



School Leader Update

A MONTHLY JOURNAL
FOR IOWA EDUCATORS

February 2015

What's the status of Iowa's schools?

The Iowa Department of Education has released the latest edition of the Annual Condition of Education report.

The report provides a wide range of state-level data, including shifts in student populations and demographics, teacher salaries and characteristics, student achievement results and school financial information.

"Data and information are vital in education," Iowa Department of Education Director Brad Buck said. "They help us determine our needs, map out goals and action steps, and then evaluate our progress.

We also depend on good data to help guide our improvement efforts, from the local classroom to the state level."

The Condition of Education report contains the most recent data through the 2013-14 school year, unless otherwise noted.

The [Condition of Education](#) is available at the Department's website.



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Science standards: We need *your* input

I'm excited to tell you about a key development in our state's effort to set clear, consistent expectations for what Iowa students should know and be able to do.

We need your input on a preliminary proposal to update our science standards. We also need your help in encouraging others to give input.

Recently, I announced a statewide survey and a series of public forums in response to a state review team's recommendation to get public feedback on the Next Generation Science Standards. These are a set of learning expectations in science for students in kindergarten through high school.

The Next Generation Science Standards were developed by 26 states, including Iowa. All states can consider adopting and adapting them to meet their needs.

As you may know, Iowa's academic standards are being reviewed, starting with science, as part of Executive Order 83. Public input is a critical piece of this review process.

The process began last fall, when I convened the Science Standards Review Team, a panel of education and business professionals to review Iowa's science standards, as well as those from other states, and to make a preliminary recommendation for improvement that



Director Brad Buck

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Ensure that all new hires are licensed

As you prepare for the current hiring season, it is important to verify that candidates hold, or are eligible for, Iowa licensure. Iowa graduates will not be recommended for licensure and out-of-state graduates cannot apply for licensure without passing the required Iowa assessments. Testing requirements may be found at this link: [Iowa Teacher Assessments](#).

If candidates already have an Iowa teaching license, you can be assured that they have met the testing requirements. You may search for a candidate's license by using the [search function](#) on our website. Districts should use this function for all new hires to verify licensure, endorsements, and that no disciplinary action is currently in force against a license, such as a suspension or revocation. Only the electronic search on our website can provide this accurate real-time data.

For more information, contact Joanne Tubbs at joanne.tubbs@iowa.gov.

Microsoft settlement update

Superintendents should receive the vouchers for the 2nd Cy Pres no later than the first week of February. They will be coming electronically.

The details of the letter and the reimbursement process are located on the [Microsoft Settlement Information for Iowa Schools](#) web page. Remember that you must email John O'Connell when you have certified your application so that he can review it.

You can complete your application or file for an addendum up to March 30, 2017. If you have any questions or concerns, contact John at john.oconnell@mchsi.com or john.oconnell@iowa.gov or phone 515-249-0334.

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we could take to the public for feedback.

This feedback will be used to provide guidance to the review team, which will submit a final recommendation regarding science standards to the State Board of Education later this year. The public forums are as follows:

Wednesday, Feb. 11: Waukee

4:30 to 6:30 p.m.

Waukee Community Schools District Office – Board Room
560 Southeast University Ave.

Tuesday, Feb. 24, Ottumwa

4:30 to 6:30 p.m.

Great Prairie Area Education Agency, Ottumwa Office – Auditorium
2814 North Court Street

Wednesday, Feb. 25, Dubuque

4:30 to 6:30 p.m.

Keystone Area Education Agency, Dubuque Office – Room 1 ABC
2310 Chaney Road

Thursday, Feb. 26, Sioux City

4:30 to 6:30 p.m.

Northwest Area Education Agency, Administrative Office – Room A/Auditorium
1520 Morningside Ave.

Please check our website, educateiowa.gov, for more details on the meetings. You can also find a link to the survey, as well as links to the Next Generation Science Standards and our current state standards on the website. We want as much feedback as possible, so tell us what you think. Our goal is to improve our science standards *and* to make sure they are the right fit for Iowa.

Thanks for all you do for your schools.



Free online summer school enrollment is now open

Does your school offer a summer school program? Iowa Learning Online can help you begin or expand your program at no cost to your district.

With more than 30 semesters of courses available this summer, Iowa Learning Online is available as a supplemental or full summer school program. Courses include government, economics with financial literacy, algebra, marine science, health and personal fitness. The full list can be found [here](#). The summer term begins May 18 and ends July 17.

The logo for Iowa Learning Online features the word "IOWA" in a large, bold, blue sans-serif font. To its right, the words "Learning" and "Online" are stacked vertically in a smaller, blue sans-serif font. A yellow swoosh underline is positioned beneath the "IOWA" text.

Iowa Learning Online is available for all students and may be taken for original credit, credit recovery or advancement. Students develop online skills for future learning and are in cohorts with peers from across Iowa. All classes are taught by Iowa licensed and appropriately endorsed teachers.

Enrollment is open now. For more information, contact Cale Roe at cale.roe@iowa.gov or 515-782-7680.

Website helps with transfer process

Students planning on going to a community college before heading to an Iowa public university should get acquainted with [Transfer in Iowa](#), a one-stop resource for students planning their futures.

Each year, thousands of students transfer from Iowa's community colleges to one of the state's three public universities. The Transfer in Iowa website contains resources helpful in educational planning, as well as information for students to discuss with their academic advisors.

Students can learn about how their community college courses transfer to each of the three state public universities by following the links on the website. The website contains resources explaining statewide articulation agreements and individual program-to-program articulation agreements by community college. These resources are useful for academic advisors and community college faculty who are often involved with advising.

In addition to online resources, it's always a good idea for students to discuss their plans with both a community college and public university academic or admissions advisor. Contact information for the admissions office or person responsible for transfer and articulation at each postsecondary institution is available on the website.



New data on student proficiency, growth rates available

The Iowa Department of Education has been working to fulfill a legislative requirement to develop a system for evaluating and ranking all public schools based on their performance on nine specific measures. This requirement is known as the Attendance Center Rankings System.

The first phase of this system consists of data on two of the nine required measures: student proficiency rates and growth toward college and career readiness. The Department has released an application on its [website](#) that allows users to look up for any school or district:

- The percentage of students proficient in math and reading in grades 3 through 8 and 11.
- The percentage of students who are on a trajectory to be college and career ready by the end of high school.

More information about these definitions can be found on the site.

The Attendance Center Rankings system is required as part of House File 215, which was adopted by lawmakers in the 2013 legislative session. The legislation requires the Department to publicly release data about the performance of schools. To that end, the Department is releasing this first phase to demonstrate to the Legislature its progress in meeting the requirement. No school ranking will be associated with this initial release of information.

A more complete Attendance Center Rankings system will be made public this fall. For more information, contact the Department's Jay Pennington at jay.pennington@iowa.gov.

State Historical Museum showcases Juneteenth

Planning a field trip for your students? Consider a field trip to the Juneteenth in Iowa museum exhibit at the State Historical Museum of Iowa in Des Moines from May 5 through June 30.

Juneteenth is an international observance marking the end of slavery on June 19, 1865. The museum exhibit is an opportunity to learn national and state history about Juneteenth.

For more information about the exhibit, contact Celeste Lawson at the Iowa Juneteenth Observance at prinzcipal@aol.com. To schedule a field trip to the State Historical Museum of Iowa, contact Millie Frese at millie.frese@iowa.gov or 515-281-6860.

Iowa shows small enrollment increase statewide

For the fourth year in a row, the overall number of students enrolled in Iowa's public schools for the 2014-15 school year increased from the year before, according to the official certified enrollment report released by the Iowa Department of Education. This pattern follows 17 years of declining enrollment.

A total of 480,772 students in kindergarten through 12th grade enrolled in public schools during the 2014-15 school year, compared to 478,921 students in 2013-14 (an increase of about .4 percent). The rate of growth is slowing and is expected to plateau in the years to come.

The statewide enrollment increase is due in part to an upsurge in [birth rates](#) from 2003 to 2008. Birth rates spiked in 2007 but have decreased in recent years. Read more on the Iowa Department of Education's [website](#).

Competitive subgrants enable districts to expand services for homeless students

The McKinney-Vento Homeless Education Act provides competitive subgrants to districts to expand services to homeless children, to create greater awareness and sensitivity of district and school staff about the ways to identify students who may be homeless, and to provide additional services to these children to increase their chances for academic success.

The current three-year subgrant cycle began with the 2012-13 academic year. The next subgrant competition will begin this spring. Subgrant application requirements and forms will be available on the Iowa Department of Education [website](#) mid-March.

Subgrants are open to any public school district in Iowa that has identified and reported a minimum of 25 homeless students on Student Reporting in Iowa (SRI). Subgrants are awarded through a competitive grant process.

For additional information on homeless education, contact Sandy Johnson at sandra.johnson@iowa.gov.

Civil rights, equity training on March 23

Every school district and community college receiving federal financial assistance in Iowa is required to assign an equity coordinator to oversee compliance activities under federal civil rights laws, which includes gender, disability, race and national origin equity. Over the last several years, equity citations are the most frequent areas of non-compliance cited during accreditation and focused equity visits.

To address confusion about the responsibilities of the equity coordinator, the Iowa Department of Education is sponsoring a one-day Statewide Civil Rights and Equity Coordinator Training on Monday, March 23, from 9 a.m. to 3:30 p.m. at the Iowa Events Center in Des Moines.

Intended audiences include district-level, Area Education Agency and Community College equity coordinators, superintendents, human resource specialists, principals, and counselors. The training will include information on the six responsibilities of the equity coordinator:

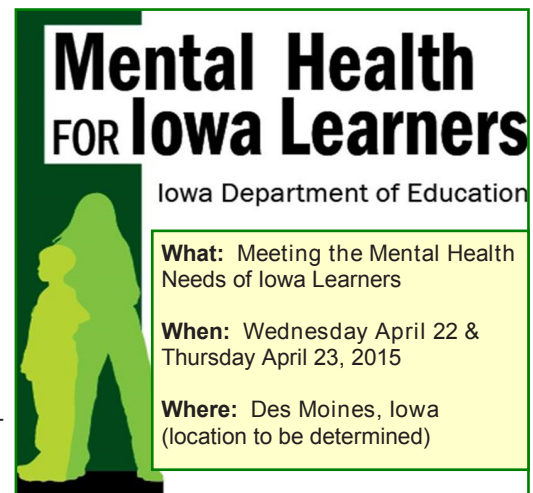
1. Knowledge of federal and state civil rights laws;
2. Equity policies and procedures required by law;
3. Dissemination of information to staff, students and community;
4. Professional development on rights and responsibilities;
5. Civil rights grievance process which is prompt and effective; and
6. Monitoring of disaggregated data.

Special emphasis will be placed on closing the achievement gap, preventing and reducing bullying and harassment behaviors, and meeting the needs of students with disabilities. This training is provided free of charge. For more information, contact Margaret Jensen Margaret.jensenconnet@iowa.gov. To register, click [here](#).

Save the date

The Iowa Department of Education is hosting a two-day workshop April 22 and 23 focusing on the mental health of learners. This is part of the spring learning support conference.

The workshop, which will be held in Des Moines, will touch on trauma, mental health issues, behavioral challenges, anxiety and depression. The aim of the workshop is to give schools specific tools to effectively work with students facing these issues. Look for more details to come, including the specific location of the workshop.



**Mental Health
FOR Iowa Learners**

Iowa Department of Education

What: Meeting the Mental Health Needs of Iowa Learners

When: Wednesday April 22 & Thursday April 23, 2015

Where: Des Moines, Iowa (location to be determined)

Open enrollment deadline change

Most years, the deadline for open enrollment for students entering grades 1 through 12 is March 1. Since March 1 this year falls on a Sunday, the Iowa Code allows the deadline to be extended to Monday, March 2. For additional information, contact Eric Heitz at 515-281-4726 or eric.heitz@iowa.gov.

Open enrollment transportation assistance

The transportation reimbursement for the 2014-2015 school year for open-enrolled families who qualify according to income guidelines is \$495. Transportation assistance is only available to families who open enroll between contiguous districts.

The cost of transportation reimbursement incurred by the resident district should be deducted from the tuition sent to the receiving district for a student who is open-enrolled. If the application for transportation assistance is filed after the beginning of the school year, the cost of providing the transportation should be pro-rated.

If a parent/guardian qualifies for school transportation assistance, the resident district has the authority 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 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 with a cash reimbursement of \$495 per child per year for up to four children per family. The maximum number of children can include only one secondary child and up to three elementary children.

Income guidelines can be found in the Open Enrollment Handbook on the Iowa Department of Education [website](#). For additional information, contact Eric Heitz at 515-281-4726 or eric.heitz@iowa.gov

EPA offers \$2.7 million in environmental education grants

The U.S. Environmental Protection Agency has announced the availability of \$2,730,000 of funding for Environmental Education Local Grants. The maximum allowed grant under the program is \$91,000.

The purpose of the Environmental Education Local Grants Program is to support locally focused environmental education projects that increase public awareness and knowledge about environmental issues. The grants program also provides participants with the opportunity to develop skills needed in order to make informed environmental decisions and take responsible actions toward the environment.

This grant program provides financial support for projects that design, demonstrate, and/or disseminate environmental education practices, methods, or techniques. Since 1992, EPA has distributed between \$2 and \$3.5 million in grant funding per year, supporting more than 3,600 grants.

The deadline to apply for a grant is March 6. Please refer to the full announcement, including Section IV, for additional information on submission methods and due dates. The full announcement is available [here](#).



Early Childhood Preschool Programs

Statewide Voluntary Preschool Program carry-over funds

School districts are encouraged to expend carry-over Statewide Voluntary Preschool Program (SWVPP) funds. Based on preliminary reporting from school districts in the state, there is a large carry over in Statewide Voluntary Preschool Program funds. Districts are reminded that carry-over funds may be used to provide the SWVPP services to additional children.

School district administrators are encouraged to work with their business managers to determine actual carry-over amounts. Districts may refer to guidance provided by the Iowa Department of Education. There are two documents under Guidance on the [Statewide Voluntary Preschool Program web page](#) that address use of SWVPP funds. The [Finance FAQ](#) addresses questions frequently received from schools or their community partners. The [Finance Guidance](#) document is an additional resource.

For more information on the SWVPP, go to the [Statewide Voluntary Preschool Program web page](#) or contact Penny Milburn at penny.milburn@iowa.gov or 515-281-7844, Jennifer Adkins at jennifer.adkins@iowa.gov or 515-725-2219, or Amy Stegeman at amy.stegeman@iowa.gov or 515-725-2273. For specific questions about use of SWVPP funds, contact Jeff Berger at jeff.berger@iowa.gov.



School food service equipment grant deadline

Applications are due Feb. 23 for grants for school food service equipment.

Iowa received \$294,988 to be awarded to School Food Authorities (SFA) via a competitive grant process, giving priority to high-need schools (such as schools in underserved areas, schools with limited access to other resources, and age of food service equipment). In addition, 50 percent or more of the enrolled students must be eligible for free or reduced-price meals as reported on the Site Enrollment section on IowaCNP for October 2014.

Districts/schools also must give priority to schools that did not receive a previous National School Lunch Program Equipment Assistance Grant award under the American Recovery and Reinvestment Act of 2009 and the Agriculture Appropriations Acts from fiscal years 2010 and 2013.

Contact Patti Harding at patti.harding@iowa.gov or your area consultant for assistance.

School garden engagement: a webinar

How do schools successfully engage every single student in all classrooms in school garden activities? The school garden not only shows students where their food comes from, but can provide a hands-on fun way for teachers to meet the Iowa Core standards in areas such as math, science and health.

Iowa Team Nutrition is hosting a webinar, on Tuesday, March 17, from 3:30 to 4:30 p.m. for elementary teachers, principals, food service directors, school nurses and others who are interested in learning how to fully utilize the school garden.

Iowa State University Extension, FoodCorps, and Iowa Agriculture Literacy Foundation will share their insight and suggestions on how to make the school garden become part of the entire school learning process. [Garden sub-grants](#) will be offered through Team Nutrition. Click [here](#) to register.

Contact Patti Delger at patti.delger@iowa.gov for more information.



Nutrition and Health Services continued

Step up to the plate: Let's end hunger during the summer

About 90 percent of the more than 195,000 Iowa students who qualify for free and reduced-price lunches during the school year don't have school-sponsored meal programs to turn to when classes let out for summer break.

But your school district can help. The U.S. Department of Agriculture Summer Food Service Program is designed to fill that gap by providing nutritious meals and snacks to low-income children during the summer.

Local schools make great sites since they are known for providing nutritious foods in a safe environment. An [informational webinar](#) will be held on Thursday, Feb. 26, from 1:30 to 2:30 p.m.



You can also register to participate in USDA's [Summer Meals Webinar](#) series where summer food champions provide great resources, technical guidance, and best practices to help make your summer meals program a success.

For more information, contact Stephanie Dross at stephanie.dross@iowa.gov or 515-281-4760.

Lunch, nutrition courses scheduled for summer

School food service staff are invited to participate in summer short-course training sessions that will be held in the months of June and July.

The final rule for professional standards is expected very soon and continuing professional development will be a required element for every person who completes daily or monthly activity in the National School Lunch and School Breakfast Child Nutrition Programs.

These short-course training sessions offered by the Iowa Department of Education in cooperation with Iowa State University will provide credit hours toward the requirements. For more information about course offerings and to register, go to the [Summer Short Course](#) webpage. Registration is available by clicking [here](#).

For more information, call Sandra Fiegen at 319-377-1898 or sandra.fiegen@iowa.gov.



Nutrition and Health Services continued

Paid lunch equity tool will be available for fiscal 2016

The fiscal 2016 Paid Lunch Equity Tool is available on the Download Forms section of [IowaCNP](#).

School program regulations require school food authorities participating in the National School Lunch Program to ensure sufficient funds are provided to the nonprofit school food service account for meals served to students not eligible for free or reduced-price meals.

As a reminder, public school districts are not allowed to transfer funds from the general fund to the School Nutrition Fund to support maintaining a “lower” paid student meal cost nor is it allowable to use state reimbursement received for meals served as a non-federal source of funds.

It is recommended that the district take action on this early in the year so the new paid meal prices may be approved locally. School food authorities will be required to attach a copy of the FY16 Paid Lunch Equity Tool as part of the fiscal year application renewal process. Questions may be directed to [Patti Harding](#) or your area consultant.

Conference nears for food service directors

The Iowa Department of Education’s Bureau of Nutrition and Health Services will be presenting at the Food Service Director Meeting co-sponsored with School Nutrition Association Iowa on Feb. 17 in Ames. The meeting is in the Scheman Building and is scheduled from 8:30 a.m. to 2:30 p.m. Register for the meeting [here](#).

The bureau will introduce the new Financial Summary Report, developed to provide an annual summary of program finances, and support the new administrative review process. In addition to a detailed overview of the report, bureau consultants will share how this tool can be used to analyze program viability, specifically the Nonprogram Revenue Tool and Three-Month Operating Balance. This report is expected to be available to school food authorities on IowaCNP in early March.

In addition, there will be discussion on how to get parents more involved with school wellness efforts and find out what 9,000-plus Iowa parents thought about school breakfast. Best practices, marketing strategies, and social media tactics identified by high school students to make school breakfast the easy choice will be shared, as well.

Let’s get physical

Engage the brain with physical activity. Learn ideas for increasing physical activity for students before, during and after school.

There is a growing body of evidence indicating that physical activity and fitness benefit both health and academic achievement. This webinar will give examples and ideas for promoting physical activity opportunities. Intended audiences include physical education and classroom teachers, before- and after-school teachers, associates, school nurses, school administrators and others interested in school health and wellness. The webinar will be held on Feb. 18, 3:30 to 4:30 p.m. To register, click [here](#).



Fresh conversations

Need a refresher on topics related to the school nutrition program: lunch, breakfast, Smart Snacks and your Wellness Policy?

This webinar is a great opportunity to refresh content, learn some fresh ideas to try at your school, and ask questions.

Intended audiences are school nutrition staff, school nurses, wellness committee members, school administrators, and others involved with school nutrition and the school wellness policy. The webinar will be held Feb. 25 from 2 to 3 p.m. To register, click [here](#).





Legislative Update

Contact Shan Seivert for all legislative items: shanlyn.seivert@iowa.gov or 515-281-3399.

And they're off!

There's been a flurry of activity on Capitol Hill here in Des Moines since the Legislature convened the 2015 session.

During my first months in this role, my colleagues would ask how things were going and I would share that I was a bit overwhelmed and their immediate response was, just wait until the legislative session starts! They couldn't have been more accurate. Each day brings many bills, subcommittees and on my part lots of questions.

With that said, what has been so great about this position is that I have met so many fabulous people, learned more in the last three weeks than I ever realized that I could and every day brings something new and exciting. It has become evident that although there are differing views on Iowa's educational system, at the end of the day, Iowa students have many caring and effective people working in their best interest.

As every reader of this column knows, the two hottest education issues in the early days of the 2015 legislative session are supplemental state aid and school start date. Legislators have introduced several bills on both topics. (Supplemental State Aid, [HF 79-82](#) and [HSB 55-58](#) and School Start Date [SSB 1058](#) and [HF 13](#).) School funding and the school calendar are foundational issues and always spur passionate debate. We will continue to follow both issues closely, as we know you will, too.

The governor also made an impassioned presentation to the State Board of Education for his Antibullying Bill [HSB 39](#). This legislation would make several changes to Iowa's current bullying and harassment policy. This legislation would:

- Ensure school districts have access to investigator training into complaints of harassment or bullying, create a student mentoring pilot program; add social networking sites to the definition of electronic communication;
- Modify the definition of harassment and bullying by adding behavior, friendship or relationship with others, or any other distinguishing characteristic to the definition;
- Require parental notification of incidents of bullying and harassment with an exception to the notification requirement if school officials or the student believe notification would subject the student to abuse or neglect related to actual or perceived sexual orientation, gender orientation or gender expression;
- Grant school officials the authority to investigate and take action in cases of alleged incidents of bullying or harassment that occur outside of school; and
- Add an exception to the athletic eligibility policy if a student open enrolls in another district due to bullying or harassment.

The Department has introduced its own bills; I have hyperlinked the most relevant ones below. Bear in mind that for simplicity, the hyperlinks take you only to the House bills; invariably, there will be a different version in the Senate's companion bill.

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At-Risk and Dropout Prevention Funding [HSB61](#). This legislation would broaden and align the allowable uses of funding for at-risk, alternative schools, and returning dropouts and dropout prevention programming.

Iowa Principal Leadership Institute [HSB13](#). An Iowa Principal Leadership Institute Advisory Council is established to advise and make policy recommendations to the director of the Iowa Department of Education regarding the development of and financing for an Iowa principal leadership institute. The goal is to develop a pool of principals to provide leadership in the highest-needs Iowa schools.

Child Care Oversight [HSB 9](#). This policy would remove the Iowa Department of Education from oversight responsibility for child-care programs and centers and vest that responsibility solely in the Department of Human Services.

Payment of Student Costs, Psychiatric Facilities [HSB 18](#). This proposal will sanction moving the tuition collected for general education students placed at private facilities from a maximum of district cost per pupil to the actual cost of providing instruction. This will allow districts housing these facilities to recoup the complete cost of education for these general education students from the resident district.

For your convenience, I have included the link to the Iowa Legislative News Service which provides daily updates and the [2015 Session Timetable](#).

Until next month!





Legal Lessons

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

A little about February, a lot about the law

February

February is again upon us and I thought it would be fun to share with you some fun facts about February. Call it a history lesson, if you will...

Did you know?

1. February was one of the last two months to be added to the Roman calendar in 713 BC because the Romans originally considered winter a month-less period.
2. February was the last month of the year until 450 BC when it became the second month of the year.
3. During common years, February is the only month of the year that can pass without a single full moon.
4. February has 29 days in a leap year, so if you are born during a leap year on Feb. 29, you will only have a birthday every four years.
5. In Finland, February is called helmikuu, meaning "month of the pearl." When snow melts on tree branches, it forms droplets, and as these freeze again, they look like pearls.
6. In Poland and Ukraine, February is called luty, meaning the month of ice or hard frost.
7. Abraham Lincoln's birthday is on Feb. 12.
8. The Constitution of Mexico was adopted on Feb. 5, 1917.
9. On Feb. 6, 1933, the 20th Amendment was proclaimed, which moved the Inauguration Day to Jan. 20.
10. On Feb. 6, 1899, the U.S. Senate ratified the peace treaty that led to the end of the Spanish-American War.
11. The amethyst is the birthstone for February. I recently brought one home from Colorado for my daughter since it is her birthstone.
12. February marks the observance of Black History Month, which has its origins dating back to 1926.
13. Don't forget Valentine's Day is Feb. 14, so get your arrows out and have a Happy Valentine's Day!

In this February edition of Legal Lessons, I bring you information on equality for transgender students; open enrollment appeals: applying the correct legal standard; athletic appeals: recent decisions; guidance from U.S. Department of Education (USDE) on the spread of infectious disease; and joint guidance from USDE and U.S. Department of Justice on how to ensure English learner students have equal access to education.

Equality for transgender students

In a recent court case, a Maine court ordered a school district to pay a student \$75,000 for not allowing the student to use the public bathroom of the gender for which that student identified. This case serves as an important reminder to school districts that they have a responsibility to ensure equal treatment for transgendered students.

Title IX protects transgender students from sex discrimination. See [Dear Colleague Letter](#) & [Title IX and Sexual Violence Q&A](#). Additionally, Iowa Code section 216.9 clearly delineates that protection from unfair practices and discriminatory acts

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Legal Lessons continued

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in education includes gender identity. Such discrimination practices shall include but not be limited to:

- a. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other programs or activity except athletic programs;
- b. Denial of comparable opportunity in intramural and interscholastic athletic programs;
- c. Discrimination among persons in employment and the conditions of employment;
- d. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

"Educational institution" includes any preschool, elementary or secondary schools, community college, area education agency, or postsecondary college or university and their governing boards.

"Gender identity" means a gender-related identity of a person, regardless of a person's assigned sex at birth.

Note: Educational institutions are not prohibited from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nor are bona fide religious institutions prohibited from imposing qualifications based on religion, sexual orientation or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

Here are some key points to remember:

1. **Case-by-case determination:** Communication with the student's parent is key. Schools should make a case-by-case determination about appropriate arrangements for transgender students regarding dress code, restroom and locker facilities, overnight accommodations on school trips, and participation in activities. These arrangements should be based on the student or parents' wishes, be minimally burdensome, and appropriate under the circumstances.
2. **Confidentiality:** A student has a right to keep his or her status as a transgendered student private at school. The district should keep this information confidential and staff should not disclose this unless legally required to. Even if the student has disclosed his or her status to other staff or students, it is not the school's information to share. Medical information of the student should also be kept confidential.
3. **Communications and publications: pronouns and name changes:** The preference for the use of masculine, feminine or gender-neutral pronouns should be the choice of the student. A legal name change is not required for a student to use the preferred name for class lists, student activities, yearbook publications, etc. However, a student's legal name must be indicated in the student's official records. The district may list the student's preferred name in the official records by listing it next to the student's legal name with asterisks next to it until a legal name change is made.
4. **Dress:** Allow the student to dress in accordance with the student's identified gender for school or other extracurricular activities including prom, graduation, yearbook, or other activities.
5. **Restroom and locker facilities:** All students should have access to locker room, bathroom, and shower facilities that are safe, comfortable, and convenient. Absent a concern for safety, schools should permit a student to use the restrooms or locker rooms for which they identify with. If private or separate facilities are requested by any transgendered or non-transgendered student, the student should be provided with those facilities. Remember, a student cannot be forced to use a restroom for which they do not identify.

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6. **Overnight accommodations:** Transgendered students should be assigned to rooms based on their gender identity, accommodating additional privacy needs as requested.
7. **Sports:** A student must be permitted to participate in interscholastic activities for the gender with which that student identifies (assuming the student is eligible otherwise). The Iowa High School Athletic Association (IHSAA) has a Statement protecting these students.
8. **School policies and procedures:** Make sure your anti-discrimination policies include gender identity discrimination. Make sure you train your staff about gender identity issues in your anti-discrimination, bullying and harassment trainings.

Open enrollment appeals: Applying the correct legal standard

In a recent appeal to the State Board of Education, the Board remanded an open enrollment appeal back to the local school district to apply the appropriate legal standard. The case involved a student who filed an open enrollment application on the basis of having a serious medical condition that could not be adequately addressed by the school district. The administrator denied the application on the basis that it was received after the March 1 deadline, and did not review the application for good cause on the grounds asserted in the application. Thus, the State Board remanded the case back to the local school board to review the case under the appropriate legal standard.

This case is a reminder to school administrators to apply the correct legal standard when acting on an application for open enrollment on the basis of pervasive harassment or a serious medical condition. If the applicant alleges anything in the good cause section of the application, make sure you fully review the allegations, investigate the allegations with other school administrators, and apply the appropriate standard when making your decision. Click [here](#) to see the full text of the case.

Athletic appeals: recent decisions

Iowa Department of Education Director Brad Buck recently issued decisions in two athletic appeals cases filed against the unions. In the first appeal filed against the IHSAA, the director reversed the decision of the Board of Control denying the eligibility of a student who transferred schools only because he was kicked out of his father's home and had no other choice but to move in with his mother who was living in another district. The director found that under the general transfer rule at IAC 281—36.15(3)"a"(8), the board could exercise its discretion and make an eligibility finding that it deems to be fair and reasonable. Under the specific facts in this case, the director found the Board of Control should have made a finding of eligibility.

[In re Thor L., 27 D.o.E. App. Dec. 530 \(2014\)](#)

In the second appeal filed against the Iowa Girls High School Athletic Union, the director affirmed the decision of the Board of Control denying eligibility of a student to compete in all sanctioned sports for the remainder of the student's high school career because the student ignored the rule under IAC 281—36.15(2)(h). This rule provides in part that:

"A student is not eligible to participate in an interscholastic sport if the student has, in that same sport, participated in a contest with or against, or trained with, a [NCAA, NJCAA, NAIA], or other collegiate governing organization's sanctioned team. A student may not participate with or against high school graduates if the graduates represent a collegiate institution or if the event is sanctioned or sponsored by a collegiate institution."

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In this case, there was no question that the student knowingly violated this rule. On two separate occasions, the student competed against college athletes representing their teams and at events that were sponsored by the colleges and then on a third occasion the student competed against college athletes representing their schools. The decision found that the student's knowing violation of the rules justified the sanctions imposed.

[*In re Kaley W.C. 27 D.o.E. App. Dec. 559 \(2014\)*](#)

USDE offers guidance for schools and school districts on Ebola and the spread of disease

The U.S. Department of Education recently released guidance to chief state school officers providing information and resources for district leaders, schools, and educators on steps that can be taken to prevent the spread of disease. Those resources include information from the Center for Disease Control, guidance from the Office for Civil Rights, and guidance from the Office of Special Education and Rehabilitative Services just to name a few. Here is the [link](#).

Joint guidance to ensure English learner students equal access to education

On Jan. 7, the U.S. Department of Education and the U.S. Department of Justice released joint guidance to schools and school districts on ensuring English language learners have equal access to a high-quality education. The guidance comes nearly 40 years after the U.S. Supreme Court's ruling in *Lau v. Nichols* that all students deserve equal access to a high-quality education regardless of their native language or whether they can speak English.

The guidance explains schools' obligations to identify students, offer language assistance, provide qualified staff, ensure equitable access to programs and activities, avoid segregation, monitor progress, remedy academic deficits, properly exit students, evaluate effectiveness of programs, and communicate with parents in a language they understand.

The press release, joint guidance, and other related documents are available at the following links:

[Press Release](#)

[Dear Colleague Letter](#)

[Fact Sheet – ELL Equal Participation](#)

[Fact Sheet – Communication to Parent and Guardians](#)

For questions regarding or assistance with meeting requirements for ELLs, contact Jobi Lawrence at 515-281-3805 or jobi.lawrence@iowa.gov.

Calendar

Guidelines for school start date

School districts can no longer automatically apply for waivers from the school start date law, which says schools cannot begin classes before the week of Sept. 1 unless they provide evidence of “significant negative educational impact.”

Since Iowa law does not define “significant negative educational impact” or establish guidelines, the Iowa Department of Education has created a guidance document. Click [here](#) for the document.

- February 1 • MSA-DoP Amendments / Corrections due to DE
- February 1 • Last date to request authority to charge administrative costs to special education for the subsequent fiscal year
- February 15 • Last date to bill for first semester tuition
- February 15 • Determine number of students participating in whole-grade sharing for 2nd semester



It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312-730-1560, fax 312/730-1576, e-mail: OCR.Chicago@ed.gov



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