

IOWA DEPARTMENT OF EDUCATION

(CITE AS 30 D.o.E. App. Dec. 95)

<i>In re: Conference Membership</i>)	
)	
Western Christian High School,)	DE Admin Doc. No.: 5142
)	
Appellant,)	
)	
v.)	
)	
Siouxland Conference,)	DECISION
)	
Respondent.)	

Western Christian High School (“Western Christian”) voluntarily left the Lakes Conference in January 2021. In March 2021, Western Christian applied for membership in the Siouxland Conference, which the conference rejected in May 2021. On June 22, 2021, the Iowa Department of Education received a complaint from Western Christian, seeking membership in the Siouxland Conference.

A mediation session occurred on August 9, 2021, led by a mediation team of Tom Keating and Jean Berger, executives of the Iowa High School Athletic Association and Iowa Girls High School Athletic Union, respectively, and assisted by two trained mediators. The mediation session did not result in a voluntary agreement. The mediation team then issued a brief recommendation that Western Christian High School’s request for membership in the Siouxland Conference be denied.

Since there was no agreement at mediation, this matter came before me on August 30, 2021. Western Christian was represented by Brian Verwold, its head administrator. The Siouxland Conference was represented by attorneys Danielle Handfield and Elizabeth Heffernan. The following individuals – all superintendents of Siouxland Conference member school districts – offered testimony on behalf of the Siouxland Conference: Chad Janzen, Steve Grond, Todd Abrahamson, Brent Jorth, and Tom Luxford. Siouxland Conference offered exhibits 1-5, which were admitted without objection.

The mediation team must consider the following non-exhaustive list of factors: “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.” Iowa Admin. Code r. 281–37.4. I give “great weight” to the recommendation of the mediation team. *In re Carroll Cmty. Sch. Dist.*, 9 D.o.E. App. Dec. 251, 257 (1992). Western Christian has the burden of persuasion as the school that opposes the recommendation. *Id.* at 257-58. “In the absence of *convincing proof* that the

mediation team failed to consider one or more of the factors laid out in the rules, or was otherwise biased, prejudiced, or predisposed, the mediation team's recommendation will be implemented." *Id.* at 258 (emphasis added).

Having considered this highly deferential standard of review of the mediation team's recommendation, I find and conclude Western Christian did not meet its burden of proof.

I find no evidence that the mediation team failed to consider the factors set forth in rule 37.4. To the contrary, while the mediation team's recommendation was brief and to the point, the supporting materials accompanying their recommendation was thorough and clearly demonstrated attention to the non-exhaustive list of factors in rule 37.4.

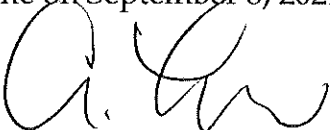
While school size and travel distances weigh in favor of granting Western Christian's application, other factors weigh against its claim. Specifically, the Siouxland Conference desires to remain a ten-member conference. Doing so would allow it to play true round robin, home-and-home schedules. With a larger membership, it would be unable to schedule home-and-home competition. This would be disruptive to "traditional rivalries" under rule 37.4. The mediation team had this issue before it, and its decision as to how to weigh the competing interests before was reasonable.

Further, I find no evidence that the mediation team was "biased, prejudiced, or predisposed." *Carroll Cmty. Sch. Dist.*, 9 D.o.E. App. Dec. at 258. To the contrary, all witnesses testified that the mediation team was attentive, professional, and fair.

Finally, I take note that Western Christian voluntarily left a conference. It cannot be said to have been "unfairly excluded" from a conference. Iowa Admin. Code r. 281–37.3. A school that "voluntarily secedes" from a conference cannot complain to have been wrongfully excluded from a conference. *Carroll Cmty. Sch. Dist.*, 9 D.o.E. App. Dec. at 257. Western Christian must show "the hardships it has suffered as a result of its independent status." *Id.* It has not done so on the present record.

Finding no reason to deviate from the mediation team's recommendation, and finding that Western Christian was not unfairly excluded from a conference, Western Christian's application is DENIED.

Done on September 8, 2021, in Des Moines.



Ann Lebo
Director, Iowa Department of Education

Copies to Parties & Counsel