

IOWA DEPARTMENT OF
PUBLIC INSTRUCTION

(Cite as 1 D.P.I. App. Dec. 155)

In re Jerry Q. Beemer	:	
	:	
Jerry Q. Beemer	:	
Appellant	:	
	:	DECISION
v.	:	
	:	
Bedford Community School District	:	
Appellee	:	[Admin. Doc. 389]

The above entitled matter came for hearing on July 13, 1977, at 9:30 a.m. in the State Department of Public Instruction Conference Room. The Hearing Panel consisted of Dr. Robert Benton, state superintendent and presiding officer; Dr. LeRoy Jensen, associate state superintendent; and Carl Miles, director of supervision. The legal authority and jurisdiction for the hearing are found in Chapter 290, The Code 1977 and was held pursuant to Departmental Rules, Chapter 670--51, Iowa Administrative Code. Jerry Beemer was represented by Attorney Richard Wilson and the Bedford Community School District (hereinafter District) was represented by Attorney Michael Travis.

The Appellant filed an appeal under Chapter 290 on March 14. The matter was continued until this time as a result of a request upon the part of the Appellant.

I.
Findings of Fact

On November 11, 1976, the Appellant appeared before the District Board with a request to change District boundaries under Section 274.37, The Code 1975. He was then residing with his family in the Corning Community School District and anticipating a change of residence to a home site which he owned on forty acres located within the District boundaries. He also owned a forty acre site adjacent to his residence, but located in the Corning District. He requested that the boundaries be changed so that the parcel of land with the residence be removed from the District and placed in the Corning District and the vacant parcel be removed from the Corning District and be placed in the District. He gave as the reason for his request his desire that his children continue to attend school in the Corning District. The Beemers have four children, three of school age and a fourth which will be starting school soon. Before the Hearing Panel, Mr. Beemer cited his personal experiences as a former student and his oldest daughter's enrollment for one year in the District's schools as part of the basis for his preference of the Corning District's schools. Both Mr. Beemer and the Board recognized that fulfillment of his request would create problems. There was a great disparity in valuation of the parcels and the proposed exchange would cause an eighty acre

parcel of land in the Corning District to be surrounded on all four sides by District boundaries. The possibility of working out a favorable solution was discussed and Beemer left the meeting with the impression that if he could resolve the two problems, the Board might approve a boundary change.

On February 17, 1977, Mr. Beemer again approached the District Board. At that time he proposed to have the forty acres with his home site exchanged for his other forty acres, plus the eighty acres previously mentioned, which was owned by his uncle. The proposed exchange was forty acres with the Appellant's residence for 120 acres with no residence. The appraised value of the latter was slightly more than that of the former.

The Board, at its February 17 meeting, refused to grant the Appellant's request. The reasons given were that the school district was interested in land which might attract families with children as prospective students rather than bare land, and that education in the District was as good as that available in surrounding school districts.

The record shows that previously the District Board had granted at least two requests for boundary changes and had refused to grant another which was only informally requested. It appears that it is the philosophy of the District Board of Directors and the administration that decisions upon such requests be determined individually upon the merits of each request. Superintendent H. R. Henderson expressed apprehension at the thought of wholesale District boundary changes under Section 274.37. He felt that the organizational and financial stability of school districts would be threatened if piecemeal boundary changes were allowed in greater numbers.

II.

Conclusions of Law

Section 274.37 provides an alternative to the proceedings of a formal school district reorganization under Chapter 275. Under the provisions of Section 274.37, the boundary lines of contiguous school corporations may be changed by concurrent action of the boards of directors involved. The State Legislature provided such a process for boards of directors to use for boundary adjustments when the boards concerned agree on the action taken. Such concurrent action, being discretionary, would not likely disrupt the educational planning of the districts involved. 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. The State Board of Public Instruction recognized this in *In re Kenneth Hoksbergen*, 1 D.P.I. App. Dec. 86, and determined that in order to protect districts from the considerable disruption of stability and planning which might be cast upon them by the wholesale overturning of local board refusals to change boundaries, that it would overrule such local board decisions only when appellants show a sufficiently compelling reason which overrides the interest of the individual school district. The Hearing Panel finds that Mr. Beemer's mere preference of one school district over another is not such a sufficiently compelling reason.

Implicit in the hearing was the belief on the part of the Appellant that he had met a condition imposed by the District Board which should have caused it to decide in his favor. He left the November meeting with the impression that if he was able to obtain land with a higher property tax valuation than his prospective residence, the Board would grant his request for boundary

change. He felt that when the Board refused his proposal in February that he had been misled by the Board. The November meeting had undoubtedly included a discussion on what the Board might consider an appropriate exchange for property, but nowhere does the record show the creation of a binding agreement on that point. The Board was not obligated to comply with the Beemer request for boundary realignment when he proposed an exchange of property with a greater valuation than that which he desired to have removed from the District.

Appellant's brief contends that the District Board abused its discretion in several respects. We do not agree.

III.
Decision

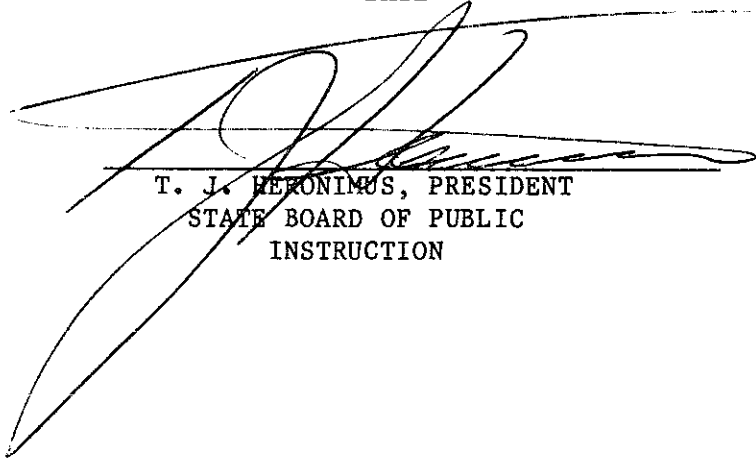
The Decision of the Bedford Community School District Board of Directors in this matter is hereby affirmed. Appropriate costs of this appeal are hereby assigned to the Appellant.

August 18, 1977

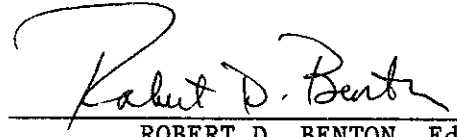
DATE

August 7, 1977

DATE



T. J. HERONIMUS, PRESIDENT
STATE BOARD OF PUBLIC
INSTRUCTION



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