

IOWA DEPARTMENT OF EDUCATION

CITE as 29 D.o.E. App. Dec. 370 (2020)

*In re: Athletic Eligibility of B.C.,
A.F. & K.F.,*

Appellants,

DISMISSAL

vs.

Iowa High School Athletic Association,

:

Admin. Doc. # 5133

:

Appellee.

A.F. and K.F. filed this athletic eligibility appeal. The facts alleged in the appeal are not necessary to recite. The only facts that are pertinent are these.

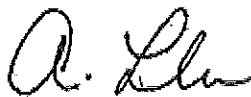
1. The Iowa High School Athletic Association's Board of Control made its decision on September 3, 2020.
2. The Iowa Department of Education received this appeal on November 3, 2020, by registered mail. The letter bears a postmark of October 28, 2020.

By rule, an appeal from a decision of the Board of Control "shall be filed within 10 business days after the date of mailing of the decision of the governing organization." Iowa Admin. Code r. 281—36.17. The Board of Control's decision clearly advised the Appellants of this deadline.

This appeal, being filed outside of the time permitted in the rules, is no longer within the Iowa Department of Education's jurisdiction. *See, e.g., In re E.Z.*, 13 D.o.E. App. Dec. 126, 128 (1996). This is so even if the parties agree to somehow "waive" the deadlines, as was alleged here by B.C.'s school district. *Id.* The Appellee, through counsel, raised other arguments in support of dismissal. Those arguments are compelling; however, they are unnecessary to address. The timeliness of this appeal is sufficient to dispose of it. For that reason, this appeal is

DISMISSED.

Done on November 12, 2020



Dr. Ann E. Lebo
Director