

School Leaders of Iowa May 2003

Bureau of Administration and School Improvement Services Iowa Department of Education

(This document is also available on the DE web site.)

<http://www.state.ia.us/educate/ecese/asis/index.html>

"The improvement of understanding is for two ends: first, our own increase of knowledge; secondly, to enable us to deliver that knowledge to others."

-- John Locke

1. **Annual Progress Report (APR) Checklist for the 2002-03 School Year.** The requirements for the 2002-03 APR will be distributed to school districts and accredited nonpublic schools by May 15, 2003. This year, separate APR checklists will exist for public and nonpublic schools to accommodate NCLB requirements for school districts. Technical assistance for new NCLB requirements for school districts will be contained within the APR checklist.
Contact: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us
2. **Comprehensive School Improvement Plan (CSIP) Checklist—Plans Due September 2004.** All school districts and accredited nonpublic schools will submit new five-year CSIPs in the fall of 2004. The Department is working to incorporate new regulatory obligations under NCLB into a comprehensive school improvement management system for Iowa. This re-design of the CSIP and accompanying technical assistance should be distributed to schools by early fall.
Contact: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us
3. **Action for Healthy Kids: Eat Smart, Play Hard Summit, Tuesday, June 17.** The Partners for Healthy Kids Coalition, a group of over 25 Iowa education and health organizations, invites you to attend this summit to learn how community partners, community health leaders, and school staff can work together to shape a school environment to encourage children to make smart food choices and be active every day. The Iowa summit is a follow-up to a National Summit held last October. The summit will include information regarding the national initiative as well as examples of what is happening in Iowa to provide healthy nutrition and physical activity environments. Schools and interested community members are encouraged to attend as teams. Because there will be no fee to attend the conference on the campus of Iowa State University, registration will be limited, so register now! The complete conference agenda can be viewed on line at the following web address: <http://www.uca.iastate.edu/603/kids.htm>. Click on the download registration brochure or register on line.
Contact: Molly Pelzer with Midwest Dairy Council at mpelzer@midwestdairy.com, phone 563-886-6020, or Ruth Litchfield with Iowa State University Extension at litch@iastate.edu, phone 515-294-9484, or Julia Thorius with the Bureau of Food and Nutrition, Iowa Department of Education Julia.Thorius@ed.state.ia.us, phone 515-281-4757
4. **Iowa Demonstration Construction Grant Program.** The Department has been awarded \$7 million for another round of the Iowa Demonstration Construction Grant Program. More information will be available as the new application is developed. Plan to see the request for applications in the fall.
Contact: Milt Wilson, 515-281-4743, milt.wilson@ed.state.ia.us

5. **Iowa Code Immunization Changes.** The Iowa Department of Public Health's omnibus bill (House file 641) passed the legislature and was signed by Governor Vilsack. The law contains two Immunization Program changes. The first is a Varicella (chickenpox) immunization requirement for children entering kindergarten and enrolling in licensed childcare. Secondly, nurse practitioners and physician assistants may sign the immunization medical waiver form. Currently the Department is working on Iowa Administrative Code revisions. *Suggested proposed revisions* include the following:
- Children 18 months of age and older who are enrolled or attempting to enroll in a licensed child-care center shall receive at least one dose of Varicella vaccine or have a reliable history of natural disease,
 - Children 4 years of age and older who are enrolled or attempting to enroll in a public or nonpublic elementary or secondary school shall receive at least one dose of Varicella vaccine if born on or after September 15, 1997, or have a reliable history of natural disease. This dose shall have been received on or after the applicant was at least 12 months of age.

These changes would go into effect July 1, 2003, which means that Varicella will be required for the 2003-04 school year. Once the rules have been revised you will receive a copy.

Contact: Marnell Kretschmer, IDPH Immunization Program Manager, 515-281-4917.

6. **Carpenter School Bus Safety Concern.** Certain Carpenter brand school bus bodies may have potentially dangerous cracks in their roof bow body structure. This problem was first found in the roll over accident of a Carpenter bus in the state of Florida several weeks ago where the bus roof collapsed down to the seat line. Luckily, no students were on board the bus at the time of the accident. A post-crash investigation revealed that a large percentage of structural welds in the roof bows had failed. Had students been on board the bus, there likely would have been some serious if not fatal injuries.

Several Carpenter buses in Iowa have already been identified as having these same potentially dangerous cracked or broken welds and have been taken out of service until repairs can be made. These cracks appear to be found in Carpenter buses built between 1986 and 1995. A complete inspection can be accomplished by local district mechanics by completely removing the dome light panel above the side windows on each Carpenter bus. Every Iowa district needs to be aware of this potentially dangerous problem and deal with it in whatever manner the district deems appropriate. Repair costs vary depending on who repairs the bus and how severe the cracking has been. For more information and pictures of where to look for potential cracks, go to the following web address: www.schoolbusinfo.org/press.htm#sbic.

Contact: Max Christensen, 515-281-4749, max.christensen@ed.state.ia.us

Legal Lessons

The contact person for each legal lesson is Carol Greta, 515-281-5295, carol.greta@ed.state.ia.us

7. **Unsafe School Choice Rules.** Section 9532 of NCLB requires each State to define an "unsafe school" and to implement a statewide policy specifying how a student can transfer out of an unsafe school. The State Board of Education has endeavored to define "unsafe schools" to protect students and to accurately reflect the safety of Iowa's schools. These rules are effective May 7, 2003; they may be viewed at <http://www.legis.state.ia.us/Rules/2003/iac/281iac/28111/28111.pdf>.

Rules Summary:

An "unsafe school" is one that meets ALL of the following criteria FOR THREE CONSECUTIVE YEARS:

- The school (i.e., individual attendance center) has at least 1% of the student population in that building that has been expelled or suspended for more than 10 days for acts of violence in which another student has been physically injured or threatened with physical injury on school grounds or at a school-sponsored activity.

- At least 2 students have been expelled for violations of gun-free school laws.
- Five students or 1% of the student population (whichever is greater) have exercised the individual student option.

The individual student option is available to students who are victims of violent crimes at school during regular school hours or at school-sponsored activities. Such students must be permitted to transfer to another attendance center within the district at the time of the incident or shortly thereafter.

The list of violent crimes is in the rule. If questions arise about whether the conduct of a student constitutes one of the crimes listed, county attorneys are a resource to contact, in addition to Carol Greta.

8. **Contracts Between Districts and Cities.** Last month, the Iowa Supreme Court filed an opinion in a case involving a school district and a city. The two governmental entities had an agreement, signed by the city administrator and the district superintendent, regarding a wind turbine. The substance of the agreement was not at issue. The problem is that the city council had never passed a motion, resolution, or ordinance to approve this agreement.

All was well for a year or so. Then a new mayor was elected to office who questioned the validity of the agreement. Eventually, the city sued the school district. The Supreme Court reluctantly agreed with the city that the agreement was void because Iowa Code § 364.3(1) provides that a “city council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance.” The city had the right and the power to enter into its agreement with the district, but, as the Court stated, “ANY contract with a city entered without a formal motion, resolution, amendment or ordinance is void.”

The Court acknowledged that this is not going to be a popular decision, and that the equities – although not the law – seem to favor the district. But in the end, the Supreme Court concluded that its ruling “is nevertheless demanded.” The legislature considered it of first importance for city officials to observe formal requirements before obligating taxpayers to finance the affairs of city government. “Any party, including even another public entity like a school district, must yield to those set formal requirements.”

The lesson to be derived from this case: make sure (or have your attorney make sure) that the other party to your contracts and agreements has entered into the agreement in accordance with all legal requirements.

The full opinion may be viewed at this address:

<http://www.judicial.state.ia.us/supreme/opinions/20030402/02-0058.asp?printable=True>.

9. **Firearm Safety Instruction.** Questions have arisen from districts that provide or make available instruction to students wherein students are taught about firearm safety/self-defense and how to safely fire a gun.

First, the Department does not require firearm instruction to be part of any school or school district's curriculum.

Second, there are no statutory or regulatory prohibitions against making such instruction available to students. However, be aware that such instruction may send a mixed message to students and their families. Note: The Gun-Free Schools Act (Iowa Code section 280.21B) compels the expulsion of a student who brings a firearm to school or to a school-sponsored event.

One way to deal proactively with potential criticism from parents is to ask the school board to study the matter, make a determination whether firearm instruction is more beneficial than harmful (or confusing) to students, and to pass a resolution to that effect. Again, there is no prohibition to this type of instruction being provided or made available by districts. Nor is there a requirement that

districts have board policy authorizing the instruction. Just be aware that questions may arise because of the seeming inconsistency with the Gun-Free Schools Act.

10. **Attendance Policies.** Thinking of reviewing/amending your district's attendance policy? In 1997 the State Board of Education enumerated some helpful guidelines about attendance. Here are pertinent excerpts of that document (which is not yet available on the Department's web site):

Iowa Department of Education Attendance Policy Guidelines – April, 1997

Educational Need and Attendance

- A school district's primary obligation is the education of its students.
- Because a student's unwillingness to attend school may be caused by his or her limited academic success, school districts are obligated to provide reasonable educational alternatives or supports for those students at risk of not succeeding academically.

Discipline and Attendance

- School districts have an obligation to provide a learning environment that is safe and orderly to support the academic success of all students. This means that school districts must set reasonable expectations for student behavior, including school attendance, and may impose reasonable sanctions when those expectations are not met, subject to provision of legal due process.
- Students should not be subject to sanctions for failure to attend school if lack of attendance is beyond the control of the student. Some absences should be excused without disciplinary penalty. Illness, school-sponsored trips, or "unavoidable" occurrences would be examples of excused absences. It is also reasonable to require a doctor's verification of the illness in some circumstances. It is not reasonable to do so in every case because to do so may work a hardship on families with limited or no insurance or families with working parents. Additionally, if a student has frequent absences or prolonged absences due to illness, the district is advised to determine whether or not the student has a handicap or disability under the provisions of Section 504 of the Rehabilitation Act of 1973.
- School districts may define by policy what are excused and unexcused absences. The school makes the determination of whether an absence is excused, not by the parent.
- A district may adopt a number of "allowable" unexcused absences. Five to seven per semester would not seem to be unreasonably low, although this number must be set locally.
- Excused and unexcused absences should not be combined for the imposition of sanctions under an attendance policy.
- Absences should not include suspensions or classes missed because of attendance at a school-sponsored trip or activity.
- The attendance policy must be clearly written so that parents and students understand what behavior is unacceptable. The policy must be properly adopted by the board and disseminated to parents and students.
- The policy must be reviewed at least every five years per 281—IAC 12.3(2).

Issues of Attendance and Academic Credit or Grade Reduction

Grade Reduction. Significant lack of attendance in a course of study might reasonably be expected to negatively affect academic performance, and thus negatively affect a student's grade in that course. Grade reductions may result from absences in the following situations:

- Failure to attend make-up sessions as assigned for the completion of make-up work.
- If points or percentages for attendance and participation are given, the denial of those points or percentages for absenteeism is a reasonable practice (but make sure all students in the course know such a policy).
- Additional work may be assigned to compensate for class time lost due to absences. The failure to complete make-up assignments satisfactorily within a reasonable time is a separate act and constitutes grounds for reduced credit.
- Because a student's report card must be an accurate representation of the student's academic achievement, the report card must indicate whether grades have been reduced for absences.

No Credit. An attendance policy may provide that students will receive no credit after exceeding a number of unexcused absences. An attendance policy providing that students may be dropped from a class because of excessive unexcused absences should make reasonable provisions for alternative classes or activities within the parameters of the district's resources.

- The reasonableness of alternatives will vary with district resources and might range from night school to Saturday tutoring sessions to participation in community service.
- The total number of unexcused absences required before no credit is given should be reasonable. Dropping a student from a course after fewer than five or six unexcused absences appears to be an unreasonable sanction.

Bear in mind that the primary purpose of an attendance policy is educational rather than disciplinary. These are not easy issues, but districts do not have to “go it alone.”