

School Leaders of Iowa November 2002

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. **Demonstration Construction Grants Awarded.** The Department made announcements this month that the Iowa Demonstration Construction Grants were awarded in the amount of 50 million dollars. For a list of recipients for Fire Life Safety and Construction please check the following address:
<http://www.state.ia.us/educate/ecese/asis/si/idcgp/index.html#flsgawd>
Contact: Milt Wilson, 515-281-4742, <http://www.edfacilities.org/>

2. **Waiver Request for Early Calendar Start for the 2003-04 School Year.** Iowa Code subsection 279.10(4) allows the Board of Directors of a school district to make a request to the Director of the Department of Education to "commence classes for regularly established elementary and secondary schools prior to the earliest starting date specified in subsection 1." If a school district wishes to start the 2003-04 school year prior to the first week in September (unless September 1 falls on a Sunday—then classes may begin during the preceding week), it must apply for a waiver for early school calendar start pursuant to Iowa Code section 279.10.

September 1, 2003 falls on a Monday. As a result, if school district wishes to start school on any date prior to the week of September 1, 2003—August 29 or before, it must make a waiver request through the spring Basic Educational Data Survey (BEDS). By making this request through BEDS, the school district makes the commitment to comply with all statutory requirements pursuant to Iowa Code section 279.10:

- The Board of Directors of a school district has held a public hearing on the early start calendar waiver request for 2001-02 prior to spring BEDS. This hearing can be conducted at a regular school board meeting as long as public has the opportunity to speak to early calendar start.
- The Board of Directors of a school district has determined that a starting date on or after the earliest starting date specified in Iowa Code section 279.10 subsection 1 will have a significant negative educational impact.

Contact: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us

3. **Nonpublic Schools: Application for Accreditation Status.** Nonpublic schools in Iowa that are not accredited pursuant to 281—IAC Chapter 12 and wish to pursue accreditation status will be able to access the application form, the accreditation process, and legal requirements through the Department's web site at this address:
Contact: Julie Melcher, 515-281-6293, julie.melcher@ed.state.ia.us

4. **Legislative Changes to Nonpublic Transportation Reimbursement: Effective Now.** House File 2515 of the 2002 legislative session included two major changes in the **parent reimbursement** portion of the nonpublic student transportation reimbursement program effective July 1, 2002 and applicable to the 2002-2003 school year. Iowa Code section 285.3 was stricken by the legislation and in its place the following language was inserted:

- A parent or legal guardian of a student attending an accredited nonpublic school, who furnishes transportation for the student pursuant to section 285.1, subsection 17, paragraph “c”, and who meets the requirements of subsection 2 (below) of this section, is entitled to reimbursement equal to an amount calculated under the provisions of section 285.1, subsection 3. In addition, a parent or guardian who transports one or more family members more than four miles to their nonpublic school of attendance shall be entitled to one supplemental mileage payment per family, per claim period, equal to thirteen percent of the parental reimbursement for the claim period rounded to the nearest whole dollar. (Emphasis added.)

Explanation of Change #1: Previously, the supplemental mileage payment amount could not be calculated until all district claims had been submitted. This legislation now provides the DE with an immediate method for calculating the supplemental payment, which shall be 13% of the parent reimbursement amount when calculated as per Iowa Code section 285.1, subparagraph 3. The supplemental mileage payment will now be known in advance of certifying the district’s claim and displayed directly on Form 2, “Parent Reimbursement” of the Department’s on-line data entry application. This amendment should provide for a more rapid turn-around in processing all claims.

- To qualify for parental reimbursement under subsection 1, a parent or guardian of a student attending an accredited nonpublic school who furnishes transportation for the student in accordance with this section, shall submit a notice of nonpublic school attendance to the resident public school district, notifying the district that the student is enrolled in and will attend an accredited nonpublic school during the period for which parental reimbursement is being requested. The notice shall be filed with the resident public school district not later than December 1 for the first semester claim and May 1 for the second semester claim each year. The notice shall include the parent’s name and address, the name, age, and grade level of the student, and the name of the nonpublic school and its location. The resident public school district shall submit claims for reimbursement to the department of education on behalf of the parent or guardian if the parent or guardian meets the requirements of this section.” (Emphasis added.)

Explanation of Change #2: This language establishes notification deadlines for parents or guardians of nonpublic students requesting to receive parent reimbursement for transporting their nonpublic students to and from accredited nonpublic schools. Nonpublic parents must now notify their resident public school district by filing a parent reimbursement request along with specified information, in writing, by December 1 and May 1 each year.

It is suggested that public schools notify patrons of the district as soon as possible of these deadlines through whatever methods of communication normally used by the district to share school-related information. Nonpublic parents failing to notify the district by the established deadlines will be considered not eligible for reimbursement for that claim period and need not be included with the district’s claim. The purpose of this amendment is to eliminate late notifications and claim amendments beyond the established deadlines. A sample “NONPUBLIC PARENT REIMBURSEMENT REQUEST FORM” will be available in the transportation forms section of the Department’s web site soon at the following address: www.state.ia.us/educate/ecese/asis/trans/documents.html and by selecting “Forms” from the menu. A district may request that nonpublic parents use this form or one that has been designed and/or approved by the public school district.

Contact: Carol Greta, 515-281-5295, carol.greta@ed.state.ia.us

5. **Open Enrollment School Transportation Assistance Payment: 2002-03 School Year.** If a parent/guardian qualifies for school transportation assistance, a request for that assistance should be filed with the resident district. An application for free and reduced lunch must be filed in order to determine eligibility. School transportation assistance is available only between contiguous districts pursuant to Iowa Code subsection 282.18(10), and expenses incurred by the resident district when it provides school transportation assistance may be deducted from the cost per pupil amount being sent to the receiving district for an open enrollment pupil. If open enrollment starts after the start of the school year, the cost of providing the transportation may be prorated.

IMPORTANT: If a parent/guardian qualifies for school transportation assistance, the resident district has the right to determine how the transportation assistance will be provided. The type of transportation assistance is not a parent/guardian choice. The resident district may meet its statutory obligation in one of three ways:

- The resident district may actually provide transportation for the pupil(s) to a stop on the bus line of the receiving district.
- The resident district may allow the receiving district to enter the resident district to pick up the pupil(s) if the receiving district requests this arrangement. If either the sending or receiving district does not approve the arrangement, the resident district is still obligated to provide transportation assistance.
- The resident district may provide a parent/guardian reimbursement.

If the resident district chooses the parent/guardian reimbursement, the amount to be paid is the **lesser** of the following:

- a) The parent reimbursement amount as calculated in accordance with Iowa Code section 285.1(3). Parent reimbursement is limited to reimbursement for a maximum of one high school student and three elementary students per family. This amount is **\$298.00** for the 2002-03 school year **or**
- b) The resident district's average cost per pupil transported for the previous school year as calculated and shown on the district's Annual Transportation Report submitted to the Iowa Department of Education.

The updated table below contains the income eligibility guidelines used to determine whether a parent/guardian qualifies for open enrollment school transportation assistance. This material reflects the revisions made in the Federal Poverty Guidelines effective July 1, 2002 through June 30, 2003. **If a parent/guardian falls within these guidelines, he/she qualifies for school transportation assistance.**

Open Enrollment School Transportation Assistance Income Eligibility Guidelines (Effective July 1, 2002 through June 30, 2003)			
Household Size	Maximum Income		
	Annual	Month	Week
2	19,104	1,592	368
3	24,032	2,003	462
4	28,960	2,414	558
5	33,888	2,824	653
6	38,816	3,235	747
7	43,744	3,646	842
8	48,672	4,056	936
Each additional member	4,928	411	96

Definition of Income: "Income" means income before any deductions such as income taxes, social security taxes, insurance premiums, charitable contributions, and bonds. Income includes the following: a) monetary compensations for services, including wages, salary, commissions or fees; b) net income from non-farm self-employment; c) social security; d) dividends or interest on savings or bonds or income from estates or trusts; e) net rental income; f) public assistance or welfare payments; g) unemployment compensation; h) government civilian employee or military retirement, or pensions or veterans payments; i) private pensions or annuities; j) alimony or child support payments; k) regular contributions from persons not living in the household; l) net royalties; and m) other cash income including income farm income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources. Income does not include any income or benefits received under any federal programs that are excluded from consideration as income by any legislation prohibition.

Contact: Lois Irwin, 515-281-8582, lois.irwin@ed.state.ia.us

6. **School Bus Transportation Supervisors and Administrators: Vest Restraint Systems Rule.** On Tuesday, October 22, the National Highway Traffic Safety Administration issued an Interim Final Rule relating to the use of vest restraint systems on school bus seats.
 - The Interim Final Rule will have significant impact on school and Head Start transporters in that it **approves immediately** the use or continued use of "*all vests that are manufactured for use on school bus seats*" through December 31, 2002. This approval applies to vests that schools currently own. Effective February 1, 2003, the rule extends the exemption to vest systems that will bear the following warning label: *Warning! This restraint must only be used on school bus seats. Entire seat directly behind must be unoccupied or have restrained occupants.*
 - On December 1, 2003 all of the above exemptions terminate, and NHTSA will decide at that time whether to allow continued use of these vest systems on school bus seats on a permanent basis.
 - NHTSA's decision will depend upon comments relating to this docket that are submitted by December 23, 2002. If schools want NHTSA to permanently exempt these vest systems after December 1, 2003 they need to send their comments to the docket address shown on the first page of the notice in the Federal Register or to submit comments electronically as directed in the notice. Let NHTSA know how these systems are being used, why it is important that schools be permitted to continue vest use, and these vests impact the safety of Iowa students.
 - Please access and read carefully the rule in the Federal Register through the following web site: <http://dms.dot.gov/search/searchResultsSimple.cfm>. Once you are at this web site, enter the docket number 12065 on the line to the right of the word "Docket Number" and press "Search."

7. **School Transportation e-Library Resource Now Available for Purchase.** Several months before leaving state government, Terry Voy, Department transportation consultant, had become aware of a project being undertaken in the State of Michigan by school transportation officials and a company by the name of HMS (Help Me Street) Compliance of Dewitt, Michigan. HMS researched and created a school transportation resource by using non-proprietary, state-of-the art, best practice school transportation program information, manuals, policies, and other information from across the nation. HMS synthesized and organized this information into an easy-to-use computer data base and placed the entire library on a CD-ROM. Need a student/parent transportation handbook or a garage manual with sample maintenance forms? Or possibly an employment practices manual including job descriptions of all transportation job classifications, including job application forms and interview questions that can (and cannot) be asked? Need a staff evaluation form, hiring guidelines, or a "just cause/due process procedure? What about a special needs manual and IEP workbook for transportation personnel? Or a copy of the federal drug and alcohol testing regulations? Maybe the district could use sample "safe-walk" criteria for determining transportation eligibility or sample policies ranging from student discipline to school bus operations. The library contains all of these samples that users can cut, paste, and modify to create local driver, supervisor, student, or parent school transportation handbooks.

HMS is currently providing its e-Library services to several other states: Georgia, Maine, New York, Texas, Ohio, Indiana, Illinois, California, North Carolina, and Virginia. These states, like Iowa, had been considering the development of various manuals and resources for school transportation personnel; however, the time or resources to accomplish the task and maintain the library was prohibitive.

Last July, the e-Library concept was demonstrated to attendees of the Annual Transportation Conference in Des Moines. Attendees expressed interest that the Department pursue the development of an Iowa-specific e-Library. An agreement was signed with HMS to pay for development costs of the Iowa-specific component to the basic e-Library and, in turn, make the e-Library available to Iowa schools this fall at a significantly reduced price.

The Department is pleased to announce that the first edition of the Iowa version is now available from HMS. Districts will soon be receiving information from HMS regarding the **Transportation e-Library**. Districts are under no obligation to purchase the product, however, are encouraged to request a free e-Library demonstration disk and review its 2,300+ pages of school transportation information. Districts can obtain a free demonstration CD and pricing information by contacting HMS at 800-976-4631.

8. **Comprehensive School Reform (CSR) Applications.** The 2003 Comprehensive School Reform (CSR) grant application will be posted on the Department of Education's web site the week of October 14, 2002. The direct web site address will be <http://www.state.ia.us/educate/ecese/asis/csrd/index.html>. These applications will be due December 4, 2002. Elementary, middle, and high school buildings are eligible to apply.

To help schools with their grant applications, a CSR Best Practice Fair will be held on November 6, 2002. Schools will have the opportunity to learn about different models and the integration of these models at the building level and throughout the district. Invitations for the fair were sent to schools on October 4, 2002. Registration is on a first come, first serve basis, and registration is required for attendance.

Contact: Nancy Luers, 515-242-5612, nancy.luers@ed.state.ia.us

9. **Charter Schools.** Iowa's application for Charter Schools was determined "not eligible" by the U.S. Department of Education. No program will be implemented at this time.
10. **Student Information for Military Recruiters.** Section 9528 of the No Child Left Behind Act requires schools to provide information on students to military recruiters. Information that is attached with this update includes a joint letter from Secretaries Paige and Rumsfeld, the guidance, and model notification. (The model notice should not be merged with the guidance because it needs to stand alone and will be used year after year.)

Generally speaking, Local Education Agencies (LEAs) that are recipients of ESEA funds must provide, upon request, students' names, addresses, and phone numbers to military recruiters. Typically, recruiters are asking for information about juniors and seniors. If the LEA has an effective "directory information" policy under FERPA, and those three items are included in the FERPA "directory information" notification, then the school must provide this information to recruiters--and may do so without doing a specific notice to parents. On the other hand, if the LEA does not have a "directory information" policy and/or does not designate any of those three items as "directory information," then the LEA would have to do a separate, specific notice to parents (presumably of the juniors and seniors) and allow the parents (or students 18 or older) to opt-out.

(See attachments.)

Legal Lessons

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

11. **Public Records includes Electronic Records.** Iowa's Public Records Law (Iowa Code chapter 22) applies to records stored or preserved in any form, including electronic records.
 - The public's right to examine and copy records applies whether a record is on paper or stored in a computer. However, access to an electronic record *does not* include access to the computer on which the record is stored.
 - If a member of the public requests a copy of an electronic record, it must be provided in a format usable with commonly available data processing or data base management software, if the record is requested in electronic form. (A paper copy of an electronic record, of course, may be requested. But if the requester wants an electronic--not a paper--copy, the public entity must comply.)
 - Charges for copies of electronic records generally must not exceed the reasonable cost of reproducing and transmitting the record. If a person wants a record that requires special processing to produce, the public entity can charge the cost of the special processing.
 - As with paper records, if electronic records contain some information that is confidential, a public entity must devise a way to make the public part of the information available while protecting the confidential information. When purchasing or designing software, do so with this in mind.
12. **Access of Military Recruiters to Student Information.**
 - If a district's definition of "directory information" includes a student's name, address, and home phone listing, this information must be withheld from military recruiters for students whose parents have chosen to opt-out of having the directory information disclosed to any requester.
 - If a district's definition of "directory information" does not include any of the above three items (student's name, address, and home phone listing), this information must be provided to military recruiters unless the district has provided a separate, specific notice to parents, allowing the parents to opt-out.
 - If a student is 18, s/he may make the decision whether to opt-out of having any or all directory information withheld from all requestors or from specified requestors of information.
 - IASB has a model policy and model forms developed for districts' convenience in implementing this important part of the No Child Left Behind Act.
13. **Miranda Warnings of Students When Questioned at School.** More courts across the country are finding that when a student is subjected to a "custodial interrogation" in a school setting, the *Miranda* warning must first be given. The most recent court to rule this way also devised a workable objective test for determining custodial status.

Case Summary: The court was the Wisconsin Court of Appeals, in a case that involved a 12-year-old student with disabilities (ADHD and borderline intellectual ability) who had a history of disruptive behavior and who was suspected of burglarizing his neighbor's house. A local police officer, dressed in uniform with sidearm displayed, came to school to question the student in the principal's office. The student's mother was never called, the student was never advised that he had a right to have a parent present and to decline to talk, and eventually the officer got a confession out of the student. In addition, the officer told this student that he was going to keep questioning him and not let him leave the principal's office until the student confessed. The student's confession was, as a result, suppressed by the Court of Appeals.

Here are the factors given by that court for use in determining when to *Mirandize* a student at school:

- a. Totality of circumstances, including freedom to leave, the purpose, place, length of interrogation, and degree of restraint;

- b. Neither the subjective beliefs of the student detained nor the officer are determinative as to whether one is in custody; and
- c. Confessions of minors are viewed by courts as requiring the "greatest care" in assessing validity of the confession.

Lessons: If a uniformed officer or a School Resource Officer (SRO) interrogates a student, have a parent present and have the officer fully explain the applicable *Miranda* rights. It is not necessary for a school official to notify a student and/or parents of *Miranda* rights if the school official questions a student in the absence a law officer.

14. **Recent Appeal Decisions, Athletic Eligibility.** The past two months witnessed several appeals to the Department, all from parents or guardians wanting immediate eligibility for their students who had transferred to a new school. General lessons to be gleaned from these cases include the following:
 - a. The general transfer rules apply to a student who transfers to an Iowa school from out-of-state without a contemporaneous change in parental residence. The rules are not limited in application to students who transfer from one Iowa school to another Iowa school.
 - b. Transfers made *in anticipation* of a school closing not made final and for a future school year or of a whole grade sharing agreement not yet approved by the local board are not transfers for which an exception to the 90 consecutive school days of eligibility will be made, absent extraordinary circumstances.
 - c. An increase in tuition costs of \$140 for an entire school year does not constitute an extraordinary circumstance that will result in relief from the 90 school days of ineligibility.
 - d. A student from another country attending school in Iowa without benefit of going through a foreign exchange program does not meet the "foreign exchange student" exception, and thus, does not have immediate eligibility to compete in interscholastic athletics.

15. **Recent State Board of Education Decisions.** The above athletic decisions are "director decisions," that is, they do not go to the State Board of Education for approval. The following decisions did go to the State Board in September and here are the determinations made by the Board:
 - a. Building closings in the Davenport and Fairfield districts of elementary buildings were affirmed by the State Board. (See next item for related news.)
 - b. Regarding a district's good conduct rule, the State Board concluded that only the local board can set punishment by board policy. The local board cannot delegate the decision about punishment to individual coaches.
 - c. In Cedar Rapids, the local board's decision to charge parents for discretionary transportation was unsuccessfully challenged. The district decided to provide discretionary transportation to a group of elementary students who lived within two miles of their attendance center but who had no safe walkway to the building. The parents did not want to pay for this service. The transportation charge to the students was upheld by the State Board as reasonable.
 - d. A district decision to realign classes assigned to its buildings is not subject to the full *Barker* guidelines, but there are four factors that will be used to make sure that the correct procedure was followed. (See next item.)

22. **Procedural Guidelines for Grade Realignments vs. Building Closures.** When a district does not close a building but realigns the grades in that building (e.g., going from a K-5 building to a K-3 building), the full set of *Barker* guidelines do not have to be applied. Rather, the following four factors must be met, at a minimum (a district may always provide more process):
 - a. The board shall carry out sufficient research, study and planning, directly and through groups and individuals selected by the board. The research, study, and planning shall include consideration of, among other things, student enrollment statistics, transportation costs, financial gains and losses, program offerings, plant facilities, and staff assignments.
 - b. The board shall post or cause to be posted in a prominent place at the affected attendance center(s) and publish in the agenda of an upcoming board meeting open to the public the grade alignment or realignment proposal.
 - c. The board shall ensure that there is open and frank public discussion of the facts and issues involved.
 - d. The board shall make its final decision in an open meeting with a proper record made thereof.

Barker Guidelines

- a. The board shall establish a timeline in advance for carrying out the procedures involved in making the decision on the matter, focusing all aspects of the timeline upon the anticipated date that the board will make its final decision on the matter.
- b. The board shall inform all aspects of the communities within its district that the matter is under consideration by the board.
- c. The board shall seek public input in all study and planning steps involved in making the decision.
- d. The board shall carry out sufficient research, study and planning, directly and through groups and individuals selected by the board. The research, study, and planning shall include consideration of, among other things, student enrollment statistics, transportation costs, financial gains and losses, program offerings, plant facilities, and staff assignments.
- e. The board shall ensure that there is open and frank public discussion of the facts and issues involved.
- f. The board shall make a proper record of all steps taken in the making of the decision.
- g. The board shall make its final decision in an open meeting with a proper record made thereof.