IOWA DEPARTMENT OF EDUCATION 29 D.o.E. App. Dec. 385

In re: Open Enrollment of A.N., S.N., A.M. And D.M.,)
N.M.,) Admin Doc. 5132
Appellant,	
V.)
IOWA CITY COMMUNITY SCHOOL DISTRICT,	
Appellee.) DECISION)

N.M. appeals the denial of open enrollment applications for A.N., S.N., A.M., and D.M. by the Iowa City Community District ("District") on October 13, 2020. N.M. timely appealed, and we have jurisdiction of the parties. Iowa Code § 290.1 (2020). We, however, do not have jurisdiction of the subject matter. For that reason, this matter is DISMISSED.

N.M. bases this appeal on the difficulties the District has in implementing remote learning for the four children. The family expressed concern with internet service in their neighborhood, about the number of devices (netbooks, hotspots) the District provided, and with the scheduling and content of remote learning. The District considered the family's concerns and responded with varying degrees of success. The family filed for open enrollment after the March 2020 deadline. None of the applications indicated the request was based on "repeated acts of harassment of the student or [a] serious health condition of the student that the resident district cannot adequately address." Iowa Admin. Code r. 281-17.5. Rather, all applications stated: "Other: Online only doesn't work for our family. Poor internet & 4 kids while working is not feasible" (Exhibit 1). The family wishes to open enroll to Highland Community School District, which is holding classes in-person.

While the concerns expressed by the family may be well-founded, those concerns are beyond the ability of the State Board to address. The State Board has only the jurisdiction conferred on it by the legislature. Prior to July 1, 2003, any open enrollment denial was appealable under section 290.1. In 2003, the legislature limited the State Board's jurisdiction to open enrollment denials "Involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address." 2003 Iowa Acts, House File 2515 (amending Iowa Code sections 282.18(5) and 290.1). Since the appeals before us do not fit within either of the provisions of section 282.18(5), the State Board lacks jurisdiction under section 290.1 to hear them.

Any recourse the family has is in state district court. The State Board is powerless to grant the requested relief.¹ The matter is

DISMISSED.

Thomas Mayes Administrative Law Judge

12/31/2020

BACH

Brooke Miller Axiotis, President State Board of Education

Date

¹ The Department's administrative law judge reached a similar conclusion in In re Open Enrollment of N.H., 29 D.o.E. App. Dec. 1 (2018). This decision, however, was not presented to the State Board for its approval. Cf. Iowa Code § 256.7(6).