



A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

# School Leader Update

July 2013

## Director chosen to lead Reading Research Center

Michelle Hosp has been selected to be the director of the Iowa Reading Research Center.



Hosp will lead the center, which was created by the Iowa Legislature to act as a sort of clearinghouse of top-notch literacy practices for educators and parents.

The center's purpose is to apply current research for the development of certain literacy efforts, including instructional practices, interventions for students who are behind in reading, assessments, professional development strategies, and an intensive summer literacy program.

To read more, click [here](#).



## In This Issue

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## New school year, new interim director

It is an exciting time to be involved in education in Iowa! The new education reform law is a pivotal piece of legislation that has set the stage for Iowa to move forward as an education system.

The opportunity for systemic change is truly historic, and I have no doubt that the dedicated and hard-working educators across this state will rise to the challenge. I am honored and humbled to have the opportunity to help lead the Iowa Department of Education's implementation of this legislation as interim director while the Governor searches for a new director. I'm also thankful to former Director Jason Glass for his leadership and service in Iowa. I wish him the best of luck in his new role as a Colorado school district superintendent.



*D.T. Magee,  
Interim Director*

I agreed to serve in this interim role for a short period of time to help ensure a smooth transition for the next director, especially as we move to implement House File 215, the new education reform law.

One of the first major items that will emerge as a result of education reform is the Teach Iowa online job posting and applicant management system. This system will usher in an exciting new era for Iowa's education job market. Teach Iowa will simplify the process of connecting teachers with job openings in schools and will make the processes for hiring and applying for jobs more efficient. There will be less paperwork for applicants, more cost savings to school districts and taxpayers, and better data about educator supply and demand. Hiring decisions will remain local.

*Continued on Page 5 ...*

## Tutoring, lessons and activity camps

Licensed educators offering tutoring, lessons or activity camps for pay outside of regular classroom activities need to ensure they are following the state's Code of Professional Conduct and Ethics.

The Board of Educational Examiners (BOEE) is authorized under Iowa Code section 272.2 to "develop a code of professional rights and responsibilities, practices, and ethics" for all licensed educators. Pursuant to this code section, the BOEE has developed the Code of Professional Conduct and Ethics, which is found in 282 Iowa Administrative Code Chapter 25.



Rule 282—25.3(6)(f) of the Code of Professional Conduct and Ethics states it is an ethical violation for any licensee to solicit "students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage." Ethical violations can lead to a complaint before the BOEE and possible sanctions against a person's license. The BOEE seeks to provide guidance on rule 25.3(6)(f), as it pertains to licensees who would like to tutor students, provide music or other types of lessons, or conduct activity camps for pay.

In 2010, the BOEE issued guidance on rule 25.3(6)(f) that focused on the definition of the word "solicit"— to approach with a request or plea. The example of unethical behavior provided was a teacher announcing in class that students should join her detassling crew over the summer, or passing out fliers asking them to join. The element of solicitation remains the key to this rule. Licensees cannot advertise or offer to sell products or services to students or parents of students, and should always be wary of situations that may create the appearance of a conflict of interest. This rule is intended to avoid situations where licensees use their professional positions to seek out money-making opportunities from students or parents of students.

However, the rule is not intended to prohibit all possibilities for licensees to earn extra income using their skills and talents. The BOEE understands that many licensees provide tutoring services, lessons, or activity camps for students for pay, whether during the summer months or after school. In many cases, these are valuable opportunities for students, and licensees may be the most qualified people in the area to provide them. If a student or parent of a student approaches a licensee and inquires about this sort of arrangement, the licensee should always check with an administrator and consult local district policy.



The licensee should also be mindful of rule 282—25.3(4) of the Code of Professional Conduct and Ethics concerning misuse of public funds and property. In situations where a licensee uses school facilities for tutoring, lessons, or camps, there should be some compensation paid by the licensee to the school district. The rental fee does not need to be burdensome. Many districts already have facility rental policies in place, so the licensee should examine those prior to beginning the activity in question.

The BOEE has received very few formal ethics complaints citing rule 25.3(6)(f). Therefore, there is very little precedent for these types of cases, and the BOEE cannot assure licensees that certain behaviors would never lead to a complaint. The most important thing to remember is that licensees cannot solicit students or parents of students to purchase products or services. The best course of action for any licensee who, without solicitation, is offered an opportunity to make extra money through tutoring or lessons, is to check with a local district administrator. If the licensee is still uncertain about the propriety of the proposed tutoring, lessons, or other arrangements, the licensee should contact BOEE attorney Darcy Lane at [darcy.lane@iowa.gov](mailto:darcy.lane@iowa.gov) or 515-242-6506.

# Finding teachers, jobs with Teach Iowa

A new era for the Iowa education job market is about to begin.

A key component of the new education reform law is the Teach Iowa online job posting and applicant management system, which will launch in August. Teach Iowa will simplify the process of connecting teachers with job openings in schools and will make the processes for hiring and applying for jobs more efficient.

The Iowa Department of Education and the Iowa Board of Educational Examiners joined with Aspex Solutions, Inc. to create the Teach Iowa system at no charge to users. School district superintendents and area education agencies can start posting jobs in July. Here are some particulars you will need to know:

- Each public school district superintendent and AEA chief administrator will receive an email from Aspex Solutions Inc. (@aspexsolutions.com) on July 1 containing user information for the administrative side of the Teach Iowa system and a short video on how to get started posting jobs.
- Districts and AEAs will have the ability to add multiple users to the system.
- Aspex Solutions will send out information about July training webinars.
- Department and BoEE staff will work with local school districts and AEAs to refine the system during the month of July.
- The Teach Iowa web page and application solution will launch in early August and begin displaying all public school district and AEA education jobs throughout the state and allow individuals to begin applying through the online application process.
- Iowa Code requires all public school districts and AEAs to begin posting all job vacancies to the statewide system.
- Public school districts and AEAs must begin posting all job vacancies at the time of the Teach Iowa web site launch in August.
- Non-public schools will have the ability to use the system free of charge. Information for non-public schools will be distributed separately.

Julie Carmer and Marietta Rives are the system administrators for Teach Iowa.

Contact Julie Carmer at [julie.carmer@iowa.gov](mailto:julie.carmer@iowa.gov) or Marietta Rives at [marietta.rives@iowa.gov](mailto:marietta.rives@iowa.gov) with questions about the Teach Iowa system. Aspex Solutions, which provides technical support for Teach Iowa, can be reached at [support@aspexsolutions.com](mailto:support@aspexsolutions.com).

## Get your staff signed up for e-newsletter

As you're getting your staffing issues settled for the fall, now is the time to sign up your teachers for the Iowa Department of Education's e-newsletter *Each and Every Child*.

The publication is chiefly aimed at the special education community. However, as the state's educators continue to move toward more ownership of all students by all staff, every educator stands to benefit from the e-newsletter.

To get your teachers signed up, send their email addresses to

[jim.flansburg@iowa.gov](mailto:jim.flansburg@iowa.gov).

For past issues, click [here](#).

May 2013 Volume 3, Issue 1

  
**Each and Every Child**  
Quick news for Parents, Educators and Students

Also in this issue:  
• Positive Behavioral Interventions and Supports

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An e-newsletter by the Iowa Department of Education's Bureau of Learner Strategies and Supports

### When best practices aren't enough

Over the last eight issues, *Each and Every Child* has focused on best classroom practices for students with disabilities. Still, all the best practices in the world are for naught if one critical element isn't considered: the school environment.

Environment goes beyond adequate lighting and functional desks: Is it a safe environment? Are students engaged? Do students feel supported?

Are the answers subjective? Yes, with a caveat: The term "eye of the beholder" applies. It is that very point – one's perception – that is at issue. If a student feels threatened, physically or emotionally, it likely will adversely affect his or her academic performance.

A study published in the *Journal of School Psychology* indicated that children enrolled in special education were more likely to be bullied, to bully others and to be sent to the school office for discipline issues.

In this issue, we focus on environment and culture. And we also learn more about the initiative Positive Behavioral Interventions and Supports. What kinds of successes are they experiencing?



Nicki Schwarz, a junior at Marcus-Meriden-Cleghorn, speaks about bullying recently in Des Moines. "Just because we're a small school doesn't mean our problems are smaller," she said. "They in fact can be quite personal."

### Maximizing the environment helps achievement

When it was decided that Armstrong-Ringsled and North Central Kossuth in northern Iowa were going to unite into one high school last fall, there was apprehension.

"We were concerned how that was going to go," said educator Becky Kinnander.

"North Central Kossuth kids were losing their school, they were going to have different teachers. They lost a lot of familiarity they had with their school."

Luckily for the students, Armstrong-Ringsled already was working on fostering a strong climate through a grant from the Iowa Safe and Supportive Schools. The initiative, which is administered by the Iowa Department of Education, is under way at 21 high schools in the state.

The initiative focuses on three elements in the school: safety, engagement and environment. The program is aimed at developing a reliable measurement system and then improving conditions for learning.

Research has shown that when conditions for learning are positive, students achieve at higher rates.

The work was well under way in Armstrong when the two high schools – now known as North Union – came together.

"The areas identified from previous data focused on student-to-student relationships, student-to-adult relationships and then boundaries and expectations in which clear rules are delineated and enforced," Kinnander said.

Their work has paid off: A survey put out this spring shows that North Union has made substantial

Environment / Continued on next page

# Early Childhood Preschool Programs

## Newly required preschool assessment

Districts and community partners operating state and federally funded preschool programs are required to assess all students using the Teaching Strategies GOLD online assessment system beginning in the fall. This includes programs funded through the Statewide Voluntary Preschool Program, Shared Visions At-Risk, Early Childhood Special Education Services, and Title I. It is recommended that districts assess students three times per year to inform classroom instruction and to make sound decisions about individual and group curriculum content and teaching approaches. The Iowa Code encourages districts to administer the assessment at least at the beginning and end of the school year.

Students in transitional, developmental kindergarten or kindergarten (students who are kindergarten age) are not required to be assessed with GOLD.

Districts currently using GOLD will renew their agreement with Teaching Strategies in July or early August. Districts not currently using GOLD may register by completing this form:

[http://www.teachingstrategies.com/page/GOLD\\_StateIowa.cfm](http://www.teachingstrategies.com/page/GOLD_StateIowa.cfm)

Teaching Strategies will contact all potential subscribers upon completion of the registration form to set up your agreement.

For additional information about GOLD, review this FAQ document: [http://educateiowa.gov/index.php?option=com\\_content&task=view&id=940&Itemid=1279](http://educateiowa.gov/index.php?option=com_content&task=view&id=940&Itemid=1279).

For more information about the Statewide Voluntary Preschool Program for 4-year-old children, contact Penny Milburn at [penny.milburn@iowa.gov](mailto:penny.milburn@iowa.gov) or 515-281-7844 or Amy Stegeman at [amy.stegeman@iowa.gov](mailto:amy.stegeman@iowa.gov) or 515-725-2273.

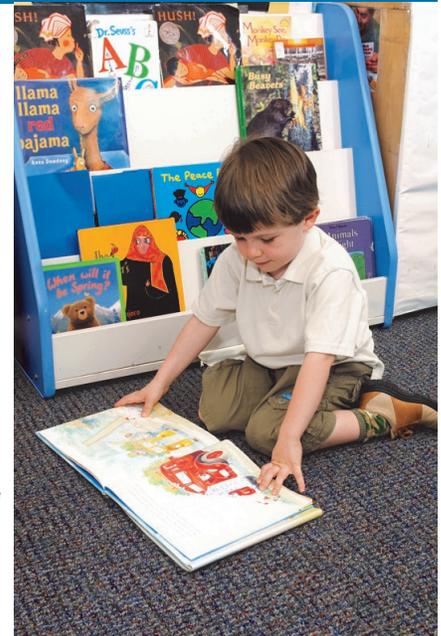
## Permissible use of preschool funding

Legislation adopted this year expands preschool program expenditures for approved local programs and community providers for professional development, instructional equipment, material and equipment designed to develop students' large and small motor skills, and for other direct costs. This means the above list of specific items can be considered a direct instructional cost beginning this month. Preschool foundation aid funding may not be used for constructing a facility.

Preschool foundation aid funding that remains unspent or unobligated at the end of the year should be used to build the program's capacity to serve additional students in the following year.

For additional information about the Statewide Voluntary Preschool Program, visit [http://educateiowa.gov/index.php?option=com\\_content&task=view&id=940&Itemid=1279](http://educateiowa.gov/index.php?option=com_content&task=view&id=940&Itemid=1279).

For information about the Statewide Voluntary Preschool Program for 4-year-old children, contact Penny Milburn at [penny.milburn@iowa.gov](mailto:penny.milburn@iowa.gov) or 515-281-7844 or Amy Stegeman at [amy.stegeman@iowa.gov](mailto:amy.stegeman@iowa.gov) or 515-725-2273.



### Immunization update aims at 7th graders

The Iowa Department of Public Health administrative rules requiring tetanus, diphtheria, and pertussis (Tdap) vaccines for students enrolling in 7<sup>th</sup> grade will be implemented at the beginning of the 2013-14 school year. The change will require a one-time booster dose of tetanus, diphtheria, and acellular pertussis-containing vaccine for applicants in grades 7 and above, if they were born on or after Sept. 15, 2000. This requirement is regardless of the interval since the last tetanus/diphtheria-containing vaccine. Further information and a variety of materials are available on the [IDPH Bureau of TB & Immunization website](#).

The Certificate of Immunization requirements table has been updated to include the new requirement. The updated Certificate of Immunization is available on the [Immunization Program webpage](#) and available to order from the Health Protection Clearinghouse by calling 1-888-398-9696 or completing the Immunization Program literature order form at [www.idph.state.ia.us/ImmTB/Products.aspx?prog=Imm&pg=Products](http://www.idph.state.ia.us/ImmTB/Products.aspx?prog=Imm&pg=Products).



***Continued from page 1, Interim Director Magee***

The Department and the Board of Educational Examiners have joined forces with Aspex Solutions, Inc., a human resources technology provider, to create a statewide marketplace for education jobs at no charge to schools. Training for school districts and area education agencies has begun, and the system will go live in early August. Until then, school district superintendents and AEAs will be able to start posting jobs (see p. 3 for more on that).

The Department will distribute additional guidance about education reform starting this month and throughout the 2013-14 school year. Stay tuned to your email, to School Leader Update or to the Department's website, [www.educateiowa.gov](http://www.educateiowa.gov), for FAQs and guidance letters. Please contact us with questions and thoughts that emerge as a result of the efforts to implement this new law.

As we travel down this path together, we can expect stops and starts along the way. But the relationships built through this effort will sustain us over time. If we focus our efforts on finding the best way to improve education in Iowa, generations of students, educators, and citizens will look back at this era in education with pride and admiration. I have no doubt that together we can accomplish this important work and create the best education system in the world.

Yours in service,

A handwritten signature in black ink, appearing to read "A. T. Chagel". The signature is fluid and cursive.



## Legislative Update

Contact Mike Cormack for all legislative items: [mike.cormack@iowa.gov](mailto:mike.cormack@iowa.gov) or 515-281-3399.

### Cormack at the Capitol

### No sleight of hand here: New laws on the books

On Feb. 9, 1964, 73 million Americans watched magician Fred Kaps perform his famous salt-shaker magic trick. The great Dutch artist was able to wow and amaze with his talent in the magic arts. I would be surprised if you haven't seen clips of the show he was on and some of the more senior readers of this column may have even watched it on that Sunday night.

Fred Kaps had the fortune or misfortune, depending on perspective, to perform on the Ed Sullivan Show on the same night that a young British musical act made its American television debut. For some reason, folks seem to remember that the Beatles made their American debut on that night, but Fred has largely faded into history.



Like the Beatles' American debut, much attention has been paid in Iowa to the comprehensive education reform measure that passed last session. But, much like the talented Mr. Kaps, other important action by the 2013 Iowa General Assembly may have been lost in the shuffle. Education reform was a "revolution," but I'll "let it be" this month and try to "help" guide you through other items worth "shout"ing about. It seems like "yesterday" I wrote about reform so I had better "get back" to the task at hand and "we can work it out" without being all "helter skelter" about it.



Let's get away from the bad puns and take a closer look at some of the items that might have received the Fred Kaps treatment this year.

The Iowa General Assembly continued its commitment by funding the Iowa Reading Research Center for another year. This is the second year of that program, and now that it is approaching operational status, there will be free technical assistance from the center in the coming year. Please pay good attention to materials you receive from the center and the services it will provide to help literacy efforts in your district.

For the first time in at least 15 years, the Legislature passed a code correction bill from our department, and we are appreciative. The only new policy in it is to allow the student member of the State Board of Education to serve two years instead of one without reappointment.

However, school business managers and superintendents should carefully read the guidance that comes forward on that, since many reporting dates and other technical changes have taken place in that document.

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## Legislative Update continued

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Background checks for all employees, with requirements similar to those passed in the previous years on school bus drivers, were passed this year. All employees will be placed on a five-year cycle to check that they are not listed on three major abuse registries in this state. Documentation that the checks were conducted must be maintained.

A suicide prevention task force will be appointed to study how schools can best deliver services in this area. It is a serious topic worthy of discussion and review to see what steps can be proactively taken .

Schools will be required to collect data from parents of their kindergarten and third-grade students regarding whether they have had a vision screening test. Senate File 419 is a Department of Public Health bill; that department will be establishing the rules, as well as guidance, on that topic. I share that since it is a new requirement for schools, even if we are not administering it.

Under House File 533, schools can establish an Entrepreneurial Education fund for groups such as Future Farmers of America to deposit funds in. In this particular case, it would allow investment by such groups in profit-making ventures. Should such profits occur, they would be rolled back into the fund that would be administered by the local district to be used for the purposes of the fund. Further guidance and review of the law should be done well beyond this informal summary that I am providing for interested districts.

House File 472 expands the scope of the current law for shared operational functions.

Guidance will be forthcoming from the Department for those districts currently or potentially engaged in this program.



This is not an all-inclusive list on the legislation passed by the Iowa General Assembly. More information will follow. With that, I hope you enjoyed my “Kapstone” project and look forward to a magical 2013 year in Iowa education.

“Hello, goodbye. ...”

As a side note, I have thoroughly enjoyed having the opportunity to meet and to know former Director Jason Glass. I wish him well in his future ventures. It has been a pleasure to work for him. He has served our state well.



## Legal Lessons

Contact Nicole Proesch for all Legal Lessons items: [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) or 515-281-8661

# Free speech, scholarship rule changes, and 'homeless' defined

## Happy Independence Day!

### Free Speech Principles

In honor of Independence Day, here is a review in chronological order of the top three free-speech cases relating to students and their free speech rights. Additionally, I have provided some case examples of historical developments in free speech for your review.

We the people . . .

### The First Amendment

*"Congress shall make no law...abridging the freedom of speech..."*

1. Absent either impingement on the rights of others or the likelihood of a substantial and material disruption at school, school officials may not regulate student speech at school. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 89 S.Ct. 733 (1969)
2. Lewd, indecent, objectively offensive speech by students may be regulated by school officials. *Bethel School Dist. No. 403 v. Fraser*, 478 U.S. 675, 106 S.Ct. 3159 (1986)
3. School officials may regulate speech that appears to promote illegal or harmful activity. *Morse v. Frederick*, 127 S.Ct. 2618 (2007). In this case the activity was illegal drug use.

Another important free speech case to note is *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562 (1988). In *Hazelwood* the United States Supreme Court ruled that school officials may regulate content of articles in school newspaper as school-sponsored expressive activity. **BUT – this is not true in Iowa.** Shortly after *Hazelwood* was decided, the Iowa Legislature enacted Iowa Code section 280.22, student exercise of free expression, giving public school students in Iowa the right to exercise freedom of speech, including the right of expression in official school publications, as long as the students do not express, publish, or distribute any of the following:

- a. Materials that are obscene.
- b. Materials that are libelous or slanderous under chapter 659.
- c. Materials that encourage students to do any of the following:
  - (1) Commit unlawful acts.
  - (2) Violate lawful school regulations.
  - (3) Cause the material and substantial disruption of the orderly operation of the school.

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## Developments in Student Free Speech

### 1. Gang symbols

Many states, including Iowa, have statutes authorizing school districts to adopt policies that prohibit the wearing of gang-related apparel or symbols. Such policies are not immune to a successful court challenge, however. For example, in *Stephenson v. Davenport Community School District*, 110 F.3d 1303 (8<sup>th</sup> Cir. 1997), an honor roll student successfully sued her district when she was told to remove a small cross tattoo from her hand on penalty of suspension with a recommendation for expulsion. The student showed that her body art preceded the district's ban on the same by two years, and that it was not indicative of any gang affiliation. The Eighth Circuit Court of Appeals' ruling in the student's favor came down to a determination that the district's policy was void for vagueness.

### 2. "Cohen's jacket"

While the case of *Cohen v. California*, 403 U.S. 15 (1971) is not a school case (indeed, it is a criminal appeal), it has given rise to the oft-used expression (used by Justice Burger in the *Fraser* case) that students have the right to "wear Tinker's armband, but not Cohen's jacket."

Paul Cohen, while walking through the halls of the Los Angeles County Courthouse, wore a jacket bearing the plainly visible words "F--- the Draft." Cohen was convicted of "maliciously and willfully disturbing the peace ... by offensive conduct." The contrast of "*Cohen's jacket*" against "*Tinker's armband*" is not unflawed. However, the expression does offer a useful example of where public schools may draw the line regarding student expressive speech. Cohen's jacket also presents a good example of "fighting words," that is, speech (including symbolic speech) designed to provoke and disturb others to an extreme.

### 3. Free speech vs. harassment

Recall that one exception in *Tinker* whereby school officials may regulate student speech is if the student speech impinges upon the rights of other students. Therein lies the tension at the heart of those T-shirts adorned with "demeaning slogans, phrases or aphorisms relating to a core characteristic of particularly vulnerable students...that may cause them significant injury." *Harper v. Poway Unified School Dist.*, No. 04-1103 (S.D. Cal. 2/11/08).

The *Harper* court allowed the school district to ban the Harper children's T-shirts, which communicate negative messages toward homosexuality. The front of one shirt read, "I WILL NOT ACCEPT WHAT GOD HAS CONDEMNED." The front of the second shirt read, "BE ASHAMED, OUR SCHOOL EMBRACED WHAT GOD HAS CONDEMNED." The backs of both shirts read, "HOMOSEXUALITY IS SHAMEFUL, Romans 1:27." On remand from the Supreme Court, the 9th Circuit later found the issue was moot because the students were no longer students and qualified immunity applied to protect from liability those school officials sued in their individual capacities. The Court dismissed the case. *Harper v. Poway Unified School Dist.*, 318 Fed.Appx. 540 (9<sup>th</sup> Cir. 2009). In contrast, a different court ruled that a school district must allow a high school student to wear a T-shirt bearing the message "Be Happy, Not Gay." *Nuxoll v. Indian Prairie School Dist. #204*, No. 08-1050 (7<sup>th</sup> Cir. 4/23/08). These are but two cases that demonstrate that balancing rights of free speech of students with protecting other students from offensive comments is tricky business. There are no "one-size-fits-all" solutions.

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## Legal Lessons continued

*Continued from page 9*

4. Bong HiTS 4 Jesus [*Morse v. Frederick*, 127 S.Ct. 2618 (2007)]

The U.S. Supreme Court held in *Morse* that a school may restrict student speech that is harmful, such as speech that appears to promote illegal drug use. It remains to be seen how far-reaching the effects of this holding will be. (For instance, if a school can demonstrate that certain student speech will lead to a decline in test scores or increased truancy, may the school intercede? How about speech that leads to more dental decay in students?)

The immediate benefit of the *Morse* decision was to High School Principal Deborah Morse and all public school administrators and board members everywhere. The Supreme Court's ruling undid the Ninth Circuit's decision that Principal Morse was not entitled to qualified immunity from the suit because the law in this area was so well settled that she should have known that it was wrong for her to take the banner away from young Mr. Frederick (now a teacher himself) and to punish him for its display.

5. Free Speech vs. Facebook. High school student sued district, alleging her suspension from school for creating a group on a social networking website to express dislike for a teacher violated her right to free speech. On her own time and from her own computer, she created a Facebook page titled "Ms. [Teacher's Name] is the worst teacher I've ever met" as an electronic "place" for students to express their feelings about the teacher. Some postings were supportive of the teacher; no postings were threatening. The teacher never saw the page, and it did not disrupt school activities. The student removed the posting after two days. After she removed it, the teacher found out about the page. The student prevailed; the court overturned her suspension for "disruptive behavior." *Evans v. Bayer*, 684 F.Supp.2d 1365 (S.D. Fla. 2010).

6. My Space vs. My Teacher. A senior with no disciplinary history and who was academically successful decided just before the Christmas recess to create a "parody profile" of one of the high school principals on MySpace.com. The profile was juvenile in its conception, vulgar in parts, and crude. It did not provide a flattering profile of the principal. The student did not use school equipment or school time to develop the profile. The court determined that the student's off-campus speech did not result in a substantial disruption of school operations; therefore, it granted summary judgment to the student. *Layshock v. Hermitage School District*, 496 F.Supp.2d 587 (W.D. Pa. 2007)

A year later, another federal trial court in Pennsylvania reached the opposite conclusion, ruling that school officials did not violate a student's free-speech rights by disciplining her for creating a parody online profile of her principal, and granting the school's motion for summary judgment. As in *Layshock*, the student here created a fake MySpace profile and used a photo of the principal from the district's Web site. The personal profile section depicted the principal as a pedophile and sex addict. The court here found that *Fraser's* regulation of lewd and vulgar speech applied. *J.S. v. Blue Mountain School District*, No. 07-585 (M.D. Pa. 9/11/08)

Both cases were appealed to the Third Circuit Court of Appeals, which decided in favor of the students in both cases. The school district in *Layshock* appealed this case to the U.S. Supreme Court and on January 17, 2012, the court denied hearing the case leaving the ruling in favor of student's free speech.

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<sup>1</sup>See, e.g., Iowa Code § 279.58: "... The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school."

<sup>2</sup>Amy Stephenson chose to undergo presumably painful removal of the tattoo so as not to miss any class time.

<sup>3</sup>Justice Harlan, writing for the majority (Cohen was a 6-3 decision), took pains to note that Cohen removed his jacket and folded it over his arm before he entered a courtroom (traffic court) in the building.

# Legal Lessons continued

*Continued from page 10*

## **Scholarship Rule Changes**

With the assistance of the executive directors of the Iowa High School Athletic Association and Iowa Girls High School Athletic Union, we have drafted updated guidance on the scholarship rule, which is available at the following link: [http://www.educateiowa.gov/index.php?option=com\\_docman&task=doc\\_download&gid=15481&Itemid=4434](http://www.educateiowa.gov/index.php?option=com_docman&task=doc_download&gid=15481&Itemid=4434)

Of particular note is the following change in the guidance:

The school shall have up to three school days after the end of the grading period to notify the athletic administrator of the final grade for an eligible grading period. If at the end of the third school day the athletic administrator has received no notifications, then it is the responsibility of the athletic administrator to find out what the grades are. In any case, the period of ineligibility starts no later than the fourth school day after the grading period. The administration has the responsibility to immediately notify the athletic administrator of a failing grade. Local school districts should, to the maximum extent possible, start the period of ineligibility on the same day for all of its students.

This guidance is also available on the websites of those organizations, [iahsaa.org](http://iahsaa.org) and [ighsau.org](http://ighsau.org). The last page of the document is the updated list of first allowable date of competition in each sport for the 2013-14 school year.

## **Education for Homeless Definition Update**

Due to several questions regarding the definition of homeless throughout the school year, we have better aligned our guidance document with the Iowa Administrative Code. Please see the changes to the definition below.

### **Education for Homeless**

#### **Iowa Administrative Code - IAC [281] Ch 33**

- A homeless child or youth ages 3-21;
- A child who lacks a fixed, regular and adequate night-time residence and includes the following:
- A child who is sharing the housing of others (includes doubled-up families) due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, or camping grounds due to the lack of alternative accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital, or is awaiting foster care placement.
- A child who has a primary night-time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for humans beings;
- A child who is living in a car, park, abandoned building, substandard housing, bus or train station, or similar setting;
- A migratory child/youth who qualifies as homeless because of the living circumstances described above; or
- Youth who have runaway or youth being forced to leave home.

For additional information, see the following link. [http://www.educateiowa.gov/index.php?option=com\\_docman&task=doc\\_download&gid=15482&Itemid=4434](http://www.educateiowa.gov/index.php?option=com_docman&task=doc_download&gid=15482&Itemid=4434)

## **School Safety Tips brought to you by the Iowa School Safety Coalition (ISSC)**

### **Lockdown Procedures**

This month the focus area is on Lockdown Procedures. Please see the Bulletin from ISSC: [https://educateiowa.gov/index.php?option=com\\_docman&task=doc\\_download&gid=15474&Itemid=4434](https://educateiowa.gov/index.php?option=com_docman&task=doc_download&gid=15474&Itemid=4434)

## Breaking through to Iowa's kids

Read about how one school broke through the barrier of challenging behavior with the help of Heartland Area Education Agency and the Iowa Department of Education. This is a great example of how the schools, AEAs, and the Department work together to benefit students:

[http://www.educateiowa.gov/index.php?option=com\\_content&view=article&id=2885:breaking-through-challenging-behavior&catid=666:headlines](http://www.educateiowa.gov/index.php?option=com_content&view=article&id=2885:breaking-through-challenging-behavior&catid=666:headlines)

## Calendar

- July 1 • New Joint Employment Whole Grade Sharing Applications due
- July 15 • District Certification for free lunch, initial posting

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