multi-purpose or food service room. What is really needed is the construction of a middle school. However, the District won't have the bonding capacity for a \$6 million facility for at least five years.

The Superintendent testified that he was presenting this evidence to underscore how critical it is that the limited facilities available to the residents of the Gilbert District are not stretched further by open enrollment approvals. Mr. Hamblin testified that he understood that Gilbert had a student/teacher ratio of 20 or 21 to 1. However, Superintendent Williams testified that the third grade sections in the fall of 1998 will have 23; 23; 24 students to one teacher respectively. Third grade is the largest three section class in the elementary school.

## II. CONCLUSIONS OF LAW

There are very few reasons a receiving district may use to deny a request for open enrollment into a district. In re Jason Beebe, 14 D.o.E. App. Dec. 96(1997). One of these reasons is insufficient classroom space. Iowa Code section 282.18(2)(1997); 281--Iowa Administrative Code 17.6. The Iowa Code at section 282.18(2) provides that "the board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year **unless** the receiving district does not have classroom space for the pupil." (Id.)(Emphasis added.)

The Open Enrollment Law and Department of Education rules require each school district to adopt a policy, which defines the term "insufficient classroom space" for that district. Iowa Code subsection 282.18(11)(1997); 281 IAC 17.6(3). The policy must be reviewed annually. 281 IAC 17.6(3).

In this case, the Board has a policy that defines insufficient classroom space that it applies consistently. The determination of whether there is insufficient classroom space for a particular grade level is made each year. For the upcoming school year, the Board has determined that there is insufficient classroom space at every grade level. No open enrollment applications into the District will be approved prior to June 30, 1999. The Board's determination that it will look first to the needs of its resident pupils and that students coming into the District through open enrollment may have an adverse impact on educational quality when teacher/pupil ratios become too high, is reasonable and is to be supported. One prior case of the State Board of Education called a determination such as this "highly responsible". In re Amanda J. Baker, 12 D.o.E. App. Dec. 210, 212(1995).

We appreciate how difficult it must be for Mr. Hamblin to understand that although he has only two students requesting to enter the District, Superintendent Williams and the local board have the responsibility to apply their policy evenly and consistently to every one seeking open enrollment. Because of that, Mr. Hamblin's situation is not really as "unique" as it would appear from his perspective. We were very impressed, however, with the diligence with which he is seeking the highest quality educational experience for his two children. With that kind of support, we are sure they will succeed wherever they are in attendance.

We see no error in the decisions of the Board of Directors of the Gilbert Community School District made on June 8, 1998, and June 24, 1998. The Board's decisions were consistent with state law, the rules of the Iowa Department of Education, and its own policy. Therefore, there are no grounds to justify reversing the District Board's denial of the open enrollment applications for James and Jacey Hamblin.

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

**III.  
DECISION**

For the foregoing reasons, the decisions of the Board of Directors of the Gilbert Community School District made on June 8, 1998, and June 24, 1998, which denied Mr. Hamblin's applications for open enrollment for Jacey and James, respectively, to attend third grade in Gilbert District for the 1998-99 school year, are 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