

**Iowa State Department  
of Education**

(Cite as 12 D.o.E. App. Dec. 397)

***In re Gregory Watson*** :

Rand E. and Brenda Watson,  
Appellants, :

v. : DECISION

Janesville Consolidated  
School District, :

Appellee. : [Adm. Doc. # 3646]

The above-captioned matter was heard on July 12 through July 13, 1995, before a hearing panel comprising Dr. Mary Thissen-Milder, consultant, Bureau of Instructional Services; Gerald Gritzmacher, consultant, Bureau of Special Education; and Ann Marie Brick, J.D., legal consultant and designated administrative law judge, presiding. The Appellants were present, and represented by Attorney Elizabeth Cooper of West Des Moines. Appellee, Janesville Consolidated School District [hereinafter "the District"] was present in the persons of Robin Spears, superintendent; Forrest Streigle, wrestling coach; Terry Rhinehart, principal, and Beth Hanson of Swisher & Cohrt, P.C., Waterloo, Iowa, who represented the District.

An evidentiary hearing was held pursuant to Iowa Code chapter 290 and Departmental Rules found at 281 Iowa Administrative Code chapter 6. Appellants sought reversal of a unanimous decision of the Board of Directors [hereinafter "the Board"] of the District made on April 3, 1995, which sustained the superintendent's decision that Gregory be removed from the wrestling team and be denied a senior sport's letter for wrestling.

**I.  
Findings of Fact**

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.

Gregory Watson was a senior at Janesville High School during the 1994-95 school year when the incidents giving rise to this appeal occurred. Although Gregory was talented, both academically and athletically, he had trouble controlling his temper. In the fall of 1994, he was removed as captain of the football team and ejected from a game because of his temper. It was a temper outburst that gave rise to the incidents that resulted in Gregory's removal from the varsity wrestling team and resulted in this appeal. Indeed, the incident that occurred in the Janesville weight room on January 6, 1995 has generated separate appeals to the district's athletic director; the superintendent; the district board of education and now, the State Board of Education. In preparation for the State Board hearing appeal, the parties, who were both represented by counsel, noticed depositions; filed requests for production of documents; and filed interrogatories on each other. A pre-hearing conference was held with counsel to define the scope of the appeal hearing.<sup>1</sup> At that time, counsel for Appellants requested that the administrative law judge listen to six audiotapes comprising the record of the previous appeals, including the Board's closed session.<sup>2</sup> All of this evidence was reviewed and considered prior to the commencement of the State Board appeal hearing which lasted two days.

No attempt will be made to recount all of the facts adduced as a result of this arduous appeal process. Only those facts relevant and germane to the resolution of the pertinent legal issues will be presented here.

On Friday, January 6, 1995, Gregory Watson was working out in the weight room during wrestling practice at the school. Several other students were also working out with weights. Greg left the weight room to go ask Coach Streigle whether he would be wrestling the next day in the Saturday meet. The coach told him he would not be wrestling. Greg inquired whether it was because he had missed the previous night's wrestling practice. The coach said no, he would not be wrestling because of his chronic shoulder injury. Because of the injury, Greg had not been attending practice and the coach felt that he was not ready for that Saturday's meet.

Greg returned to the weight room and seemed upset and agitated. When one of the other wrestlers asked if Greg would be participating in Saturday's meet, Greg "cussed and swore."

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1 Counsel for Appellant filed an affidavit of appeal which alleged 11 separate bases of reversal of the local board's action.

2 The Board's closed session alone lasted five hours. Appellants specifically waived the confidentiality of the tapes so the Board's closed-session hearing could be reviewed on appeal.

Another student volunteered that "yeah, the team had a meeting and voted . . ." but before the student finished, Greg threw two 15-pound weights across the room. One weight almost hit a student in the head, but missed him and hit another student in the knee. The second weight landed by another student's foot. The metal door on the west side of the weight room was dented from where it was struck by one of the weights. Greg stormed out of the weight room, slamming the door, and encountered Coach Streigle who was coming into the room. He asked Greg what had happened and tried to get him to stop but Greg shoved the coach out of the way into a wall. In an effort to exit the building, Greg threw open the door to the outside with such force that the door struck the rear quarter panel of the coach's truck which was parked outside the building. The truck sustained damage and the coach yelled for Greg to return saying, "you damaged my property." Greg did then return and apologize to the coach for hitting his truck. This version of the facts is undisputed.<sup>3</sup> As a result of this incident, Greg was called to the principal's office on Monday morning, January 9, and was informed that he would be suspended for three days effective immediately. He was told that he could make up any work or tests that occurred during this suspension and that he would not lose any classroom credits.

Coach Streigle had a lot of reservations about allowing Greg to continue to be a member of the wrestling team. The school authorities determined that the weight-throwing incident was not malicious; that Greg did not intend to hit any students when he threw the weights. It was viewed as a temper tantrum rather than as a malicious act. Nevertheless, some parents expressed their concerns to Coach Streigle that they did not feel comfortable having Greg in the weight room with their children. For reasons that were not entirely clear at the hearing, Coach Streigle wanted Greg removed from the wrestling team but Mr. Rhinehart, the principal and athletic director, as well as Mr. Spears, the superintendent, refused to do this. They wanted to give Greg a second chance.

Following the three-day suspension on Thursday, January 12, the parties met to discuss the conditions upon which Greg would be allowed to return to the wrestling team. That meeting was attended by the principal/athletic director, the superintendent, the school counselor, the coach, Greg Watson, his parents and one Dr. Laval Peloquin, who attended as a parent advocate. As a result of that meeting, Gregory Watson, the coach, the principal/athletic director and Greg's parents signed a "behavior

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<sup>3</sup> This version of the facts was recited at the January 12, 1995 hearing held after Greg served his three-day suspension. Greg agreed that this represented what happened that evening.

contract" which basically reiterated the rules expected of all

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team members, but which Coach Streigle wanted Greg to sign showing that he had committed to meeting these expectations in order to remain on the team. The basic contract stated that "[i]f Greg fails to comply with all rules and regulations of this contract, he will be immediately dismissed from the team." The rules outlined in the contract are as follows:

--Be at all practices unless excused in advance by the coach.

--Greg is not allowed into the weight room for the remainder of the season.\*

--Travel with the team to all events whether competing or not.

--Proper sportsmanship will be exhibited at all times.

--Greg will be on time for all practices and events.

--Profanity will not be tolerated."

\*This was amended by the following handwritten statement, "At the discretion of Coach Streigle, Greg may be permitted in the weight room before the end of the season."

These rules end with the statement, "I have read the rules and understand the consequences," and it is signed by Gregory, his coach, the athletic director/principal (Mr. Rhinehart) and Gregory's parents.

From January 13, when Gregory returned to the team, until February 2, Coach Streigle recorded approximately 11 separate incidents in which Gregory "violated" his contract. These "violations" ranged from unexcused absences from practices to being late or missing weigh-ins to reacting to his coach's decision not to let him wrestle in a January 26 meet by stating, "if you are going to be such a dick about this shit, I don't want to talk about this." Every incident recorded by the coach is disputed by Greg's parents. Most of the "violations" centered on Greg's absence from practice without first being excused by the coach. The parents contend that Coach Streigle was counting Greg absent from practices after he had been advised that a shoulder injury would keep Greg from wrestling for the remainder of the season. The parents maintain that the coach was notified of this fact by phone on January 28, 1995. The coach agrees that he knew Greg had injured his shoulder, but disagrees that the parents ever said Greg would be out of wrestling for the remain-

der of the season. In any event, it was understood that even if injured, Greg was required to notify the coach before missing a practice.

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The parents have consistently taken the position that Coach Streigle was constantly harassing their son to try to get him off the wrestling team. The coach's position was that Greg was not living up to the commitments he had made in order to get back on the team after the "weight room incident." He was "expelled" from the wrestling team on February 6, 1995. Appellants appealed this decision and were afforded a full hearing before the superintendent, principal/athletic director and Coach Streigle on March 6, 1995. The superintendent affirmed the coach's decision to expel Greg from the wrestling team for the remainder of the year. The superintendent's decision was appealed to the local school board. After a five-hour hearing, the Board affirmed the superintendent's decision to uphold the coach's decision to remove Greg from the wrestling team. This appeal followed.

Although alleging 11 separate issues where the school district allegedly committed error, the basis of Appellants' appeal is this question: Was Gregory's exclusion from the wrestling team done in violation of school policy and in disregard for his constitutional rights?

As a result of this appeal, Appellants requested that the Board's April 3, 1995, decision be reversed and the following restitution be to the Watsons:

- (1) That Gregory Watson be reinstated as a member of the 1994-95 Janesville wrestling team for the purposes of receiving a senior letter for the year;
- (2) That Gregory Watson be given a public apology by Coach Streigle, Principal Rhinehart, and Superintendent Spears, and that said apology be in writing, a copy delivered by certified mail to all members of the wrestling team, to parents of all members of the wrestling team, that said public apology be printed on the editorial page of the local newspaper with the greatest circulation in the Janesville Consolidated School District, and that said public apology be read and entered into the minutes at the first possible regular public meeting of the Janesville Consolidated School District's Board of Education;
- (3) That all evidence, including record of the three-

day suspension and absenteeism, be removed from

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Gregory Watson's permanent file and that upon this task being accomplished that a letter to the Board President be delivered stating that this requirement has been met;

- (4) That Gregory Watson be reimbursed by the District and/or Forrest Streigle for the \$436.10 made to Coach Streigle for damage to Coach Streigle's truck due to a faulty door stop on the schoolhouse door and Coach Streigle parking too close to the door to allow clearance;
- (5) District shall pay any and all attorney's fees and court costs incurred by the Appellants' in pursuing their rights to appeal.

Appellants' brief at page 9.

## II. Conclusions of Law

It is axiomatic that a school board has the broad power to make and enforce rules for the welfare of the student body and the school. Iowa Code § 279.8 (1995). The primary limitation on this power is that the rules adopted must be "reasonable." Board of Directors v. Green, 259 Iowa 1260, 147 N.W. 2d 854 (1967). These rules can be applied to athletes and other participants in extracurricular activities, with loss of the privilege of participation and representation of the school as a reasonable consequence. Bunger v. Iowa High School Athletic Assn., 197 N.W. 2d 555, (1972).

The Appellants here allege that their son has been treated unfairly by the District's administrative staff and Board of Directors. They contend that Gregory was excluded from wrestling without due process of law. Based upon the evidence before us, we do not agree.

One of the purposes of due process is to give a person accused of a violation of law or policy, the opportunity to tell his or her side of the story to guard against "unfair or mistaken findings of misconduct . . . ." Goss v. Lopez, 419 U.S. 565, 569 (1975). Due process, it should be noted, is not required for every deprivation instigated by a public school district. It

applies whenever the liberty or property interest at stake is more than "de minimus." Id. See also Brands v. Sheldon Comm. School Dist., 671 F. Supp. 627 (N.D. Iowa 1987). In constitutional terms, Gregory's deprivation from wrestling would probably be deemed "de minimus" by the courts in terms of his property interest in receiving a senior letter for wrestling. "There is no constitutional right to participate in high school athletics." McFarlin v. Newport Special School Dist., 980 F. 2d 1208, 1211 (8th Cir. 1992). Gonyo v. Drake University, 837 F. Supp. 989, 994 (S.D. Iowa 1993) (citations omitted).

Greg and his parents had meetings or "hearings" with school administrators on January 12, 1995 and March 6, 1995. On April 3, 1995, the administration's action was reviewed and sustained by the Board of Education. After reviewing six hours of previously recorded hearings; over 30 exhibits admitted at this appeal hearing as well as two days of testimony, we find that Appellants have not shown us sufficient reason for overturning the District Board's decision to uphold Coach Streigle's decision to expel Gregory from the wrestling team.

We believe that athletic coaches working with their school's principal should be allowed some discretion to administer discipline. Under the circumstances of this case, Coach Streigle and Principal Rhinehart were justified in specifically setting the expectations for Gregory's continued participation in wrestling through a behavior contract. Although Gregory received a three-day suspension for the "weight room" incident, the penalty could have been much worse. Had the incident been viewed as an assault on another student or teacher, Gregory might have been expelled from school. In this case, however, the administration did not fully exercise its right to treat this incident more seriously. Instead, the administration struck something of a compromise. After serving his suspension, Gregory was allowed to come back to the team. For the welfare of the other wrestlers who feared another temper outburst, Gregory's continuation on the team was conditioned on his meeting certain behavior expectations. These behavior requirements were not extraordinary. They reflected the school's good conduct code with an emphasis on punctuality and team work.

While we have declined to make a factual determination on the contradictory testimony regarding Gregory's ability to finish out the wrestling season because of his injured shoulder, we do not feel that a finding either way would be of significance. To argue that the disciplinary actions taken against Gregory by the school officials were improper or unfair borders on the absurd. As the State Board has earlier noted:

School officials have reasonably come to expect certain types of behavior on the part of students and that does not include insubordination, disrespect and the use of vulgar gestures or [language]. In the hearing panel's opinion, the District Board appears to have been quite lenient ... in the handling of the matter. The record discloses that Board members were very concerned about treating the [student] fairly and dismissed quite quickly in their deliberations any strong consideration of harsher penalty such as expulsion from school."

In re Jeff Smith, 3 D.P.I. App. Dec. 126, 128 (1983).

The parents' vigorous prosecution of this appeal and their insistence that their son was the victim of harassment by the coach and other school administrators, convinces us that this hearing would not have been pursued to this extent except for Appellants' concern over their son's "reputation." Although inartfully argued, we believe Appellants are really trying to raise the issue of an infringement of their son's "liberty interest" rather than his "property interest." A "liberty interest" has been defined as one's interest in his or her good name and reputation which may be implicated if a governmental entity significantly besmirches one's character such that future deprivation or losses (such as the ability to get into college or to be considered for employment) are likely. Board of Regents v. Roth, 408 U.S. 564 (1972). As to the liberty interest at stake in this case, we have to find that Gregory's reputation has not suffered the type of damage that warrants reversal of the District's action. There must be a very real negative impact on employment or admission to higher education as the result of the District's action to warrant such reversal. See Moore v. Hyche, 761 F. Supp. 112 (N.D. Ala. 1991). See also In re Brian Campbell and Craig McClure, 9 D.O.E. App. Dec. 69, 76 (1991).<sup>4</sup>

Additionally, we do not conclude, as Appellants would have us do, that procedural due process errors require reversal in this case. Therefore, we uphold the April 3, 1995 decision of the Janesville Consolidated School District Board of Directors that sustained the coach's decision to expel Gregory Watson from the wrestling team and deny him a senior letter.

All motions or objections not previously ruled upon are hereby denied and overruled. The costs of this appeal are assigned to Appellants.

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<sup>4</sup>At the time of the appeal hearing, Gregory had been admitted to the University of Washington in St. Louis, Missouri (on scholarship).

**III.  
Decision**

For the foregoing reasons, the decision of the Janesville Consolidated School District Board of Directors made on April 3, 1995, is hereby affirmed.

\_\_\_\_\_  
DATE

ANN MARIE BRICK, J.D.  
ADMINISTRATIVE LAW JUDGE

It is so ordered.

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DATE

CORINE HADLEY, PRESIDENT  
STATE BOARD OF EDUCATION