IOWA STATE BOARD
OF EDUCATION
(Cite as 5 D.o.E. App. Dec. 335)

In re Joseph Fuhrmeister	:	
Mr. and Mrs. Robert Fuhrmeister and Joseph Fuhrmeister, Appellants,	:	
v.	:	DECISION
West Liberty Community District, Appellee.	:	[Admin. Doc. #960]

The above-captioned matter was heard on January 5, 1988, before a hearing panel consisting of David H. Bechtel, acting director of the Department of Education and presiding officer; Dr. Oliver Himley, chief, Bureau of Compensatory and Equity Education; and Dr. Maryellen Knowles, assistant chief, Bureau of Instruction and Curriculum. Appellants Joseph Fuhrmeister and his parents, Mr. and Mrs. Robert Fuhrmeister, were present in person and represented by Mr. Patrick Madden of Stanley, Rehling & Lande, P.C., Muscatine. Appellee West Liberty Community School District (hereafter the District) was present in the person of Superintendent Lynn C. Richardson and represented by Ms. Anne G. Burnside of West Liberty.

An evidentiary hearing was held pursuant to Iowa Code chapter 290 and departmental rules found at 670 Iowa Administrative Code 51. Appellants seek reversal of a decision made by the District board of directors (hereafter the Board) made on October 19, 1987, approving the administration's decision to remove Joseph Fuhrmeister's privileges of attendance and participation at extra-curricular activities for violation of the District's "criminal conviction" rule.

I.
Findings of Fact

The hearing officer finds that he and the State Board of Education have jurisdiction over the parties and the subject matter before them.

On July 20, 1987, Joe Fuhrmeister was issued a citation for illegal possession of beer, a simple misdemeanor, in violation of Iowa Code section 123.47 by the West Liberty Police Department. The arrest occurred off school property and not in conjunction with any school activity. He pleaded guilty. At his parents' urging he visited his football coach, Steve Kuhl, at Kuhl's home to discuss the situation and see what penalties he faced as football season and his senior year approached. He admitted that some of the beer in the car was his.

Mr. Kuhl was uncertain of the existing policy and rules, so he placed a call to the high school principal, Mr. Lee Hoover. Mr. Hoover obtained copies of the alcohol and substance abuse rule and the criminal conviction rule and read them over the phone to Mr. Kuhl who then related the rules to Joe. The alcohol and controlled substance rule applies only when a violation occurs "on school grounds or at school sponsored functions here or away." It is, therefore, not applicable to this case. The criminal conviction rule reads in pertinent part, as follows:

> CRIMINAL OFFENSES -- ALL CO-CURRICULAR ACTIVITIES
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> Students convicted in court of a criminal offense will be declared ineligible and will be suspended from participating in or attending athletic events or extra-curricular performances and activities, sponsored or hosted by the West Liberty School District, starting at the time of conviction. Simple misdemeanors do not apply except in cases of conviction for alcohol and/or drug violations.
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> First offense -- Six-week suspension
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> Second offense -- One-year suspension
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> Any additional offenses -- One-year suspension
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> . . . The convicted student may be expected to take part in practice and/or scheduled meetings at the discretion of the coach or activity director.

Appellants' Exhibit J ("West Liberty Athletic Handbook 1986-87") at (unnumbered) page 2. Elsewhere in the handbook co-curricular activities are defined as including "athletic contests, vocal and instrumental presentations and contests, plays and speech contests, school sponsored dances, float building activities, quiz-bowl contests, FFA and FHA presentations and contests and any other school-sponsored co-curricular activity not included in the above." Id. at (unnumbered) page 3.

Although Joe does not recall being told about suspension from attending all activities, he does not contest Mr. Hoover's and Mr. Kuhl's testimony that the above policy was read by the former to the latter who then directly related it to Joe. Mr. Kuhl warned Joe that if it happened again, it would mean a year's ineligibility.

In conversation between Coach Kuhl and Principal Hoover, the fact came out that the six-week loss of eligibility and attendance penalty could be reduced by half if the ineligible student agreed to seek drug and alcohol counseling and provide proof of that to school officials. This, too, was related to Joe by Mr. Kuhl, and Joe agreed to the counseling. Mr. and Mrs. Fuhrmeister attended a session with Joe at MECCA, a local substance abuse agency, and provided a letter to the school indicating that such counseling had taken place and would continue. Joe served three weeks of ineligibility that, in effect, had no impact on his participation or attendance at any school-sponsored functions because none were held between July 20 and August 10.

Joe was issued a second citation at the end of August by a West Branch, Iowa, police officer for illegal possession of beer. Joe again pleaded guilty, although he testified at this hearing that the beer in the car was not his. He admits, however, that he had been drinking at a wedding reception immediately prior to his arrest. This time he did not inform his coach or school officials of the arrest. At this point football practice had commenced and school was to begin in only a few days. Mr. Hoover received a call from the West Branch police in mid-September informing him of Joe's arrest.

Joe was informed that under the policy and rules, he was guilty of a second offense, which meant a one-year loss of attendance and participation privileges. After a discussion with Superintendent Richardson, Mr. and Mrs. Fuhrmeister sought a hearing with the Board. On October 12, 1987, the Board met with them and their witnesses in closed session as authorized by law. Mr. and Mrs. Fuhrmeister did not contest Joe's guilt and, in essence, asked that the policy and rules be changed or that the Board make an exception for Joe to allow him to attend his senior prom and other activities.

At the close of the hearing, Board President Vernon Keith stated, "We will be looking at this." Prev. Record, Transcript of October 12, 1987 closed session at (unnumbered) p. 10. The official minutes of that meeting state, "The Board came out of closed session at 7:45 p.m. and indicated that it would take no action at that time but would review the policy at their next meeting." Prev. Record at Exhibit F.

At the next Board meeting, October 19, the Board reviewed the policy, agreed to review it again at a later date, and voted to "leave the policy as is for the remainder of this school year." Id. at Exhibit G. This appeal followed.

The history of the rule at issue is of some importance here. Apparently there was concern by several people that the penalties for violation of the criminal laws were too severe. In December of 1986, a committee of faculty, administration, and students presented a revised rule for Board approval. Their proposal changed the length of the penalties for various criminal offenses. The editing policy penalized three weeks for the first offense, six weeks for the second offense, one year for a third offense, and permanent suspension for a fourth offense. The Board approved the proposal, and the new penalties (6 weeks, 1 year, and 1 year) became effective on December 9, 1986.

The 1986-87 Student Guide was therefore inaccurate with respect to penalties as of that date. However, a new guide was printed for dissemination to athletes and extra-curricular activities participants in early January of 1987. The "West Liberty Athletic Handbook," a considerably shortened version of the Student Guide, was given to coaches and sponsors to distribute to their players and participants, and it contained the new penalties. Inadvertently, a statement appearing in the 1986-87 Student Guide under the Criminal Offenses heading was omitted from the new Handbook:

> These offenses are accumulative over the four year high school period, and will be recorded the entire twelve month calendar.

Appellants' Exhibit I at p. 8. One other statement appearing in the Student Guide (Exhibit I) was changed in the newly printed Athletic Handbook. In the Guide distributed at the beginning of the year to all students, under the Criminal Offenses rule it was stated "simple misdemeanors do not apply." Id. at p. 7. In the Athletic Handbook the language was changed to "Simple misdemeanors do not apply except in cases of conviction for alcohol and/or drug violations." Appellants' Exhibit J at (unnumbered) p. 2.

Testimony from Superintendent Richardson and Principal Hoover evinced the fact that the motivation for the drug and alcohol rules and criminal conviction rules is that of deterrence in light of a perceived problem with alcohol by the student body, although "no worse, probably, than in any other district." In answer to pointed questions by counsel and the hearing panel members, the following pertinent facts were also obtained:

1. The exclusion of "simple misdemeanors" from the application of the criminal conviction rule was intended to cover traffic offenses only.

2. District officials are not aware of the categorization of crimes (simple, serious, and aggravated misdemeanors, and class A, B, C, and D felonies) or what crimes are labeled under law. Superintendent Richardson testified that theft fifth and criminal mischief convictions, for example, would not be used against a student under the Criminal Conviction rule. These two crimes are simple misdemeanors and therefore to be exluded under the rules. However, they are not traffic offenses, and so under the intent of the rule should not be excluded.

3. The penalty reduction opportunity for seeking drug and alcohol counseling is not written into any handbook. It is also only available, in practice, for first offenses.

4. A conviction (including a plea of guilty) automatically triggers the penalty. The school does not desire to have any investigatory or adjudicatory functions, so no consideration is given to the circumstances leading to a conviction.

5. The criminal conviction penalties apply to all students. If a convicted student is not a participant or member of any extra-curricular activity or team, he or she would be penalized by non-attendance at school-sponsored activities. This is for the purpose of consistent application and to prevent the "inequity" of only punishing the student involved in activities.

6. If imposition of the non-participation and non-attendance penalty would result in a loss of credit or reduced grade, the penalty would not be imposed on a student.

7. No systematic method exists for informing the faculty or door or gate attendants of those students prevented from attending due to violations of the criminal conviction rule.

8. There is no formal agreement between the District and area law enforcement to notify the school if and when a student has been convicted of a crime. Therefore, there may have been students convicted of crimes who were not punished by the District.

9. Superintendent Richardson admits that the role of attendee is different from the role of participant.

10. Superintendent Richardson and the principal, Mr. Hoover, testified differently regarding whether expelled students would be subject to the prohibition on attendance. Mr. Hoover testified that students he suspended are denied attendance privileges for the period of suspension. He doubted whether the school would have the authority to prohibit former (expelled) students from attending school-sponsored functions open to the public, or if so, for how long.

11. Other Board policies and administrative rules also impact on both attendance and participation (e.g., Drug and Alcohol Rule).

12. Neither administrator could cite any direct or immediate impact Joe's drinking and convictions had on the operation of the school other than on the football team. They believe Joe would have been a negative influence in that situation.

II.
Conclusions of Law

Local control of education is a right given to school district boards of directors by statute.

> The board shall make rules for its own government and that of the directors, officers, teachers, and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and aid in the enforcement of same
> . . . .

Iowa Code § 279.8 (1987)

In considering the validity of a school rule, the primary principle is that the rule must pertain to conduct which directly relates to and affects the management and efficiency of the school. Board of Directors of Indep. Sch. Dist. of Waterloo v. Green, 259 Iowa 1260, 1267, 146 N.W.2d 854, 859 (1967). The Iowa Supreme Court has also stated,

> School authorities operate in a narrower area than do, say, city councils. The latter may ordain laws covering a variety of acts in the community. The former [school officials] are only concerned, however, with the school and its proper operation, and their authority is correspondingly more circumscribed. [C]onduct outside school hours and school property may subject a pupil to

> school discipline if it directly affects the good order and welfare of the school. [T]he connection between the prohibited acts and the discipline and welfare of the school must be direct and immediate, not remote or indirect.

Bunger v. Iowa High Schl. Athl. Assn., 197 N.W.2d 555, 563-64 (Iowa 1972)(citations omitted).

Appellee cites Iowa Code section 279.9 for the Board's authority in this case. That section compels school boards to adopt rules that "prohibit the use of tobacco and the use or possession of alcoholic liquor or beer or any controlled substance . . . by any student of such schools." This Code section clearly authorizes the "Alcohol and Drug Violation" policy and rules adopted by the Board, for those rules pertain to possession, sale, use, transportation, or "being under the influence" of alcohol or controlled substances at school or at a school event. See Appellants' Exhibit J at (unnumbered) p. 1. However, as Green and Bunger suggest, it is implicit that a school board's authority is generally limited to the times, places, and persons over which it has jurisdiction, specifically school hours, school activities, and school grounds. Only one exception to that general principle has been recognized, to our knowledge, and that is the so-called "Good Conduct" rule. The Criminal Convictions rule at issue in this case is one example of a "Good Conduct" rule.

Some fifteen years before Joe Fuhrmeister got in trouble with beer, the Iowa Supreme Court was called upon to address the validity of "the beer rule" under the "Good Conduct Policy" adopted by the Iowa High School Athletic Association and applied to all male athletes participating in interscholastic competition and tournaments. See Bunger v. Iowa High Sch. Ath. Assn., 197 N.W.2d 555 (Iowa 1972).[1] The Court had this to say about school board policies and rules that reach beyond school grounds, school hours, and school activities:

> The present case involves the advantages and enjoyment of an extra-curricular activity provided by the school, a consideration which we believe extends the authority of the board somewhat as to participation in that activity. The influence of the students

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1 In Bunger, as in the case before us, a male football player and student was arrested for illegal possession of beer when he was found riding in a car with beer. Id. at 559. The arrest occurred in June. Id. He was declared ineligible for football upon his return to school in the fall despite the fact that the charge against him had been dismissed. Id. The main distinction between Bunger's and Joe Fuhrmeister's situations, aside from who promulgated the rule and the fact that the District's rule relies upon convictions in court, is that here we are faced with a rule that goes beyond a loss of eligibility. This rule penalizes all students — not just student athletes or extra-curricular participants -- and punishes them by removing the opportunity to attend events which are open to the public at large.

> involved is an additional consideration. Standout students, whether in athletics, forensics, dramatics, or other interscholastic activities, play a somewhat different role from the rank and file. Leadership brings additional responsibility. These student leaders are looked up to and emulated. They represent the school and depict its character. We cannot fault a school board for expecting somewhat more of them as to eligibility for their particular activities.
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> We have no doubt that school authorities may make a football player ineligible if he drinks beer during football season. No doubt such authorities may do likewise if the player drinks beer at other times during the school year, or if he then possesses, acquires, delivers, or transports beer. Probably a player shown to have actually violated beer laws during summer vacation, whether convicted in criminal court or not, can be rendered ineligible by school rule. All of these situations have direct bearing on the operation of the school, although the bearing becomes progressively less direct.
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> . . .
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> In dealing with ineligibility for extra-curricular activities as contrasted to expulsion from school altogether, and with students who represent the school in interscholastic activities as contrasted to less active students, school rules may be broader and still be reasonable.

Bunger, 197 N.W.2d at 564-65.

The Court thereafter disapproved the rule in that case as unreasonable and beyond the permissible scope of school rules on the basis that the connection between the school and Bunger's situation was too tenuous. It was

> . . . outside of football season, beyond the school year, no illegal or even improper use of beer. We cannot find a 'direct' effect upon the school here.

Id. at 564.

In this case, we see a distinction. Mr. Bunger was not convicted; Joe Fuhrmeister was, twice, by pleas of guilty. Bunger did not admit guilt or possession, only knowledge that the beer was in the car in which he was riding; Joe admitted, regarding the first conviction, that some of the beer in his possession illegally[2] was purchased for his consumption, and

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2 Iowa Code section 123.47 under which Joe was convicted reads, in pertinent part:

> **Persons under legal age.** . . . a person or persons under legal age shall not individually or jointly have alcoholic liquor, wine, or beer in their possession or control . . . [exceptions omitted as inapplicable].

in the second conviction, that he had been drinking at the wedding reception and was in the car with knowledge that the beer was there, although "[i]t wasn't my beer." With regard to the second conviction, although the start of classes was two or three days away, Joe was in football season because practices had begun.

In contrast to the Court's findings in Bunger, we conclude first that Joe's criminal conduct occurred during football season and involved convictions for the illegal possession of beer. Next we will examine whether the necessary direct effect on the school existed in this case.

Superintendent Richardson stated that he felt Joe's arrest and conviction had an identifiable impact on the football team, and the fact that he lost his eligibility had a further deterrent effect on them. Coach Kuhl also recognized the effect of Joe's actions and consequences on the team. We do not doubt this. The second prong of the test is therefore satisfied; there was a direct effect in that the football players and perhaps most of the team were aware of Joe's arrest and the circumstances. To have ignored the drinking would have sent a message to the team that illegal underage drinking is excusable.

Rules should always have a rational basis and be related to a legitimate purpose the District seeks to achieve. Testimony in this case evidenced the fact that the rule's purpose was two-fold: to deter students from committing crimes including crimes related to drugs and alcohol, and to send a message to students that school officials believe criminal activity to be serious conduct that is totally inappropriate for students and frowned upon by this school. Principal Hoover testified that the community clearly viewed underage drinking as a problem, often actually or rhetorically asking, "What are you doing with individuals who do this and then participate in your programs?" Moreover, as physical conditioning is clearly an important factor for athletes and, as the Iowa Supreme Court noted, the student athlete is looked up to and emulated, there is a rational basis for the rule imposing loss of eligibility from participation for conviction of drug and alcohol offenses.

We therefore conclude that the District's rules with respect to Joe's loss of eligibility, based on the court's finding of guilt "beyond a reasonable doubt"[3] in addition to Joe's admission to his coach and later

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[3] A school district certainly has the authority to adopt policies and rules that are based, as this one is, upon convictions in criminal court, assuming the requisite "direct and immediate impact" can be proved. While we appreciate the District's reluctance to assume the role of prosecutor and jury -- relying on convictions rather than arrests or allegations of misconduct to kick in the rule's application -- we wish to express our view that a school district would not be prohibited from adopting rules and procedures which include a fact-finding hearing process. In such a case, the standard of proof required would not be as high as in criminal court ("guilt beyond a reasonable doubt"). It could be phrased, for example, as "substantial evidence" or "sufficient evidence to create a reasonable belief the rule was violated." We suggest this because there are a number of reasons why a student who has, in fact, broken a law might never go to trial or be convicted. That student is, as a practical matter, no less guilty of criminal conduct than the student who pleaded or was found guilty in criminal or juvenile court.

to Mr. Hoover, is reasonable, within the scope of school board authority, and rationally related to a valid purpose. So also is the penalty scheme.[4]

Now, however, we come to the portion of the rule Appellants most vigorously challenged: the exclusion from attendance at any and all district-sponsored events for violation of the Criminal Conviction rule. As Bunger is the seminal case in Iowa on the merits of a good conduct rule, we look to the Court's language in that case for guidance.

The language quoted from Bunger above in Division II repeatedly stresses a school district's ability to apply ineligibility penalties to participants who take advantage of offered activities. When the requisite connection between the operation and efficiency of the school and the student's misconduct becomes tenuous and less direct, the school's ability to reach out and punish students correspondingly declines. Bunger, 197 N.W.2d at 564. We can think of no more tenuous a situation than the non-athlete, non-participant being denied the opportunity to attend public functions, even school-sponsored ones such as plays, musical performances, and athletic events. A student spectator in the auditorium at a band concert or in the bleachers at a basketball game is not a "student involved," a "standout student," a "leader" or a "representative of the school" except very indirectly. Id.

The District argues that their reasoning for including attendance in the loss of eligibility penalty[5] is to punish uniformly the violators

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4 Appellants are in a curious position in their argument regarding the penalty provisions of the rule. As we noted in Division I of this decision, Joe faced six weeks of ineligibility as a result of his first offense. That was reduced to three weeks because Joe and his parents agreed to drug and alcohol counseling. The way the District's rule is written, one serves one's ineligibility period beginning from the date of conviction, regardless of whether or not the student is involved in an activity at that time. As it happened in this case, Joe's participation was not affected because of the timing of the first conviction. He argues that therefore the second penalty of one full year's loss of eligibility was somehow unfair because he didn't feel the sting of the first penalty. We reject this argument out of hand. Nevertheless, the District would be wise to examine the timing issue and perhaps revise the policy so that the penalty attaches when the student goes out for an activity. If school officials are concerned that a student might sign up for an unwanted activity in order to serve out the ineligibility period, they can phrase the rule in such a way that the student cannot serve the penalty in a new activity. We also encourage the District to put in writing its practice of offering a fifty percent reduction for the first offense if the student agrees to evaluation or counseling.

5 Testimony of the school officials included admissions that there are no "eligibility requirements" for attendance at school-sponsored activities which could be removed by the administration or the Board. There was notable disagreement between the superintendent and the principal as to whether students expelled by the Board would be (cont.)

of rules regardless of their school involvement. We addressed that argument in a previous case. In In re Jason Clark we stated,

> The Appellants' second contention is that removal of a student from extra-curricular activities for acts which, if committed by a student not participating in extra-curricular activities, would go unpunished by school officials violates the student's Fourteenth Amendment right to equal protection of the law. We do not agree. The mere differentiation between classes of students has been found by the Iowa Supreme Court not to be a denial of equal protection. [citing Board of Directors v. Green.]

In re Jason Clark, 1 D.P.I. App. Dec. 168, 171 (1978). We also then cited Bunger for the valid distinction between participants and non-participants as precedent for that point. We know of no change in the law or our precedent that would suggest or require a reversal of that position.

We therefore hold, in reliance on Bunger and In re Jason Clark, that the portion of the rule purporting to deny Joe the opportunity to attend school-sponsored events open to the public is invalid as beyond the scope of the Board's authority and unreasonable on its face.

Appellants raise other arguments which can be disposed of briefly. First, we do not find fault with the fact that the administration and Board did not seek to know the facts surrounding Joe's citations for illegal possession of alcohol. The rule states that only convictions will be considered. The place for Joe to have explained the circumstances of the possession or non-possession would have been the courtroom. A school district relying on convictions in criminal court need not repeat the fact-finding process.

Finally, the Fuhrmeisters allege that procedural due process was denied them in two different ways: first that the Board did not issue findings of fact and conclusions of law with respect to its decision to uphold the penalty and the rule against Joe, and second that the rule change and subsequent publications were never consistent in their notice of what was prohibited conduct and what the consequences for violations would be.

Appellants cite In re Monica Schnoor for the proposition that we require written findings and conclusions when a board takes action. That case involved an academic expulsion of a student by the board, and the circumstances of the violations were in controversy. In re Monica Schnoor, 1 D.P.I. App. Dec. 136 (1977). In an expulsion, only the board

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5 (cont.) permitted to attend school-sponsored activities. We think a prohibition against attendance by an expelled or former student could only be applied in those circumstances such as the prom, where the function is only open to students and their guests -- not to those functions to which the public is invited and required to pay an admission fee for spectator privileges.

of directors is empowered to attach the penalty. See Iowa Code § 282.4. Therefore, they need to have some record of the basis for their decision to expel, particularly where the student contests the fact that the violations leading to expulsion occurred. There we said the board should have provided "a verbatim transcript or recording of the proceedings" or set out its findings of fact in a written decision. The situation before us is readily distinguishable.

This Board's action was to review the administration's decision to impose existing penalties -- not to take original action as in an expulsion. Secondly, this Board did not consider the underlying facts of Joe's convictions because Mr. and Mrs. Fuhrmeister did not contest the fact that Joe pleaded guilty twice. Finally, this Board did record and transcribe the closed session hearing with the Fuhrmeisters, who never made it clear what relief they were seeking. A review of the transcript supports the Board's position that the directors believed the Fuhrmeisters were asking to have the policy changed or an exception made for Joe. When the Board took action at the October 19 meeting, it was to "leave the policy as is for the remainder of this school year, but review before the next school year." Previous Record, Board minutes of October 19, 1987. Clearly that meant no change in the policy and no exception for Joe Fuhrmeister.

We also do not believe that the slight variations in the printed policies disseminated to the students and to athletes (Appellants' Exhibits H, I, J) rise to the level of a denial of due process. Joe went to his coach to find out what the penalty for his alcohol possession conviction would be; he did not rely on any of the printed materials. At that time he was orally notified that a second conviction would result in a year's ineligibility.[6] We know of no authority, nor has Appellant provided any, for the proposition that notice must be in writing to satisfy due process, or that notice of all potential consequences must be exacting. Accord, Bethel School District v. Fraser, 478 U.S. ___, 106 S.Ct. 3159, 3166, 91 L.Ed.2d 549 (1986) ("Given the school's need to be able to impose disciplinary sanctions for a wide range of unanticipated conduct . . ., the school disciplinary rules need not be as detailed as a criminal code which imposes criminal sanctions.")

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

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6 Appellants urge us to hold that due process was violated because neither Joe nor Coach Kuhl can be positive the coach informed Joe in July that Joe also risked loss of attendance at functions in addition to sports ineligibility when he violated the Criminal Conviction rule. To so decide would be ludicrous. Joe has proffered no argument (nor could he, we suspect) that if he had known he'd lose attendance privileges he wouldn't have drunk beer at the wedding reception or gotten into a car with beer in it. Joe was not prejudiced by the lack of exacting notice, and in the absence of prejudice, we do not find this argument cogent or compelling.

III.
Decision

For the reasons stated in the discussion above, the decision of the board of directors of West Liberty Community School District to impose sanctions on Joseph Fuhrmeister is hereby affirmed in part and reversed in part. We uphold the Board's decision to enforce the penalty of loss of eligibility from participation in extra-curricular activities for one year. We reverse as to the penalty of non-attendance at school-sponsored events open to the public.

Costs of this appeal under chapter 290, if any, are hereby assigned equally to Appellants and Appellees. The parties shall provide the Department of Education with proof, by receipts, of any costs associated with this case so that we may forward them as provided for in Iowa Code section 290.4.

February 11, 1988
DATE

KAREN K. GOODENOW, PRESIDENT
STATE BOARD OF EDUCATION

February 11, 1988
DATE

DAVID H. BECHTEL, ACTING DIRECTOR
DEPARTMENT OF EDUCATION
AND PRESIDING OFFICER