IOWA STATE BOARD OF
PUBLIC INSTRUCTION

(Cite as 3 D.P.I. App. Dec. 31)

In re Steve Pacha	:	
	:	
Steve Pacha, Appellant	:	DECISION
v.	:	
Van Buren Community School District, Appellee	:	[Admin. Doc. 640]

The above entitled matter was heard on June 22, 1982, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Mr. Gayle Obrecht, director, administration and finance division; and Ms. Edith Munro, chief, basic instructional programs section. The Appellant was represented by Attorney Richard Hoadley, and the Van Buren Community School District (hereinafter District) was represented by Attorney James Dorothy. The hearing was held pursuant to Chapter 290, The Code 1981, and Departmental Rules, Chapter 670--51, Iowa Administrative Code.

The Appellant is appealing a decision of the District Board of Directors denying his request to have land adjacent to the Fairfield Community School District transferred from the Van Buren District to the Fairfield District.

I.
Findings of Fact

The Hearing Panel finds that it and the State Board of Public Instruction have jurisdiction over the parties and subject matter.

Mr. & Mrs. Pacha were married in the late 1960s and made their residence in Mrs. Pacha's childhood home. They continue to reside in the home which is situated on about 38 acres of land and is located one-eighth of a mile south of the boundary line which separates both Van Buren and Jefferson Counties and the Van Buren and Fairfield school districts. Their land is contiguous to the Fairfield District boundary and is immediately adjacent to the State Highway 1 which gives them easy transportation access into either district.

Apparently little thought was given to the school district in which their residence was located until about five years ago when their only child was born. Even though the District's elementary attendance center which the Pacha boy is likely to attend is only about one mile south of their residence, they prefer to have their son attend school in the Fairfield Community School District.

Mr. & Mrs. Pacha both attended high school in the Fairfield District, and Mrs. Pacha is currently employed there as a substitute teacher. She has applied for a full-time teaching position with the Fairfield District. Mr. Pacha farms and is a substitute school bus driver for the Fairfield District. Many of their relatives, friends and acquaintances reside in the Fairfield District, and most of their shopping, banking, business and religious activities are conducted in the Fairfield District. Clearly, residence in the Fairfield District is their personal preference.

About a year ago, with his son approaching the age of kindergarten entrance, Mr. Pacha began considering a plan whereby he could persuade the Fairfield and Van Buren District boards of directors to mutually agree to redraw the boundary between the two districts to include his residence within the Fairfield District boundary. Thinking that the District Board would be more receptive to a boundary change if it did not lose taxable valuation, Mr. Pacha looked for real estate located in the Fairfield District and on the boundary which could be exchanged for his property. He located a part owner and manager of such a parcel of land who agreed to support a boundary change. The parcel, approximately 165 acres, is located in the southern-most part of the Fairfield District. The only reliable transportation access to the property is from the south on roads located in the Van Buren District. The only two roads to the north connecting the property to the Fairfield District have stretches of ungraveled surfaces, and one has a bridge with a two-ton weight limit. A school bus trip to the property by the Fairfield District on roads through the District extends their existing bus route by about 14 miles. The 165-acre parcel has a residence located on it, but no one currently resides there. The appraised tax value of the 165 acres is $45,760.00, and that of the Appellant's land and residence is $41,361.00.

On February 10, 1982, Mr. Pacha appeared before the District Board and requested approval for a boundary change which would result in the land on which he resided and the 165-acre parcel being exchanged between the two districts. The District Board determined that it needed more information, and because of the length of the agenda that evening, voted to table the matter until the next month. In the time between the two meetings, the Appellant appeared before the Fairfield District Board with his request. On March 8, 1982, the Fairfield Board approved his request. The approval was apparently due in large part to the relative remoteness of the 165-acre parcel within the Fairfield District.

On March 10, 1982, Mr. Pacha again appeared before the District Board and presented his plan for an exchange of properties between the Districts. Following Board discussion, a motion to deny Mr. Pacha's request was approved unanimously.

No unusual man-made or natural barriers separate the Pacha residence from the District. The owner of record of neither parcel of land officially requested the transfer of property between the districts.

II.

Conclusions of Law

Section 274.37, The Code 1981, provides that the boundary lines of contiguous school districts may be changed by concurrent action of both school boards. Based upon longstanding precedent, we feel that strong emphasis must be given to the discretionary aspect of such a decision. The State Board of Public Instruction has long upheld the integrity of local board decisions in such matters. The rationale for the State Board position was discussed in the 1975 decision entitled In re Kenneth Hoksbergen, 1 D.P.I. App. Dec. 86. In that decision the State Board's rationale was explained at page 88 as follows:

> . . . The State Legislature provided such a process for boards to use for boundary adjustments when the boards concerned agree on action taken. The requirement of concurrent action protects the integrity of district boundary lines and the interest of the individual districts in the education of its citizens. Findings of the State Board of Public Instruction which would overrule the decisions of local boards in questions of this nature could be of considerable disruption to the districts involved. Overruling a refusal of the local board to allow a patron to withdraw from the

district would greatly encourage patrons in other districts to petition for similar withdrawals on lesser grounds than those shown by the Hoksbergens. District stability would be impaired, and planning at all levels would be made more difficult, if not impossible.

This is not to say that there may not exist sufficiently compelling reasons on the part of individual patrons that override the interests of the individual school district. In situations, for instance, where man-made barriers, such as large reservoirs, are created which significantly alter the position of patrons to the rest of the district, it may be more equitable for the State Board to overrule a local board's unreasonable refusal to change its boundary line through the concurrent action provisions of Section 274.37.

However, in the absence of a compelling overriding interest on the part of an individual school district patron, this Hearing Panel feels that the decision of the local board should stand.

See also in re Reg Deremer Kepner, 1 D.P.I. App. Dec. 100; and In re Jerry Q. Beemer, 1 D.P.I. App. Dec. 155.

In reviewing the record before us, we see no "sufficiently compelling" reason to overturn the decision of the District Board currently before us. While there is sufficient justification in the record for the District Board to make a decision in favor of the Appellant had it desired to do so, there is also good reason to refuse such a request. When dealing with the difficult and delicate issue of school district boundaries, the State Board is inclined to defer to a local board's exercise of discretion.

We find on the record before us no arbitrary and capricious action, abuse of discretion, unreasonable action, or unconstitutional or illegal action on the part of the District Board. We feel that "in the best interest of education," as required by Departmental Rule 670--51.9, subrule 2, we must affirm the District Board's decision in this matter.

III.
Decision

The decision of the Van Buren Community School District Board of Directors in this matter is hereby affirmed. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellant.

July 8, 1982
DATE

William N. Cropp
WILLIAM N. CROPP, VICE PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION

June 30, 1982
DATE

Robert D. Benton
ROBERT D. BENTON, Ed.D.
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AND
PRESIDING OFFICER