

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

(Cite as 1 D.P.I. App. Dec. 197)

In re Mrs. Jack Beatty :

Mrs. Jack Beatty and Mrs. Charles  
Moon :  
Appellants :

DECISION

v. :

Chariton Community School District  
Appellee :

[Admin. Doc. 426]

The above entitled matter came for hearing on March 27, 1978, at approximately 1:00. The appeal was heard before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. Donald Cox, associate superintendent, instruction and professional education branch; and Carl Miles, director, supervision. The Appellants were present and represented themselves. The Chariton Community School District (hereinafter District) was represented by Dr. Harold Westra, superintendent, and Attorney James Meyer. Area Education Agency 15 was represented by Don Roseberry, administrator. The hearing was held pursuant to Section 285.12, The Code 1977 and Departmental Rules, chapter 670--51, Iowa Administrative Code.

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.

In 1969, the State Fire Marshal's Office recommended that the District raze a building housing the junior high school. The recommendation was followed. The District's eighth grade students have since been assigned to the high school building, and the seventh grade students have been assigned to the Garfield building. The elementary attendance center boundary lines were redrawn so that most of the elementary students formerly attending Garfield were assigned to the Columbus School building. There was little change in the attendance boundary of Chariton's other elementary attendance center, Van Allen.

The Columbus building was unable to house all of the elementary students from the combined Columbus and Garfield attendance centers, and the District Board decided to transport some students in the new Columbus attendance area to District school buildings in the nearby communities of Lucas and Williamson. The elementary attendance centers in those communities were experiencing declining enrollment and had sufficient space for additional students. Students to be transported to Lucas and Williamson were selected at random from those students residing in the Columbus attendance center boundaries.

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On February 8, 1978, Columbus Principal Loren Burkhalter presented the District Board of Directors with the transportation proposal for the 1978-79 school year. The guidelines for assignment were as follows:

### III. Guidelines for Assignment of Students to Attend School Outside Their Normal Area

The basic guidelines have been consistent since 1969-70. Several other plans have been introduced and reviewed by the Board from 1969 to 1977. The Board has consistently remained with the present plan

1. Present flexible in town [sic] boundary using the Burlington Northern Railroad track south to Braden Street then east to the end of Braden. (Boundary between Columbus and Van Allen.)
2. Assignment of students from one school to another for a maximum of two years.
3. Volunteers shall be the first method of selection.
4. Assignment beyond volunteers will be done by administrative decision.
5. Assignment of family members into different schools to be done only when teaching loads justify the need.

Under these guidelines, forty-four non-special education students from the Columbus attendance area will be chosen to attend school in Lucas, and fifteen will be chosen to attend Williamson for the 1978-79 school year. Nine non-special education students will be transported from the Van Allen attendance center to Williamson. Many of the nine from the Van Allen building are volunteers.

Mrs. Jack Beatty has six children, five of which are currently enrolled in the District's schools. One Beatty child is in the third grade class in Williamson, and two others attend the Columbus school. Mrs. Beatty first became concerned with the District policy at issue here when she was notified last year that her son would attend the third and fourth grades in Williamson. She did not like the idea of her children attending more than one elementary building and felt it a great inconvenience. Mrs. Charles Moon is the mother of two children whose youngest was selected to attend the third and fourth grades in Lucas.

The two Appellants investigated the background of the policy and discussed its validity with the District's administrators and Board of Directors. When Mr. Burkhalter presented the administration's recommendation to the Board at its February meeting, the two women were present and opposed continuation of the policy. The Board voted 3 to 2 to accept the recommendation of the administration and continue the policy.

Mrs. Beatty and Mrs. Moon appealed that decision to the Area Education Agency 15 Board of Directors. The AEA Board held a hearing on March 1, 1978, and voted to affirm the decision of the District Board. Mrs. Beatty and Mrs. Moon made a timely appeal to the State Superintendent of Public Instruction.

The Appellants considered the educational programs at all of the elementary schools to be comparable.

II.

Conclusions of Law

There were no issues of law raised by the Appellants. Their appeal was directed at the fairness and wisdom of the Board policy in question. The Appellants raised four specific objections to the Board policy: (1) The choice of students to be transported out of the Columbus attendance center should not be in the control of one person; (2) Once a child from one family has been transported, other children in the same family should not be transported until all families in the Columbus attendance area have had a child transported; (3) Families in the Van Allen attendance center should share the burden of being transported with those in the Columbus area; and (4) The period of transportation should be one year rather than two.

The District conceded at the hearing that the system of having one person make the decision is subject to change and welcomed suggestions on how to amend that portion of the procedure. On the other three points, however, the District stood firm. It argued that exempting an entire family with several children after only one had been transported until such time as all other families had participated would be unfair to small families. In order to share the burden with the Van Allen students, the boundary would have to be adjusted annually to create an overload in the Van Allen school. Such an adjustment would be difficult because of the differing numbers of students in each grade. It could also lead to inefficient busing. Changing to one-year terms for transportation would cause greater disruption and busing continuity. Some students would have to repeat being transported in a later grade rather than having two consecutive years in the other school and then returning to Columbus for the remainder of elementary school.

While we are sympathetic with the position taken by the Appellants we feel compelled, under the circumstances, to find in favor of the District. The Board has been attempting to alleviate some very difficult problems. It has studied the situation and has determined reasonable justification for its actions. To overrule its decision here would amount to mere second guessing on our part. While we may not be in total agreement with the Board policy at issue here, we have not been shown sufficient reason for overturning the Board decision in this matter.

We in Iowa, rely on boards of directors to review circumstances objectively and to make decisions representative of the wishes of the patrons of the District. The annual school board election held each September is an appropriate time and place for the patrons of a district to make it known as to whether or not they feel they are properly represented.

III.  
Decision

The decision of the Chariton Community School District Board of Directors issued in this matter is hereby affirmed.

May 11, 1978

DATE

*Jolly Ann Davidson*

JOLLY ANN DAVIDSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

May 4, 1978

DATE

*Robert D. Benton*

ROBERT D. BENTON, Ed.D.  
STATE SUPERINTENDENT  
AND  
PRESIDING OFFICER