

**Iowa State Board  
of Education**

(Cite as 12 D.o.E. App. Dec. 77)

*In re Aaron Coffman*  
*In re Joshua Christensen* :

Ed Christensen and :  
Jack and Debra Coffman, :  
Appellants, :

v. : DECISION

Guthrie Center Community :  
School District, :  
Appellee. : [Admin. Doc.#3510-3511]

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The above-captioned matters were consolidated and heard on October 14, 1994, before a hearing panel comprising Lee Wolf, consultant, Bureau of Instructional Services; Lee Crawford, consultant, Bureau of Technical and Vocational Education; and Ann Marie Brick, J.D, legal consultant and administrative law judge, presiding. Appellants were present in person pro se. Appellee, Guthrie Center Community School District [hereinafter "the District"], was present in the persons of Mr. Ed Langgaard, school board president; Mr. Garold Thomas, high school principal; Mr. Steve Smith, the elementary school principal during the 1993-94 school year; and Mr. Len Snyder, superintendent during the 1993-94 school year. The school district was represented by attorney Thomas W. Foley of the Nyemaster law firm in Des Moines.

An evidentiary hearing was held pursuant to Departmental Rules found at 281 Iowa Administrative Code Chapter 6.

Appellants seek reversal of decisions of the board of directors [hereinafter "the Board"] of the District made on April 27, 1994, expelling Aaron Coffman and Joshua Christensen for the remainder of the 1993-94 school year. Appellants also seek as relief a waiver of the provisions of 281--IAC 17.8(2) which restricts participation in interscholastic athletic contests for any pupil who transfers school districts under open enrollment during the first 90 school days of school transfer.

**I.  
Findings of Fact**

The administrative law judge finds that she and the State Board of Education have jurisdiction over the parties and subject matter of the appeal before them.

Superintendent Len Snyder suspended Aaron Coffman, Josh Christensen and three other students on April 14, 1994, because of their involvement in bringing an explosive device to the high school. Superintendent Snyder recommended the Board expel all five students. The students all requested a hearing before the District Board. That hearing was held in closed session on April 25, 1994, and later continued on April 27, 1994. The students and their parents were all present and represented by an attorney of their own choosing.

By agreement of the parties, the superintendent presented evidence supporting his recommendation during a consolidated hearing. All five students, their parents and legal representatives were present during the consolidated portion of the hearing and were provided with an opportunity to cross-examine any witness the superintendent called in support of his recommendation.

The parties agreed to hold, at the conclusion of the consolidated hearing, separate hearings for each student. During these hearings, the superintendent presented evidence regarding the students' disciplinary record and made a recommendation with respect to what type of discipline the Board should impose. The Board deliberated after each hearing and then reached a decision in open session. The Board's decision for each of Appellants' sons was expulsion for the remainder of the year with readmittance in the fall after performing community service and apologizing to members of the student body and the District.

**THE UNDISPUTED FACTS ARE AS FOLLOWS:**

Before school on April 13, 1994, three of the students were driving around town before school started when they passed the Jubilee Food Store and saw Aaron Coffman's car in the store's parking lot. The students drove into the parking lot as Aaron Coffman approached them with a box of aluminum foil in his hand. Coffman asked one of the students to go into the store and purchase a bottle of "The Works" which is a drain cleaner. Coffman, Christensen and one of the other students had constructed explosive devices for some time. The devices, or "Works Bombs" are made by pouring a specified amount of The Works into a plastic pop bottle. When certain other ingredients are added, there is a reaction which creates hydrogen gas. The pressure inside the bottle increases until eventually the bottle bursts making a loud noise and spraying the bottle's contents.

Sarah Coleman, a chemistry teacher at Guthrie Center High School, testified at the consolidated hearing that the device is essentially a pressure bomb and dangerous. She stated that the device is particularly dangerous because there's no way to determine when it will explode and with what force. Aaron Coffman admitted on direct examination that a two-liter "Works" bomb sounds like an M-60 firecracker when it detonates.

The students reconvened at the Commons area at the high school. At that point, the students met Christensen. Principal Thomas was absent that day and Aaron Coffman suggested the students construct Works Bombs to disrupt school in Mr. Thomas' absence. The students did not construct the bombs with the specific purpose of damaging school property or injuring their fellow students.

Although the specific roles of Christensen and Coffman are disputed, it is undisputed that two Works Bombs were constructed in the instrumental music room. One Works Bomb was contained in a 20-ounce plastic pop bottle. The other bomb was contained in a two-liter plastic pop bottle. After the Works Bombs were completed, the students left the band room in a group. Coffman carried at least one of the bombs out of the band room concealing the bomb under his coat. The evidence did not establish who carried the second bomb out of the band room but it does establish that the bomb was removed and placed in the Commons area.

After the bombs were placed, Coffman, Christensen and one of the other students left the Commons area and went to the school's parking lot. They left school in Coffman's car to construct additional bombs at the Christensen house. The two other students drove separately to the Christensen house. It is undisputed that all the students were there to build bombs and no one objected to that happening.

The students again gathered in the Commons area when they returned to school. Coffman carried in a bomb and threw it in the Girls' restroom. The bomb was later discovered by Coffman's grandfather who is a custodian at the school. Coffman was excused from school later that morning and while away he constructed another bomb which was contained in a 20-ounce plastic bottle. Coffman carried the bomb into the school concealing it from view under his coat. As Coffman was passing the teachers' lounge, the bomb burst under his coat making a loud noise. The contents of the bomb spilled on Coffman's hands, coat and shirt. The contents also sprayed or spilled onto the floor.

Sarah Coleman, who was in the teachers' lounge, characterized the noise as a "loud explosion" and stated that it was louder than most firecrackers. After hearing the explosion, Ms. Coleman ran into the hall and saw Coffman whose hands were wet and dripping with fluid. The floor was also covered with fluid and balls of aluminum foil that were black in color. The liquid and foil sprayed approximately six feet in diameter around Coffman's feet.

Ms. Coleman asked Coffman what happened. Coffman denied any involvement and stated that he "just picked up the bottle" when it exploded. Later, he stated that he knew who constructed the bomb and that he "was going to get them".

Ms. Coleman immediately took Coffman to a nearby room so he could clean himself. Consistent with school policy regarding any chemical spill, Ms. Coleman advised Coffman to thoroughly wash his hands with soap and water and wash any other skin that was exposed to the spill. When she asked Coffman if he was burned any where, Coffman showed Ms. Coleman a red mark on his abdomen about the size of a pencil eraser that looked like an acid burn. To prevent further injury Ms. Coleman instructed Coffman to remove his clothing and left the room while he did so. Later that same day, Mr. Smith heard rumors that a second Works Bomb was still in the school. Mr. Smith met with Christensen and asked Christensen if he knew where the second bomb was located. Christensen denied any knowledge regarding the second bomb's whereabouts and, when pressed further, stated: "Let me talk to Aaron. We can solve this." Principal Smith did not allow Christensen to talk to Coffman.

Mr. Smith next met with Coffman and questioned him regarding the location of the second bomb. Like Christensen, Coffman denied knowing where the bomb was and after Mr. Smith explained the seriousness of the situation, Coffman stated that he needed to first speak with Christensen and then he might be able to disclose where the bomb was hidden. Principal Smith did not permit Coffman to speak with Christensen. Mr. Smith next interviewed one of the other students who unlike Christensen and Coffman, immediately disclosed that the second bomb was contained in the juice recycling container in the Commons area. The bomb was later located in that container.

The juice box recycling container is in the school's "Commons" area and is situated approximately two to three feet from student tables. The Commons area is used throughout the day as a study hall or a lunchroom.

The administration called Guthrie Fire Department for further assistance. The Fire Department came to the school at approximately 3:45 p.m. and removed the bomb from the juice box container using a long pole. A police officer shot the Works bomb and it exploded upon impact.

The police questioned Coffman as part of their investigation. Coffman admitted his involvement in the scheme, and upon further questioning, also led the police officers and school's administration to a locker in the boys' locker room. The locker contained two two-liter bottles, one 20-ounce bottle half filled with aluminum foil, and a container of The Works. Aaron Coffman told the group that he believed "The Works" is the "strongest stuff there is".

The next day, the high school principal, Garold Thomas, met with each student. At that time, he explained the charges against them and gave each student an opportunity to respond to those charges. Mr. Thomas then suspended the students from school and notified the students' parents, in writing of that discipline.

On April 19, 1994, Mr. Thomas sent the parents of each student a notice informing them that the Administration was recommending the District's Board of Directors expel their son for the remainder of the 1993-94 school year and that a hearing before the District's Board of Directors would be held on Monday, April 25, at 6:00 p.m. The letters the parents received advised them of the student's rights and also enclosed Board Policy 502.1 and 502.3 which the administration alleged the students violated by their conduct.

Board Policy 502.1 sets forth the standards of conduct the District expects its students to follow while enrolled in the school. The stated purpose of that policy is "to ensure an orderly and efficient operation of the school in order to provide a scholarly, disciplined attitude to achieve maximum educational benefits for all pupils". The policy also states that "[b]reaches of discipline include acts of behavior which conflict with the educational program or which are not compatible with the welfare of other persons". Among the breaches of discipline expressly listed is "possession of dangerous or harmful objects."

As a result of its hearing, the Board found that the "Works Bombs" the students constructed on school premises and at the Christensen house were "dangerous or harmful objects" within the meaning of Board policy 502.1. In its decision, the Board stated that it believed sufficient evidence existed to properly characterize the Works Bombs

as dangerous or harmful. This was based on the fact that any device which could build up enough pressure to burst a plastic container could cause harm to the District's students considering where the bombs were placed. It was undisputed that the bombs burst, creating a noise similar to that made by a firecracker and that acid and aluminum foil sprayed from the bottle upon explosion. Although the Board did not believe the students carried the bombs onto school premises with the specific intent to injure fellow students or to harm district property, the potential for such result was so high that the students should have, through the exercise of ordinary care, known the magnitude of what they were doing. The Board found that the students intentionally constructed the bombs and intentionally brought them to school in order to cause a commotion disrupting the school day. The Board found, therefore, that the students engaged in conduct with a specific intent of violating Board policy 502.1.

Board policy 502.3 sets forth the procedures with respect to student expulsions. That policy permits the Board to consider, among other things, the student's prior disciplinary record when determining what disciplinary action it deems to be appropriate.

Mr. Thomas testified that Christensen had received 12 disciplinary referrals during the 1993-94 school year. Christensen had also served a three-day in-school suspension due to a "mooning" prank, a three-day in-school suspension for possessing chewing tobacco and one-day out-of-school suspension due to a loud disagreement with a teacher.

Mr. Thomas testified that Coffman had three disciplinary referrals during the 1993-94 school year. None of those referrals, however, resulted in a disciplinary suspension. But the undisputed evidence established that Coffman initiated the idea to construct Works Bombs and then place them on the school premises. In addition, the Board found that Coffman's initial denial of any involvement in the scheme and then his unwillingness to assist Mr. Smith when Mr. Smith was attempting to locate the second bomb was irresponsible and inconsistent with standards of conduct expected by the school district.

After reviewing the boys' prior disciplinary records, individually and in closed sessions, both Coffman and Christensen were expelled for the remainder of the 1993-94 school year.

Both Appellants argue on appeal that if the expulsion was justified for their sons, it was justified for the other three students. Appellants contend that the Board's failure to treat all five students the same for an infraction of the same rules constitutes discrimination.

## II. Conclusions of Law

Appellants both filed affidavits of appeal which question the quality and sufficiency of the evidence against their sons. There were disagreements about several facts concerning the role of the three other students in the construction and placement of the bombs at school. The parents disputed several facts concerning the credibility and involvement of the other three boys. Because of that, the parents requested that the presiding officer review the tapes of the meetings held on May 25 and May 27, 1994 before the District Board of Directors. After doing so, it became clear that the testimony of the other three boys appeared to be more credible than that of Josh Christensen and Aaron Coffman.

Our standard of review of local school board decisions is to determine whether the action taken was arbitrary, capricious, without basis in fact, upon error of law, without or beyond legal authority, or constitutes an abuse of discretion. In re Jerry Eaton, 7 D.o.E. App. Dec. 137 at 141 (1989). Clearly, the decision to expel both Josh Christensen and Aaron Coffman was not made upon error of law or beyond the legal authority of the Board. The Iowa Code specifies that:

"The Board may, by a majority vote, expel any pupil from school for a violation of the regulations or rules established by the Board, or when the presence of the pupil is detrimental to the best interest of the school ...."

Iowa Code § 282.4 (1993).

After reviewing the tapes of the hearings, there does not appear to be any error of fact. Nor was the Board's decision arbitrary, capricious or an abuse of discretion. In fact, when only the undisputed facts are considered as recited above, there is sufficient basis for the expulsion both factually and legally.

The parents also objected that the facts relied upon by the Board in rendering its decision were not proved "beyond a reasonable doubt". Although no state statutes or Iowa court decisions discuss the standard of proof required in an expulsion hearing, judicial interpretations

of the due process clause emphasize that fairness is the cornerstone. Due process is a flexible concept that looks at the nature of the interest at stake. Expulsion is a serious loss, but not as serious as a criminal conviction resulting in fines or imprisonment. In criminal court, the standard of proof is "guilt beyond a reasonable doubt." In civil cases, the standard of proof is "preponderance of evidence." That is the standard that must be used by a District Board in reaching decisions about expulsion. This standard is applied by mentally weighing all of the evidence for and against the question of the student's violation. If there is more evidence on one side (e.g., 51 percent) than the other or enough to "tip the scale," that is the way the Board of Directors should vote. In the present case, a preponderance of the evidence shows that Josh Christensen and Aaron Coffman were in violation of Board policy 502.1 and 502.3.

The parents also contend that it was impermissible to treat the Appellants' sons differently than the other three students involved in the rule infraction. The parents of both boys contend that the Board showed discrimination against their sons by allowing the other three students to return to school and complete their second semester credits. The parents believe that since all five students were involved in the incidents, all five students should be punished equally. Equal treatment is not required by the law. In fact, the Board is required to exercise its discretion and judgment to reach a reasonable result. That means that the Board should weigh the facts of the given case: whether or not the student has been involved in other incidents in violation of school rules; whether the students are at the end of a long line of progressive discipline; or whether there are mitigating or aggravating circumstances which would merit a different penalty for the same rule infraction. The Board exercised this discretion and dealt with each student individually during the separate hearings in which the students' disciplinary record was reviewed. At that time the superintendent made a recommendation with respect to the type of discipline the Board should impose. The Board was well within its statutory authority to recommend that the Appellants' sons be expelled for the remainder of the year with no credit, and the other three students serve a suspension with no loss of credit for the second semester.

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As part of his expulsion, Josh Christensen was required to receive counseling. His parents were concerned that Josh's psychiatrist, Dr. Collins, stated that the school district should have developed an individual education plan for assessment for Joshua. The testimony at the hearing showed that Joshua was never identified for special education. It appears that he is in need of extra help, perhaps the Greenfield School District can provide that assessment.



Since the Board made its decision in this matter, Aaron Coffman completed his basic training requirement for the Army Reserve program; completed his community service requirement of 40 hours; wrote apologies to the administration, faculty, school board members and the District residents; worked afternoons and evenings to pay off his lawyer bill; and commuted to DMACC to fulfill his junior year U.S. history requirement.

Joshua Christensen completed his community service requirements and his probation with the Juvenile Court Officer as required. He attended summer school to obtain three credits; wrote the apologies that were required and is now enrolled, along with Aaron Coffman, in the Nodaway Valley School in the Greenfield Community School District.

Both boys participated in wrestling at the Guthrie Community School District. They have now enrolled in Nodaway Valley in the Greenfield Community School District. What the parents would really like the State Board to do is to waive the 90 day rules for ineligibility that prevent the boys from participating in the entire wrestling season.<sup>2</sup>

This is the first time the State Board has been asked to waive the 90 school-day ineligibility provision in an expulsion case. After due consideration of the provisions of Iowa Code § 282.18(15) (1993), it does not appear that the ineligibility rules can be waived in a case like this. By detailing the ten specific circumstances when the 90 school-day ineligibility would not apply, the legislature limited the waiver of athletic ineligibility to ten enumerated situations. None of those circumstances are present here.

Aside from the restrictions of the Code of Iowa, the hearing panel was not persuaded that the waiver of the open enrollment rules would be appropriate in this case. The boys would have been able to return to Guthrie Center in the fall of '94 and would have been entitled to compete in wrestling as they had done the year before. The ineligibility to wrestle is a consequence of the Appellant's decision to open enroll to the Greenfield Community School District. The ineligibility to compete in wrestling for 90 days is not a consequence of the expulsion but of the Appellants' decision to change

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<sup>2</sup> 281--IAC 17.8(2) provides "a pupil who transfers school districts under open enrollment in any of the grades 10 through 12 shall not be eligible to participate in interscholastic contests and competitions during the first 90 school days of transfer... . This 90 school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility." This 90 school-day restriction is not applicable and can be waived only in ten specified situations. None of those situations is present in this case. See also, Iowa Code § 282.18(15)(1993). The Administrative Rules simply restate the provisions of the Code.

schools. Consequently, the requirements of 281--IAC 17.8(2) cannot be set aside.

Accordingly, the recommendation of the hearing panel and administrative law judge is that the State Board of Education affirm these expulsion decisions.

All motions or objections not previously ruled upon are hereby denied and overruled.

**III.  
Decision**

For the foregoing reasons, the decisions of the board of directors of the Guthrie Center Community School District, made on April 27, 1994, to expel Josh Christensen and Aaron Coffman for the balance of the 1993-94 school year with attendant loss of academic credits earned in the spring 1994 semester, is hereby recommended for affirmation. There are no costs to assign pursuant to Iowa Code § 290.4.

November 30<sup>th</sup>, 1994  
Date

Ann Marie Brick  
Ann Marie Brick, J.D.  
Administrative Law Judge

It is so ordered.

1-15-94  
Date

Ron McGauvran  
Ron McGauvran, President  
State Board of Education