



School Leader Update

A MONTHLY JOURNAL
FOR IOWA EDUCATORS

December 2016

Enroll now for Iowa Learning Online spring semester

[Iowa Learning Online \(ILO\)](#) is accepting enrollments for the spring 2017 term. ILO's spring semester begins Jan. 3 and ends May 5. Enrollment ends Jan. 10 at 4 p.m. Click to view [spring course offerings](#).

There is an enrollment fee of \$250 per student, per semester course. If a student withdraws from a course within the first four weeks, there is no charge to the district or school. Billing occurs after the ILO withdrawal date each semester.

If you are considering using ILO in an offer and teach capacity, click [here](#) for more information. If you are planning on enrolling 15 or more students in a single course segment, consult the [partnership planning agreement](#).



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An important update on literacy

Our focus at the Iowa Department of Education is on developing and implementing successful, sustainable statewide initiatives that prepare students for success in school and beyond. We do this in partnership with the stakeholders we serve.

As the gateway skill to college and career readiness, reading is the most important tool we can give our students. Iowa legislators recognized this in 2012 by adopting a comprehensive early literacy initiative that focuses on ensuring students can read successfully by the end of third grade. It's truly inspiring to see that Iowa educators have embraced the early intervention component of the law, which focuses on identifying and addressing potential reading difficulties early on. As of last spring, Iowa schools had:



Director Ryan Wise

- Screened more than 97 percent of all students in kindergarten through third grade to identify those who may be at risk for reading difficulties.
- Frequently monitored the reading progress and growth of 80 percent of K-3 students in reading.
- Raised the percentage of K-3 students meeting benchmark in reading by 4 percent from the fall, from 64 percent to 68 percent statewide.

Early intervention will continue to be the Department's emphasis because the best way to solve reading problems is to prevent them.

As you know, the summer reading and third-grade retention components of the law are scheduled to take effect in May 2018.

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Hiring December graduates as teachers and substitutes

School districts may have positions available now or starting next semester for teaching and substitute teaching. December graduates may teach or substitute teach once their Iowa license has been issued. All program completion assessments (Praxis II or edTPA) must be taken and passed prior to receiving an initial license or a substitute license.

If a candidate has completed the Board of Educational Examiners (BoEE) background check, BoEE will typically issue a license within 24-48 hours of receiving the licensure recommendation from an Iowa college. Licensure for out-of-state candidates may be delayed since candidates may still need to complete the required assessments (Praxis II or edTPA) for Iowa.

Once the bachelor's degree is conferred, candidates may apply for the substitute *authorization* if they are waiting to complete the assessments. The substitute authorization cannot be used for long-term subbing.

For questions, contact Joanne Tubbs at 515-281-3611 or joanne.tubbs@iowa.gov



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On November 30, we released [guidance](#) to districts for implementation of the third-grade retention requirement of the law. This guidance details for schools how to identify third-grade students for possible retention and the considerations to factor into the decision.

In writing this guidance, we wanted to emphasize that what matters most is whether students can read successfully at the end of third grade, but that determination will not be made using a single measure, nor in the absence of other factors.

We also approached this guidance as we do other state initiatives, by honoring local decision-making within statewide parameters. This approach is in line with Iowa Code 279.68. The final decision in third-grade retention belongs with schools – in consultation with parents – because you know your students best.

I'm hopeful this guidance helps you provide clarity to parents on what this process will look like and how important it is for parents to be engaged with teachers and schools to ensure reading challenges are identified and addressed early, with the right supports in place, so that students progress in reading.

Please see our [website](#) for more information on the early literacy law.

We will continue to support schools in the implementation of the early literacy law. I look forward to celebrating our growth in reading over time.

Thanks for all you do for Iowa's learners.

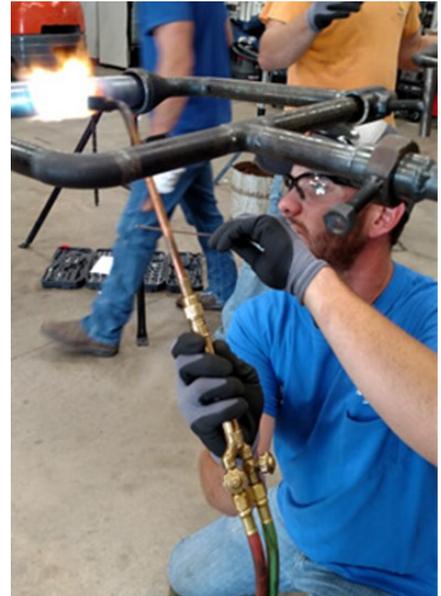
Ryan M. Wise

Career, technical, and work-based learning rules adopted

The State Board of Education adopted Iowa Administrative Code chapter 46 rules, which implement the provisions of House File (HF) 2392 division II. Division II covers career and technical education and work-based learning programs while division I of the legislation relates to career and academic planning.

The rules, which were developed with input from career and technical education (CTE) educators and leaders across the state, implement the bold vision for secondary CTE proposed in the final report of the Secondary Career and Technical Education Task Force. Comprehensive guidance on the chapter 46 rules will be provided in the next few months.

Academic year 2016-17 is a transition and training year in regard to division I of HS 2392, career and academic planning. Guidance documents are being prepared for the district team and district plan, which will be available in December 2016. The Iowa Department of Education has also completed the vendor demonstrations and initial review of applications and platforms for the mandated, state-designated career information system (CIS) outlined in division I. The process has moved into the final review stage and a platform will soon be selected as Iowa's state-designated system.



The latest information on Iowa's CTE redesign is available on the Department's [website](#). For questions related to division I, contact Amy Vybiral at 515-281-4716 or amy.vybiral@iowa.gov. For questions related to division II, contact Pradeep Kotamraju at 515-281-4716 or pradeep.kotamraju@iowa.gov. Comments may also be submitted by email to perkins@iowa.gov or through the Department's [online form](#).

New state science assessment adoption under way

The State Board of Education has begun the formal process of adopting a new state science assessment as recommended by an Iowa task force.

Board members reviewed [proposed administrative rules](#) that would put in place a new science assessment and then voted to start the rule-making process required for adoption. The process, which includes public hearings and reviews by a legislative committee, takes at least 108 days.

Board members were acting on a recommendation from the assessment task force, which was established as part of education reform legislation that Iowa lawmakers passed in 2013. [Following the adoption of new state science standards in 2015](#), the task force studied options for a new science assessment and [recommended ACT Aspire earlier this year](#).

The task force recommended ACT Aspire as a short-term solution, since an assessment that fully reflects Iowa's new science standards is not yet available. Specifically, the task force recommended ACT Aspire be administered to students in fifth, eighth, and 10th grades, starting in the 2017-18 school year and ending in the 2019-20 school year. Task force members intend to continue meeting to review long-term options for a state science assessment.

[Read more.](#)

E-Rate Form 470 webinar application process for 2017-18

The E-rate program application process for the 2017-18 school year begins soon. Plan to join one of the form 470 [webinars](#) where you will be shown how to use the E-rate Productivity Center (EPC) portal. No advance registration is required.

To join a webinar:

Thursday, Dec. 8 from 10-11 a.m. Click [here](#)

Tuesday, Dec. 13 from 3-4 p.m. Click [here](#)

Thursday, Dec. 15 from 9-10 a.m. Click [here](#)

For those unable to participate in any session, a recording will be made available after Dec. 15 by contacting pam.jacobs@iowa.gov.

Training webinars for completing the new E-rate form 471 will be announced in the February School Leader Update.

For questions, contact Pamela Jacobs at 515-975-0071 or pam.jacobs@iowa.gov.

Teachers of Critical Languages Program grant available

The Bureau of Educational and Cultural Affairs at the U.S. Department of State recently announced the opening of the [Teachers of Critical Languages Program \(TCLP\)](#) grant application. TCLP is funded by the Bureau of Educational and Cultural Affairs of the U.S. Department of State, and helps U.S. K-12 schools launch new or expand existing Arabic or Chinese language programs.

TCLP makes it easy for U.S. schools to grow their critical language programs by placing fully funded teachers from Egypt, Morocco, or China to teach Arabic or Chinese as a foreign language for an academic year. By sharing their languages and cultures, the teachers bring global competencies to their host schools and communities.

Since 2006, TCLP has sponsored 212 highly trained teachers that have worked in 148 schools across 37 states and impacted over 74,000 students. TCLP teachers have also collectively conducted over 14,200 hours of cultural outreach to bring international experiences to their host schools and communities.

Learn more about hosting a teacher at your school and to speak with host school alumni about their experiences with TCLP by attending a live informational webchat at 4 p.m.

Eastern Standard Time (EST) on the following dates:

Thursday, Dec. 8

Wednesday, Jan. 4



Click [here](#) to attend a webinar or to apply to TCLP.

Click [here](#) to access the application to host a teacher in 2017.

The application deadline for TCLP host schools is Monday, Jan. 23, at 11:59 p.m. EST.

For questions, contact Stefanie Wager at 515-725-7842 or stefanie.wager@iowa.gov.

Educators from China visit Iowa for knowledge and expertise

Twelve educators from China visited Iowa to gain additional knowledge and expertise in specific areas from several organizations. Iowa has several ties with China. President Xi Jinping's exchange experience in 1985 and again in 2012 has grown into wonderful diplomatic and trade relationships with Iowa. This includes Iowa's sister state partnership with Hebei Province and Des Moines' sister city partnership with Shijiazhuang.

The Iowa International Center works with the U.S. State Department's International Visitor Leadership Program to coordinate local agendas for people who are selected to participate in this program. Each group that is hosted has a different focus. Meetings are organized and planned so that local professionals in similar fields can share their work and learn how similar work is done abroad. Often it is discovered that local hosts and visitors have a lot in common.

The visiting cadre of educators spent time in several school districts, schools, and universities with educational exchange programs in our state. The Iowa Department of Education was also one of the organizations honored to meet with this group of educational professionals this year.

The group's background ranged from university professors to secondary teachers, administrators, and counselors. Their interest while visiting the Department was:



Pictured are visiting educators from China with consultants from the Iowa Department of Education Bureau of Educator Quality.

- To gain a better understanding of the education system in the United States and Iowa, specifically elementary, middle, and high school education in regards to inclusion models at all levels, cultural (refugee and immigrants) and educational (special education) programs.
- To understand the structure, funding, and oversight of the educational system in Iowa.
- To provide insights into innovative educational administration practices involving new concepts and ideals which will help improve practice. To provide exposure to training methodologies and models for teachers, counselors, fine arts, and non-traditional subjects in the curriculum.
- To understand intervention systems used in schools to address prevention of school violence - mentally and physically.

Consultants from the Department Bureau of Educator Quality with expertise in the above areas met with the visiting educators for two hours, with the assistance of two translators, to answer questions, provide an overview with details into teacher and administrator training, student teaching, and endorsements, Positive Behavior Interventions and Supports, Teacher Leadership Compensation and many other topics of interest. It was a wonderful professional experience for all involved and demonstrated the value of collaboration focused on meeting the needs of students in a globalized world.

Registered apprenticeship earn and learn programs



With increases in median household income unable to keep pace with the rising cost of college, getting a debt-free education while earning a living wage sounds like a dream come true. But that concept is the cornerstone of registered apprenticeship programs.

Once thought of as strictly a venue for those interested in construction trades, registered apprenticeships, which must meet rigorous federal and state standards, have grown to include almost 1,400 approved occupations.

[Read more](#)

'It's time to step up our game'

Compared to 50 years ago, the United States has made huge strides in the delivery of special education. Inclusion has become more than the norm in the classroom. Educators have more evidence-based tools at their fingertips than any time before.

Yet the achievement gap between students with disabilities and those without remains high.

Don't tell Frances Stetson that is to be expected since, after all, they have disabilities. Stetson, the keynote speaker at the Iowa Council of Administrators of Special Education fall conference in Des Moines, said most students with Individualized Education Programs do not have significant cognitive disabilities.

"Any student can astound us with what they can learn when we expect higher achievement," Stetson said.

[Read more.](#)



Frances Stetson

Iowa's top teachers honored at annual luncheon

Ten of the state's top teachers were honored by Gov. Terry Branstad and Iowa Department of Education leaders for their service during an annual luncheon on Nov. 10 in Des Moines.

The luncheon recognized finalists and winners of the Iowa Teacher of the Year award, the Iowa Presidential Awards for Excellence in Mathematics and Science Teaching, and the State History Teacher of the Year award.

Shelly Vroegh, the 2017 Iowa Teacher of the Year, gave the keynote speech.

The luncheon was hosted by the Iowa Department of Education and sponsored by the National Science Foundation, the White House Office of Science and Technology Policy, the Gilder Lehrman Institute of American History and the Iowa Department of Education.

[Read more.](#)

State Board adopts minimal revisions to literacy standards

Members of the State Board of Education adopted minimal revisions to Iowa's academic standards for literacy as recommended by a state review team.

The board's unanimous vote was based on the [Literacy Standards Review Team's recommendations](#), which aim to provide clarity and eliminate redundancy within the current standards. For example, the team recommended removing specific text titles and authors throughout the standards based on public feedback that some educators saw them as required reading rather than examples. The team also recommended additional resources for teachers and professional learning opportunities to strengthen instruction.

Iowa's literacy standards outline learning expectations for students in kindergarten through 12th grade in English language arts and for literacy in history, social studies, science and other technical subjects. The Literacy Standards Review Team represents the second phase of an ongoing state process for reviewing Iowa's academic standards, which also cover science, social studies, mathematics and 21st century skills, such as financial literacy. [Read more.](#)

C4K leadership webinar available on Jan. 19

The 2016-2017 school year began with the C4K leadership making the decision to go statewide in their support of district and building administrators through leadership webinars.

The first C4K Leadership Support Webinar occurred on Tuesday, Nov. 8. Many leaders, in various positions, joined in to listen and participate in the preview of what's to come. The big rocks shared were:

- Leveraging Teacher Leaders Within School Improvement Work
- Linking Data to Instruction Through Highly Effective Teams
- Setting the Conditions for Change and Implementation
- What's in the Kitchen Sink: Initiatives, CIQ, Leadership/Consensus/Sustainability, etc.

The webinars are being developed by a team representing schools, Area Education Agencies, and the Iowa Department of Education who serve in various leadership roles. The team is designing the webinars based on the feedback and the needs of administrators and leaders in the field. Each webinar is focused on helping administrators navigate and align the demands of their time, and provide a relentless effort in supporting instructional practices and improving student learning.

The intent of the monthly webinars is to offer ongoing professional learning and support for administrators related to the tools and resources for Multi-Tiered System of Supports and the early literacy initiative. In addition to tools and resources, the webinars will intentionally link to the Iowa Standards for School Leaders; put the learning into actual leadership practice; and make connections and staying ahead of potentially new initiatives, laws and expectations through differentiated accountability.

Plan to engage in the second administrator webinar with your colleagues on Jan. 19 at 1:30 p.m. This [link](#) includes the dates and topics of each webinar beginning in January. This document will continue to be updated with each webinar powerpoint and the recording for the webinar. The November webinar can be viewed [here](#). For questions, contact Linda Carroll at 515-725-2873 or linda.carroll@iowa.gov, or Mary Jane Stites at mstites@heartlandaea.org.



Data and Reporting

Districts earn gold, platinum star status for certified enrollment

The following districts made the gold star list for their hard work during the certified enrollment process. The gold star districts made full use of our test site in September and were certified at the close of the day on Oct. 15:

Gold star public districts 2016

Akron Westfield, Ames, Ankeny, Audubon, Battle Creek-Ida Grove, Bettendorf, Calamus-Wheatland, Cardinal, Cedar Falls, Cedar Rapids, Central DeWitt, Charter Oak-Ute, College, Coon Rapids-Bayard, Dike-New Hartford, Durant, Earlham, East Buchanan, East Marshall, East Union, Eldora-New Providence, Fairfield, Garner-Hayfield-Ventura, Gilbert, Glenwood, Glidden-Ralston, GMG, Greene, Guthrie Center, Hamburg, Independence, Indianola, Johnston, Kingsley-Pierson, Knoxville, Laurens-Marathon, Lewis Central, Logan-Magnolia, Lone Tree, Maquoketa, Maquoketa Valley, MOC-Floy Valley, Moravia, Mount Ayr, Mount Pleasant, Mount Vernon, Oelwein, Ogden, Ottumwa, PCM, Pleasant Valley, Red Oak, Sioux City, South Hamilton, South O'Brien, Spirit Lake, Stanton, Tipton, Valley, Waukee, Waverly-Shell Rock, West Fork, West Harrison, West Marshall, Winterset, Woodbine

Gold star non-public schools 2016

All Saints Catholic School-Davenport, All Saints School-Cedar Rapids, Aquin Elementary School, Archbishop Hennessy Catholic, Beckman Catholic High School, Bishop Garrigan Schools, Burlington Notre Dame Schools, Calmar Festina Spillville Catholic School, Cedar Valley Catholic School System, De Sales Grade School, Holy Cross Center, Holy Family System-Cedar Rapids, Holy Family System-Dubuque, Immaculate Conception-Charles City, John F. Kennedy Catholic School, Marquette Catholic School System, Notre Dame Elementary School, Prince of Peace Catholic Education System, Regina Schools, Regis Middle School, Sacred Heart-Maquoketa, Sacred Heart Elementary School-Oelwein, Sacred Heart Grade School, Seton Catholic System, Spalding Catholic School System, St Athanasius School, St Cecilia School, St Francis School-Marshalls town, St John Elementary School, St Joseph Community School-New Hampton, St Joseph School-De Witt, St Joseph School-Marion, St Marys School-Guttenberg, St Marys School-Manchester, St Matthew School, St Patrick School-Anamosa, St Patrick School-Cedar Falls, St Patrick School-Waukon, St Pius X School, St Thomas Aquinas School, The Bosco System, Trinity Catholic School, Xavier High School

The following public districts attained platinum star status for meeting the requirements for the gold star list with data certified by Oct. 15 and requiring no modification or correction.

Student Reporting in Iowa (SRI) upcoming dates:

- Winter VRF (Vertical Reporting Framework) test site currently open
- Winter SRI test site opens Dec. 5.
- Dropout Verification opens Dec. 5 and closes Dec. 16.

Platinum star districts 2016

Albia, Anamosa, Ballard, Baxter, Bellevue, Brooklyn-Guernsey-Malcom, Carroll, Centerville, Central City, Central, Central Springs, Chariton, Cherokee, Clarke, Clayton Ridge, Clinton, Colfax-Mingo, Davis County, Decorah, Delwood, Denison, East Sac County, Eastern Allamakee, Eddyville-Blakesburg-Fremont, Edgewood-Colesburg, Forest City, George-Little Rock, Graettinger-Terril, Griswold, Grundy Center, Harlan, Harris-Lake Park, Highland, Howard-Winneshiek, Hudson, Humboldt, IKM -Manning, Iowa Valley, Jesup, Linn-Mar, LuVerne, Manson Northwest Webster, Maple Valley-Anthon Oto, Martensdale-St Marys, Midland, Nevada, North Fayette, North Linn, North Polk, North Scott, North Tama, Northwood-Kensett, Odebolt-Arthur, Pella, Prairie Valley, Rock Valley, Roland-Story, Ruthven-Ayrshire, Schaller-Crestland, Sergeant Bluff-Luton, Sheldon, Sibley-Ocheyedan, Sioux Central, Solon, South Page, Southeast Webster Grand, Stratford, Tripoli, Turkey Valley, Union, United, Waco, Washington, Waterloo, Webster City, West Bend-Mallard, West Hancock, West Monona, West Sioux, Winfield-Mt Union

Celebrating Iowa's Success event scheduled for Jan. 23

Celebrating Iowa's Success event is scheduled for Jan. 23 at the Iowa Events Center in Des Moines. Kathy Patton, who works for the Minnesota Center for Reading Research, is the keynote presenter. She is currently a Path to Reading Excellence in School Sites (PRESS) literacy coordinator and she was also a literacy coach for the PRESS project. She has been an educator in many school districts and many grade levels and subject areas, and will be presenting "Effective Components of an Intervention: What are the essential elements needed for student growth?" Many interventions promise strong results, but do they have the necessary components of an effective intervention?

Scott Slechta, 2016 Iowa Teacher of the Year, will also be present to discuss the role of a teacher as a reading teacher in all disciplines and teaching reading skills for both informational text and literary text.

Other topics that have been proposed for our breakout sessions include:

- Deborah Reed: How to teach spelling to students with reading difficulties.
- Building Blocks and Data in Pre-K
- Classwide Interventions using data
- Realigning your Literacy Block based on data
- Literacy Workshop - Individual and Small group Interventions
- Warehouse for Interventions and Data Collection - How do we look at data as a school team?
- Using Data/Consensus/Trust to provide all students with a guaranteed and viable curriculum

Access the [application form](#) so your school team can apply to present during a breakout session. Proposals are due on Dec. 9.

Access the [registration link](#) to register to attend this event with your school team in January. Registration deadline is Jan 9.

The full agenda and more details on each breakout session will be communicated in the January School Leader Update and within each agency communication team.

Early Childhood Preschool Programs

Expansion of Statewide Voluntary Preschool Program

School districts not currently participating in the [Statewide Voluntary Preschool Program](#) (SWVPP) may apply to become part of the program. The new application to begin a preschool program in 2017-18 will be posted in December 2016. The application is due April 6. School districts currently participating do not need to reapply.

This non-competitive application requires districts to fund the preschool program using other funding sources in 2017-18. In the second year of SWVPP implementation, districts will receive state aid based on the number of eligible children served in year one. New districts are encouraged to review the application as well as the [FAQs](#) in the development of the application.

For information about the Statewide Voluntary Preschool Program for four-year-old children, contact Jennifer Adkins at 515-725-2219 or jennifer.adkins@iowa.gov.

Nutrition and Health Services

New local school wellness policy toolkit

New resources are now available to help school districts engage parents and staff in Local School Wellness Policy efforts. A Local School Wellness Policy is a written document that guides school districts' efforts to establish a school environment that promotes students' health, well-being and ability to learn. It's important for parents and school staff to be a part of this process so the wellness policy is representative of both the community and students' needs.

United States Department of Agriculture Team Nutrition has developed a free [Local Wellness Policy Outreach Toolkit](#) that school districts and schools can customize to communicate information about their Local School Wellness Policy to parents and staff. The kit includes:

- A letter to the wellness coordinator
- Sample letter to school principals
- Informational flyers, in English and Spanish
- Presentations for parents and staff
- Sample newsletter article
- Social media posts and graphics



For questions, contact Patti Delger at 515-281-5676 or patti.delger@iowa.gov, or Carrie Scheidel at 515-281-4758 or carrie.scheidel@iowa.gov, or go to the [School Wellness](#) webpage for more information.

New school nutrition directors webinars begin Jan. 11

The lead staff for your school meal programs can benefit from a webinar series from the Iowa Department of Education Bureau of Nutrition and Health Services for staff new to directing the school meal programs. The webinars will review the key responsibilities for school meal programs and provide resources to complete them successfully.

Trained mentors from successful programs will be available to answer questions and provide support. The webinars will count as training hours for United States Department of Agriculture professional standards. Registration for the webinars will be on the Iowa Department of Education [calendar](#). For questions, contact Jan Steffen at 515-681-2301 or jan.steffen@iowa.gov.





Legal Lessons

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

'Tis the season

The holidays are just around the corner and I am a little unprepared this year for the holiday season. The long list of things to do are adding up and it can be a little overwhelming at times. But the one thing that brings me back to the spirit of the holiday season is my family, especially my kids. There are definitely days that I am overwhelmed and tired and want to go home and go straight to bed, but with two energetic children at home that rarely happens.

And that's a good thing – I am so thankful for their excitement during this time of the year. I am thankful for my daughter who hugs me when I need it most and for my son who practices flips off my couch while I try to calm him for a good night's sleep. It's those moments that make it all worth it for me and are a daily reminder of the reason we are here every day working for our children. They are so worth it. Thank you for all you do for all of our children. May your holidays be filled with reminders of why your work as leaders is so important to our future leaders.

In preparation for this holiday season in this edition of Legal Lessons, I bring you Free Speech Principles – Striking a Balance for Student Rights, Every Student Succeeds Act (ESSA) Provisions for Educational Stability for Children in Foster Care: Effective December 2016, Important reminders on religious holiday celebrations in public schools, and snow days and hours guidance revisited.

Free Speech Principles – Striking a Balance for Student Rights

After an election there is always a period of reflection on both sides. In recent weeks we have heard stories about students protesting the election. We have also heard stories of students intimidating other students because of national origin, political, religious, ethnic, and ideological or other views. If we look at our Constitution, we understand that the First Amendment provides that “*Congress shall make no law ... abridging the freedom of speech ...*” This right is no less important than the right to vote. The Fourteenth Amendment extends this right to state governments, of which school systems are a part. However, the right to free speech is not without its limits and although we value free speech, we cannot lose sight of what those limits are.

Here are the top three “free speech” cases relating to students and their free speech rights, chronological order.

1. “First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 89 S.Ct. 733 (1969). 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. *Id.* However, school officials may regulate student speech if the student speech impinges upon the rights of other students. *Id.*
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). Thus, students can be disciplined for this offensive speech.

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Legal Lessons continued

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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. Kulmeier*, 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. However, in Iowa shortly after *Hazelwood* was decided, the Iowa Legislature enacted Iowa Code section 280.22, which expressly provides for student exercise of free expression and gives 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 which are obscene.
- b. Materials which are libelous or slanderous under chapter 659.
- c. Materials which 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.

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 successful court challenge, however. For example, in *Stephenson v. Davenport Community School District*, 110 F.3d 1303 (8th 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.

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Legal Lessons continued

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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."

Amy Stephenson chose to undergo presumably painful removal of the tattoo so as not to miss any class time.

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.

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 (9th 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 (7th Cir. 4/23/08).

These two cases were decided on different facts which may have impacted the courts analysis in each cases.

School districts must review each situation on a case-by-case basis before making a determination. These cases also 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.

Remember, care should be taken to address the concerns of every student that brings a concern forward. Administrators have the tough job of balancing the free speech rights of students and protecting students from harm. Students learning about the responsibilities of being part of a democracy and understanding their constitutional rights is a core tenet of the work educators do in schools. I know you are doing your best to continue to balance these rights and you will continue to preserve them for all of your students.

Here is [Anti-Bullying and Harassment Information](#) and [Bullying and Harassment Resources](#). If you have questions regarding these resources please contact Bess Wood at 515-725-2142 or bess.wood@iowa.gov.

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ESSA's Provisions for Educational Stability for Children in Foster Care: Effective December 2016

The Every Student Succeeds Act contains important provisions requiring school districts and the Department of Human Services (DHS) to collaborate to ensure the educational stability of children who are placed in foster care. The ESSA requires that children in foster care remain in their school of origin (the school they were attending when entering foster care) unless their best interests require otherwise. The ESSA also requires children in foster care be transported to their school of origin unless a best-interest determination requires a school change. If a school change is necessary for a child in foster care, the ESSA requires immediate and appropriate enrollment. ESSA also requires districts and the DHS to collaborate to ensure school stability for children in care, and establish clear written procedures for providing transportation when necessary to ensure school stability. These and other provisions are effective, according to the U.S. Department of Education, on Dec. 10.

The department and the DHS are developing sample agreements to implement this provision and will be providing guidance and technical assistance on implementing these provisions. For initial guidance from the United States Departments of Education and Health and Human Services, consult [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#). The Department's ESSA-required single point of contact regarding the education of children in foster care is Steve Crew with the Iowa Department of Education Bureau of School Improvement. For more information on these ESSA requirements, contact Steve at 515-326-1029 or steve.crew@iowa.gov.

Important reminders on religious holiday celebrations in public schools

♪ “Have a holly jolly, Christmas it's the best time of the year...” ♪ Hmmm... well, perhaps not for everyone. Public school officials need to be especially conscious at this time of year that the birth of the Christian Savior is not recognized or celebrated by all students and families. Here is a quick (not meant to be exhaustive) checklist of what public school officials are prohibited from doing and what they are permitted to do.

a. PROHIBITED activities

- Displays of religious symbols such as a crèche, an angel, a menorah, or a banner with a religious message (“Gloria in Excelsis Deo,” e.g.).
- Display of a Christmas tree with religious symbols such as stars, angels, the baby Jesus.
- School-wide prayer or Scripture readings.
- Banning students from offering candy canes or other items with a religious message during non-instructional time (before or after school or during a recess) and NOT done in the classroom. Schools may still prohibit distribution within classrooms.
- Holding a “Christmas party” in the classroom. A “holiday” or “end of semester” or “end of 2016” party is permitted.

b. PERMISSIBLE activities

- Including religious music selections during public holiday concerts if non-religious music is included. ([Guidance from IHSMA](#)).
- Holding holiday concerts at religious sites if the concerts are also held at non-religious sites.
- Displaying a “giving tree,” i.e. a tree on which students hang donated items such as mittens, gloves, etc.

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- Displays of religious symbols *when combined with* other symbols of cultural and ethnic heritage such as Kwanzaa symbols, Frosty the Snowman, other festive figures, a “Happy Holidays” banner, etc.
- Displays of symbols representing many religious beliefs, even without non-religious symbols. But, just displaying symbols from Christianity and Judaism is an impermissible endorsement of dual beliefs. The display must present a message of pluralism and freedom to choose one’s own beliefs.

Districts should however strive to be inclusive and attain equity for all students regardless of their religious preferences at this time of year when planning performances or other winter activities.

Snow days and hours guidance revisited

Whether it’s a late start, early out, or school closing altogether, there is no right way to cancel school. Administrators will not make everyone happy. But now that school districts and accredited nonpublic schools have the option of choosing a school calendar based on days or based on hours, hopefully it will provide you with more flexibility in making these difficult decisions.

Given the flexibility, it’s time to revisit our previous guidance to school districts and accredited nonpublic schools on snow days/ hours, make-up days/ hours, and releases for athletic tournaments. Remember, that snow days/hours and makeup days/hours are only necessary to get to the minimum amount of instructional time required under Iowa Code section 256.7(19) which is 180 days of instruction or 1,080 hours of instruction. If you have the minimum amount of days or hours you are not required to make up the time. However, making up hours or days even if not needed is sound educational practice.

Question: May a school district and accredited nonpublic school lengthen the school day to make up for days or hours missed as a result of inclement weather?

Answer:

Days Calendar – No. A school days consist of a minimum of six hours of instructional time for all grades one through 12. Lengthening the day would not add to your days of school.

Hours Calendar - Yes. A school district or an accredited nonpublic school may add hours or minutes of instruction onto the beginning of the day or the end of the day to make-up time.

Question: May a school district or an accredited nonpublic school make up snow *days or hours* on weekends?

Answer: Yes. Whether or not you are on a days based calendar or an hours based calendar Iowa Code section 279.10 does not designate what days of the week are official “school days”.

Question: A school district or an accredited nonpublic school has parent-teacher conferences planned on a Tuesday and Thursday evening yet to come in the school’s calendar. Staff and students will also go to the school on Friday of that same week. May the district or school count the hours spent on parent-teacher conference Tuesday and Thursday night as another day of student instruction on Saturday (a fifth consecutive day, Tuesday through Saturday) — even though staff and students would not attend school on Saturday?

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Answer:

Days Calendar - Yes. 281 IAC 12.1(9) provides for this exception as long as the five consecutive days equals **30 hours** of student instruction. Remember, parent-teacher conference time counts as student instruction.

Hours Calendar – Yes. Schools count hours of instruction. Parent-teacher conference time count as student instruction.

Question: May a school district or accredited nonpublic school add parent-teacher conference time that was not in the original school calendar and count that time toward student instructional days or instructional hours.

Answer: No.

Question: May local school boards forgive snow make-up days or hours?

Answer: No.

Question: May a school district or accredited nonpublic school get a waiver from the Iowa Department of Education to NOT make up snow days or hours.

Answer: No. The Department has no such authority.

Question: Must a school district or accredited nonpublic school make up days or hours when weather forces it to start late or let out early?

Answer:

Days Calendar - No. Iowa Code section 256.7(19) states that a full day of instruction may be recorded if “emergency health or safety factors require the late arrival or early dismissal of students on a specific day.” However, a local school board could decide voluntarily to make up the time that is lost by late starts and early dismissals. Making up these days – especially if a district or school has had more than a couple of them – is sound educational practice.

Hours Calendar - No. Under the hours calendar a district is not required to make up hours as long as they meet the minimum of 1,080 hours. However, a local school board could decide voluntarily to make up the time that is lost by late starts and early dismissals. Making up these hours – especially if a district or school has had more than a couple of them – is sound educational practice.

Question: If “early bird” students come to school on what becomes a “snow day” but no other students are bused to the school, may a day or hour of student instruction be counted?

Answer: No. 281 IAC 12.1(10) states that a day or hour of attendance shall be a day or hour during which students were present and under the guidance and instruction of the instructional professional staff. In addition, all grade levels of the school or school district must be operated and available for attendance by all students.

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Question: Does a school district or accredited nonpublic school have to run the buses to count the day as a day of student instruction or an hour as an hour of student instruction?

Answer: Yes. Not only do the buses have to run, but students also need to be "under the guidance and instruction of the instructional professional staff." All grade levels of the school or school district must be operated and available for attendance by all students. This implies that students must be in classes for some period of time prior to early release. See 281 IAC 12.1(10) and Iowa Code section 285.1(8). OAG #93-11-8.

Question: Do seniors have to make up "snow days"?

Answer: This is a local decision. Iowa Code 279.10 states, "the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar." note, however, that rule 281—IAC 12.1(7) requires that there be a board policy to excuse seniors from making up "snow days."

Question: If a school district or accredited nonpublic school closes due to health reasons (e.g., influenza contagion), does it follow the "snow days" rules?

Answer:

Days Calendar - Yes. Full days that are missed must be made up if the district does not have 180 days of instruction. If a school district or accredited nonpublic school has early dismissal or late start due to emergency health issues, the district may count the day as a full instructional day if on a days based calendar. Remember also that if just a classroom or attendance center is closed for emergency health or safety reasons, while the remainder of the district is in operation, the day may be counted as a day of school.

Hours Calendar - Yes. Hours that are missed must be made up if the district does not have 1,080 hours of instruction. If a school district or accredited nonpublic school has early dismissal or late start due to emergency health issues, the district may count the hours of attendance if on an hours based calendar. If just a classroom or attendance center is closed for emergency health or safety reasons, while the remainder of the district is in operation, the hours may be counted as an hour of school.

Question: May a school district or accredited nonpublic school let out school for athletic tournaments and other competitions and still count the day as a day of student instruction or an hour as an hour of student instruction?

Answer:

Days Calendar - Yes, **but only** if the district keeps each building open and available for attendance by all students, and students in all grade levels are "under the guidance and instruction of the instructional professional staff" as described in 281 IAC 12.1(8). The answer is "no" if an attendance center or district is closed.

Hours Calendar - Yes, **but only** if the district keeps each building open and available for attendance by all students, and students in all grade levels are "under the guidance and instruction of the instructional professional staff" as described in 281 IAC 12.1(8). The answer is "no" if an attendance center or district is closed.

Students with disabilities

For questions regarding students with disabilities, contact Thomas Mayes at 515-2425614 or thomas.mayes@iowa.gov.

Calendar

- December 1 • SBRC application deadline for Modified Supplemental Amount (MSA) for increased enrollment, open enrollment out, and limited English proficient beyond 5 years of weighting, for districts that want MSA .
- December 1 • First semester parental claim forms for non-public transportation reimbursement due
- December 15 • Deadline for At-Risk/Dropout Application for modified supplemental amount



Big things can come in small packages. But they also can come in the form of four-legged furry ones, especially if you attend an elementary school in the Bettendorf Community School District. There, dedicated therapy dogs work side by side with students every day. Akin, Egypt, Pacific, Paxton and Tinker are in daily service to help students succeed in the classroom and, together, they make big things happen. [Read more.](#)

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