

CHAPTER 37
EXTRACURRICULAR ATHLETIC ACTIVITY
CONFERENCES FOR PUBLIC SCHOOL DISTRICTS AND
ACCREDITED NONPUBLIC SCHOOLS

281—37.1(280) Policy and purpose. It is the purpose of this chapter to provide a procedure ensuring that a public school or accredited nonpublic school desiring to be a member of a conference providing extracurricular athletic contests and competitions for students is granted this opportunity. Membership shall be with other schools of comparable size and within reasonable geographic proximity.

281—37.2(280) Initial responsibility. The initial authority and responsibility for conference development, membership, and alignment rests with the board of directors of each public school district and the authorities in charge of each nonpublic school.

281—37.3(280) Complaint to the director, department of education. A school or school district that believes it has been unfairly excluded or prevented from obtaining membership in an athletic activity conference that would provide the opportunity for participation of its students in athletic events or contests with students from other schools or school districts of comparable size and within reasonable geographic proximity may file a complaint stating this concern with the director of the department of education. The complaint shall set forth in a plain and concise manner the reasons the school or school district believes the director should intervene in conference alignment decisions and the specific relief requested by the school or school district. The complaint shall be signed by the president of the board of directors of a public school district or a representative of the officials in charge of an accredited nonpublic school. The director or the director's designee shall, within ten days, acknowledge to the school or school district receipt of the complaint in writing.

281—37.4(280) Mediation. The director of the department of education shall require that the executive director of the Iowa high school athletic association (hereinafter association) and the executive secretary of the Iowa girls high school athletic union (hereinafter union) organizations recognized in 281—Chapter 36, or their designees, form a mediation team to meet with the complainant and representatives of other affected schools or school districts. If the complaint involves conference alignment for athletic activities represented by only one of the organizations, only that organization shall be involved in the mediation. A copy of all materials filed with the director by the complainant school or school district shall be provided to the mediation team.

The mediation team shall meet with administrators or board members of schools potentially affected by changes in conference alignment related to the complaint. Schools shall send representatives who have knowledge of the impact of a conference realignment and full authority to respond on behalf of their school or school district. Factors to be weighed in reaching resolution will include, but not be limited to, school enrollment figures (current and projected), travel distances, comparability of instructional programs, traditional rivalries, number of existing and proposed schools in the conference, and comparability of athletic programs and other school-sponsored programs.

281—37.5(280) Resolution or recommendation of the mediation team. If mediation results in resolution of the complaint, no further action shall be necessary on the part of the director, and the implementation of the mediation agreement shall be left with the boards of directors of school districts and the authorities in charge of nonpublic schools. If no resolution is reached within 50 days of the start of the mediation process, the mediation team shall make a recommendation to the director as to the best resolution of the complaint. Copies of this recommendation shall be given to all affected schools and school districts. The director shall establish a time for a hearing on this recommendation within 45 days of the receipt of the mediation team's recommendation. The director or director's designee shall conduct the hearing at which time all affected parties shall be given the opportunity to provide oral or

written testimony or submit other evidence. The director or director's designee shall reserve the right to establish time limits on appearances at the hearing.

281—37.6(280) Decision. In reaching a decision on the complaint, the director shall consider information gathered by the mediation team and its recommendation as well as the written and oral testimony from the hearing. In addition, the director or the director's designee may consult with other individuals, organizations, or conference representatives able to provide input on a decision. If a designee of the director conducts the hearing and review process, the findings of the designee shall be reviewed by the director. A final decision on the complaint shall be made by the director. The decision may affect conference realignment or direct other appropriate relief to remedy the complaint. The director shall make a decision within 60 days of the hearing, and copies of the decision shall be provided to all affected parties.

281—37.7(280) Effective date of the decision. If the decision requires conference realignment, the date of this change shall be made with deference given to existing contracts and commitments. Alignment changes shall be made for four-year periods with automatic review by the director after two years so that further necessary changes take effect at the conclusion of the four-year period, unless agreement exists that implementation of the changes can occur at an earlier date.

These rules are intended to implement Iowa Code section 280.13.

[Filed 11/22/91, Notice 10/2/91—published 12/11/91, effective 1/15/92]

CHAPTERS 38 to 40
Reserved