



# School Leader Update

A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

May 2015

## Registration opens for literacy summit focused on educating young students

Registration is under way for a two-day literacy summit sponsored by the Iowa Department of Education July 29-30 in Des Moines.

Titled *Quality Literacy: All Teachers, All Tiers, All Learners*, the summit's focus will be on implementing research-based preschool-through-third grade literacy efforts. There will be opportunities to learn about explicit instruction, and effective and efficient teaching.

Two nationally recognized speakers will be headlining the two-day event. Dr. Anita Archer, a consultant to school districts on explicit instruction and literacy improvement, along with Dr. Laura M. Justice, an applied researcher in early childhood language and literacy development, will be leading the two days of learning.

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## Iowa: A place to set standards

We've come a long way in our work to set clear and consistent expectations, or standards, for what Iowa students should know and be able to do from kindergarten through 12th grade.

It wasn't very long ago that Iowa adopted statewide standards – in fact, we were the last state to do so. This spring, all Iowa schools are expected to be putting standards for literacy, math, science, social studies and 21st century skills into practice in their classrooms.

All of our state standards are important because they reflect the knowledge and skills students need to graduate high school prepared to go to college or enter the workplace.

Right now, certain parts of the standards are getting a lot of attention, and that's good news.

First, I'm excited about the spotlight we've placed on financial literacy, which is part of the 21st century skills included in our state standards.

One way we're elevating the conversation around this important issue is through the Iowa Financial Literacy Summit on May 5 in Des Moines. The summit is hosted by the Iowa Department of Education and the Governor's office.

The summit is a great way to raise public awareness, to educate students, and to connect teachers with resources. It's also been wonderful to partner with Iowa businesses to help guide this work, since employers are very in tune with the skills students need.



**Brad Buck**

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# An Early Literacy Implementation update

For this month, there are three updates: upcoming webinars, summer training opportunities, and Iowa TIER updates.

**Upcoming webinars.** The Iowa Department of Education will host three Early Literacy Implementation (ELI) webinars as listed below. If you have identified an area in which a webinar is needed, email the Department ELI contacts, listed below.

- Substantial Deficiency: Fall, Winter and Spring Benchmarking – May 12 from 1 to 2:30 p.m.
- Transitional Kindergarten: Kindergarten – May 20 from 1 to 2:30 p.m.
- Iowa TIER Reporting: Progress Monitoring and Interventions for Non-FAST Schools – May 27 from 10 to 11:30 a.m.
- Iowa TIER Reporting: Substantial Deficiency – May 27 from 1 to 2:30 p.m.

Webinars are hosted [here](#).

**Summer Training Opportunities: Iowa TIER, FAST and IGDIs.** For interested districts and nonpublic schools, additional training opportunities will be available on the use of Iowa TIER and early literacy screening tools: Formative Assessment System for Teachers (FAST, K-6) and Individual Growth and Development Indicators (IGDIs, PK). Training dates, locations and additional details are available on the ELI [site](#). This webpage includes additional details and registration links. FAST is *one* of the tools that meets the screening and progress monitoring components of Iowa Code 279.68. Iowa TIER and the screening tools continue to be available to public and nonpublic schools for students in grades K-6.



**Iowa TIER Updates.** Assessment windows for Iowa's early literacy screening assessments in reading for 2015-16 have been determined. These windows apply to all districts, regardless of which approved assessment they are giving to students. We will be working with the extended school year sites in the coming weeks to set windows for those sites.

*Fall:* Sept. 7 through Oct. 2

*Winter:* Jan. 18 through Feb. 12

*Spring:* April 18 through May 13

For updates regarding changes in Kindergarten Spring Benchmarks for Iowa's supported universal screening assessment – Formative Assessment System for Teachers (FAST) in 2014-15, and certification requirements, visit the ELI [webpage](#). For more information, contact Barbara Ohlund at [barbara.ohlund@iowa.gov](mailto:barbara.ohlund@iowa.gov) or Amy Williamson at [amy.williamson@iowa.gov](mailto:amy.williamson@iowa.gov).

## Online opportunities for schools and students

### Offer and Teach help.

Iowa schools or school districts may request a [waiver](#) to use [Iowa Learning Online](#) courses to meet Offer and Teach requirements. Reasons for requesting this waiver can include: school or district cannot locate qualified personnel to offer and teach on site; lack of highly qualified applicants despite exhaustive talent search; sudden, unexpected vacancy; and mid-contractual period vacancy.

### Summer class opportunities.

Iowa Learning Online is offering [19 courses](#) and over 30 semester options this summer at no cost to your district. Summer term begins May 18 and ends July 17. Summer enrollment is open now and ends Friday, May 22, at 4 p.m.

Contact Cale Roe at [cale.roe@iowa.gov](mailto:cale.roe@iowa.gov) or 515-782-7680 for more information.

## Physical activity workshop scheduled May 5

The Iowa Department of Education is hosting a free physical activity workshop on May 5 in Sioux City which will focus on meeting the nationally recommended 60 minutes of physical activity each day, and developing the knowledge, skills, and confidence to be physically active for a lifetime.

The workshop is geared for physical education teachers, health and classroom teachers, school nurses, administrators, before- and after-school care teachers, and anyone who is a champion of school health and wellness. It's suggested that a team of two come from each participating school.

It will be held from 8:30 a.m. to 2 p.m. at Northwest Area Education Agency, 1520 Morningside Ave. in Sioux City.

There are a limited number of substitute teacher pay reimbursements (up to \$100) available. Contact Angela Mitchell at 515-725-2626 or [angela.mitchell@iowa.gov](mailto:angela.mitchell@iowa.gov) with any questions. Register [here](#).

## New resources for parents on 21st Century Learning

As a member of the Partnership for 21<sup>st</sup> Century Learning, Iowa has access to many resources at [www.P21.org](http://www.P21.org).

P21 has recently created a [free digital toolkit](#) to help parents support their learners in becoming 21st century leaders and citizens. The three-part tool kit was developed with National



PTA as a family engagement advisor, and provides an overview of 21st century learning and how citizenship has changed in a digitally and globally connected world. It also provides tips and strategies for families, and real-world examples of 21st century learning in action. Find out more at [www.P21.org/Parents](http://www.P21.org/Parents) and share this resource with parents in your district.

## Renewal units for cooperating teachers

The Board of Educational Examiners has approved a new renewal unit system for serving as a cooperating teacher, a teaching professional who oversees the work of a student teacher. A maximum of two renewal units may be earned in this manner. Colleges will provide an official renewal certificate.

- Serving as a cooperating teacher for a student teaching experience of 14 weeks or more and completing requirements as defined by the higher education institution is worth one renewal unit.
- Serving as a cooperating teacher for a student teaching experience of 7-13 weeks and completing requirements as defined by the higher education institution is worth one-half renewal unit.
- Serving as a cooperating teacher for 90 hours of clinical experiences (pre-student teaching field experiences in which the candidate is involved in the classroom beyond observation, e.g., methods, practicum or internship experiences) is worth one-half renewal unit, and 180 hours is worth one renewal unit.

For more information, contact Joanne Tubbs at [joanne.tubbs@iowa.gov](mailto:joanne.tubbs@iowa.gov).

# Iowa review team recommends new science standards

Members of Iowa's Science Standards Review Team last month recommended adoption of the [Next Generation Science Standards](#) with modifications as Iowa's new science standards. The recommendation will be formalized in a report in May and will be sent to the State Board of Education for consideration.



The Next Generation Science Standards is the name of science standards developed by 26 states, including Iowa, that all states can consider adopting and adapting to meet their needs. Academic standards represent consistent expectations for what students should know and be able to do from kindergarten through 12<sup>th</sup> grade.

The Science Standards Review Team's recommendation was based on the expertise of members and feedback from Iowans gathered through public forums and a statewide survey.

Team members said the Next Generation Science Standards represent an improvement from Iowa's current science standards for a number of reasons. They reflect more modern practices in science, were developed by experts in a process led by states including Iowa, and include engineering practices – which is important as Iowa grows its commitment to science, technology, engineering and mathematics (STEM) education.

## 'Our Kids' offers strategies for working with ELL students

Register today for the 2015 Our Kids Summer Institute to be held June 16-17 at Waukee High School in Waukee. The summer institute will provide participants with the opportunity to network with other education professionals and to discover new strategies for working with English Language Learners (ELLs). Featured speakers include Clemencia Spizzirri (Iowa's 2015 Teacher of the Year), Ryan Nelson, Kristiina Montero, Daphne Germain, and a special surprise guest.



Registration is \$100, and is limited to the first 400 registrants on a first-come, first-served basis. Licensure renewal credit will be available on-site.

To register, visit the Heartland AEA website or use the following URL link: [https://prodev.aeapdonline.org/4DCGI/ES009168221601INV&\\*](https://prodev.aeapdonline.org/4DCGI/ES009168221601INV&*)

Please note that attendance at Our Kids is required for districts that did not meet Annual Measurable Achievement Objectives (AMAO) for two or more consecutive years and is highly encouraged for districts in Year 1 status of not meeting AMAOs. Please work with your Area Education Agency to explore Title III funding opportunities to support attendance and to better understand the attendance requirements.

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The conference is aimed at educators (administrators, classroom teachers, special educators, coaches, early childhood teachers, Area Education Agency staff, and interventionists) who support preschool-through-third grade literacy efforts. The summit will be held at the Iowa Events Center, located at 730 Third St. in Des Moines.

Coffee and check-in will open at 7:30 a.m., with the summit running from 8:30 a.m. to 4 p.m. each day.

There is no cost to attend, and all books and materials for the two days will be provided. However, registration is limited, so early registration is suggested. To register, [click here](#).

# Iowa's graduation rate tops 90 percent

Iowa's four-year graduation rate has climbed statewide for the fourth year in a row while dropout rates continue to fall, according to figures released by the Iowa Department of Education.

The data show 90.5 percent of students in Iowa's Class of 2014 graduated within four years.

The statewide graduation rate has increased 2.2 percent over a four-year period, from 88.3 percent for the Class of 2011 to 90.5 percent for the Class of 2014.



Graduation rates increased for all but two subgroups of students in the Class of 2014, with significant increases among students whose first language is not English (7.4 percent), students with disabilities (3.6 percent), students who are eligible for free or reduced-price lunch (3.6 percent), and Hispanic students (2.2 percent).

Read more on the Iowa Department of Education's [website](#).

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As far as academic standards go, the core subject areas tend to get most of the attention. Regardless of where our young people end up in the workforce, they can't have a bright future if they don't have the financial literacy skills needed to make responsible financial decisions.

The financial literacy summit is for everyone, but I'm especially glad students are participating. We've set aside some sessions just for them on topics such as debt decision-making and money management in college.

Secondly, our science standards are getting a lot of attention right now because they are being reviewed as part of Gov. Branstad's Executive Order 83.

Eventually, all of our standards will be reviewed. However, we started with science last fall, when I convened a group of experts to take a look at Iowa's science standards as well as those from other states and organizations.

After a lot of study and positive feedback from Iowans, the team has recommended that Iowa adopt the Next Generation Science Standards. This recommendation will be formalized in a report to the State Board of Education, which has the legal authority to determine the content of Iowa's academic standards.

I feel very good about the process we have followed to review our science standards and believe it can serve as a model for the rest of the review process. Most important, I think it helped us land on a set of high-quality standards for science.

As always, when I'm talking about standards, it's important to emphasize that standards set consistent benchmarks while allowing schools and communities to make the local decisions that will help our young people meet those benchmarks. Please see our website, [IowaCore.gov](http://IowaCore.gov), to read more about Iowa's academic standards.

Thanks for all you do for Iowa's schools and students every day.

## Data and Reporting

### Student data for career, technical courses due June 15

All districts are reminded that Section 3 in the Career and Technical Portion of EdInfo through the Portal is due by June 15. Section 3 is where you report student data for your Career and Technical Education (CTE) courses.

Districts should download all student lists into Excel, share them with your instructors to have them determine proficiency for students enrolled in CTE courses for the current year, and enter the information.

Please remember to also indicate for all students whether they are single parents or are participants in a Career and Technical Student Organization such as FFA, Future Business Leaders of America, Business Professionals of America, HOSA-Future Health Professionals, the Marketing Organization, Family, Career and Community Leaders of America, Skills USA – for technology students or Technology Students of America. For any questions, contact Pat Thieben at [pat.thieben@iowa.gov](mailto:pat.thieben@iowa.gov) or your assigned CTE consultant.

## It's time to enter your reporting data

Spring Student Reporting in Iowa (SRI) season is here. Dates and deadlines can be found on the [SRI website](#).

Just a quick checklist for spring reporting:

- Attendance for all enrolled students (including off-site preschool students)
- All students marked as a graduate have received a signed diploma
- All in-school, out-of-school suspensions and expulsions are entered in your student information system
- All section FTEs are entered for all non-fall concurrent enrollment courses
- Status of students in shelter care and/or detention centers have been confirmed/updated

Once your test files have been approved onto SRI, you are able to start reviewing the Annual Yearly Progress (AYP) application:

- Test Dates
- Full Academic Year (FAY) Status
- Sub-groups
- AYP versus SRI
- Reason No State Assessment Scores

Contact an SRI consultant if you have any questions.

## Iowa Youth Survey reports available soon

The 2014 Iowa Youth Survey (IYS) district reports are available online for all districts that:

- Took the IYS in fall 2014, and
- Had enough students participate to receive a report.

Use the following steps to download your district's report from the Iowa Department of Education's secure site:

1. Have a Portal user with "Download – DE to District" access login to the Iowa Education Portal (<https://portal.ed.iowa.gov>). This is typically the superintendent and anyone she/he gives access.
2. Under EdInfo, click on "Download – DE to District." A new screen will appear with your district's IYS reports since 2010.
3. Click on the name of the file to open it, then save it to your local computer.

Direct questions about accessing reports to Molly Hammer at [molly.hammer@iowa.gov](mailto:molly.hammer@iowa.gov) or 515-242-6241. Questions about the IYS in general may be directed to Pat McGovern at [pat.mcgovern@idph.iowa.gov](mailto:pat.mcgovern@idph.iowa.gov) or 515-281-5444.

# Early Childhood Preschool Programs

## Shared Visions Preschool participants tabbed

A list of the awarded grantees for fiscal year 2016 Shared Visions Preschool Programs is available on the [Shared Visions Preschool Program webpage](#) in the Awarded Locations and Application section.

The competitive grant application process resulted in a total of 67 applications being awarded funding out of the 89 total received. Final award amounts are contingent on the finalization of the state appropriation. The grants were awarded with a renewal option of up to five years provided grantees meet program requirements. The next competitive grant process for Shared Visions Preschool Programs will be for fiscal year 2021.

Contact Amy Stegeman, 515-725-2273 or [amy.stegeman@iowa.gov](mailto:amy.stegeman@iowa.gov), with any questions.

## Early childhood care, education institute announced

The Iowa Department of Education will be co-sponsoring the Iowa Association for the Education of Young Children Early Care and Education Fall Institute Sept. 18-19 at the Prairie Meadows Conference Center in Altoona.

Titled "Our Journey to One Goal: The Successful Child," the institute is open to all professionals who work with infants and children, from birth to 8 years old, including staff and consultants from Early ACCESS, Area Education Agencies, Statewide Voluntary Preschool Programs, Early Childhood Special Education programs, and Shared Visions programs.

School administrators, elementary teachers, and other early care educators and providers should also consider attending.

The institute offers an opportunity for professionals from across the state to become familiar with new early childhood research and initiatives, take advantage of the resources of supporting agencies, and learn from national experts and each other. For more information, visit the [Iowa AEYC website](#) or contact Betsy Lin at [betsy.lin@iowa.gov](mailto:betsy.lin@iowa.gov).



# Nutrition and Health Services

## New application materials for free and reduced-price meals

In May, the Iowa Department of Education will release a fully revised prototype application for free and reduced-price meals, as well as a revised letter to households and instruction document. These documents will be tailored for use in schools, child-care centers and day-care home providers and will be posted to the Iowa Child Nutrition Program [website](#).

These materials will be adapted from new application materials provided by the U.S. Department of Agriculture in response to feedback from stakeholders. The prototype is being redesigned to make it easier for families so they can provide accurate information. The changes will be reflected in the 2015 edition of the *Eligibility Manual for School Meals*, which will be released soon.



Once these documents are released, Iowa program participants can choose to use the Iowa Department of Education’s version or tailor the documents to meet their needs. If changes are made to any of these state documents or if you are using an online application, you must have these approved for use by the Iowa Department of Education. The approval process is completed by Deb Linderblood, who can be reached at [deb.linderblood@iowa.gov](mailto:deb.linderblood@iowa.gov) or 515-281-5663.



## Make the SWITCH in your school

Are you interested in a USDA-supported program that will help enhance school wellness? If so, get ready to make the SWITCH in the upcoming school year. SWITCH is a scientifically tested obesity prevention program designed to help schools promote healthy lifestyles. The program’s slogan, “Switch what you DO, VIEW, and CHEW,” highlights three goals:

-  DO: Switch UP to 60 minutes or more of daily physical activity.
-  VIEW: Switch DOWN to two hours or less of daily screen time.
-  CHEW: Switch UP to five or more daily servings of fruits and vegetables.

The web-based SWITCH program engages parents in school wellness programming. School-based modules for physical education, classroom and lunchroom provide strategies to create healthier school environments. A SWITCH Team at Iowa State University will provide training and support for implementation.

For more information about SWITCH, go to the Community Campus Partnership for Health [website](#) or email Dr. Gregory Welk at [gwelk@iastate.edu](mailto:gwelk@iastate.edu).

## Nutrition and Health Services

### New resources available for meals programs

Two new resources are now available to the Iowa School Meal Programs.

The Financial Report for school years 2012-2013 and 2013-2014 are now on IowaCNP. To access the Financial Report, log into IowaCNP and find “Financial Report” under the “Applications” menu. Additional instructions are provided after you have logged in. The Financial Report provides a summary of all costs, revenues, and meals served for one school year, including calculations for the Nonprogram Food Revenue Tool, Three Month Operating Balance, and Meal Costs.

The School Meal Programs Tutorials are now on Iowa Learning Online Professional Development (ILOPD). To access the tutorials, create an account or log into [ILOPD](#). Find “Iowa School Meal Program Tutorials” under the list of courses, and enter the enrollment key: “schoolmeals.” Seventeen tutorial topics are available related to the operation of School Meal Programs. Certificates and professional development credit are available for all tutorials. For additional information, listen to the recorded webinars on the [nutrition programs website](#).

### Summer Food Service Program outreach

The Healthy, Hunger-Free Kids Act of 2010 establishes requirements for all schools to conduct outreach to households on the availability and location of Summer Food Service Program meals. This outreach must be conducted prior to the end of the school year. Why is this important? Summer Food Service Program meals provide a healthy option for all children, especially those who are at risk for hunger.

Even if your school does not participate in the Summer Food Service Program, you are required to provide information on summer feeding sites in your area. This might include detailed information on another sponsor’s program or it might be providing families with the National Hunger Hotline or Summer Food Rocks website.



Outreach toolkit materials and templates can be found on the Department’s Summer Food Service Program [website](#). For more information, contact the Department’s Stephanie Dross at [stephanie.dross@iowa.gov](mailto:stephanie.dross@iowa.gov) or 515-281-4760.

### Hiring a new school nutrition director?

New [school nutrition regulations](#) must be followed by all new school nutrition directors hired after July 1. The Iowa Department of Education’s Bureau of Nutrition and Health would like to help. The bureau has new resources particularly valuable for newly hired nutrition leaders.

Districts are asked to share the names of new nutrition directors and managers by contacting Ann Feilmann at [ann.feilmann@iowa.gov](mailto:ann.feilmann@iowa.gov) or 515-281-4757.

### Food safety inspection reporting for FY15

Food safety/health inspections for the 2014-15 school year will be reported on the IowaCNP [website](#). The Iowa Department of Inspections and Appeals is advising schools that have not already received a second inspection to send requests to Terri Duden at [terri.duden@dia.iowa.gov](mailto:terri.duden@dia.iowa.gov). Click on [Instructions](#) for steps on entering the Food Safety Inspections for fiscal year 2015. For assistance, contact your area consultant or Deb Linderblood at [deb.linderblood@iowa.gov](mailto:deb.linderblood@iowa.gov).



## Legislative Update

Contact Shan Seivert for all legislative items at [shanlyn.seivert@iowa.gov](mailto:shanlyn.seivert@iowa.gov) or 281-3399.

### Some wins, some losses, some TBA

Well, the pace at the Capitol has gone from frantic and fast to how-long-is-this-session-going-to-last?!

The Senate and House both released their education budgets last week. The Governor's budget for education is \$1.0224 billion, which includes the Department for the Blind, College Aid Commission, Board of Regents and the Iowa Department of Education. The Senate's budget for the Iowa Department of Education is \$341,350,946 and the House came in quite a bit lower than the Governor and Senate with an allocation of \$314,951,664. I have attached a link to both budget bills for further details, [SF 493](#) and [HF 658](#).

As you can see, there is a large difference between the Senate and House budgets. One area of difference is the Senate allocated \$10 million for Supplemental Assistance for High Need Schools for which the House did not allocate any funding. The Senate allocated \$600,000 for I Have a Plan Iowa (IHAPI) which is the four-year career planning tool; however, there was no allocation from the House. The Senate allocated \$9.5 million and the House came in with \$8 million for the Successful Progression for Early Learners program.

On a positive note, the Iowa Reading Corps bill, [HF 488](#), was signed by the Governor in the Formal Office, surrounded by several people, many of whom were AmeriCorps members and volunteers from the Iowa Commission on Volunteer Services (ICVS). This bill will allow the ICVS, in collaboration with the Department of Education, to provide AmeriCorps members with a data-based, problem-solving model of literacy instruction to use in tutoring students, from prekindergarten to third grade, who are either not proficient or at risk of becoming not proficient in reading. The bill passed the House and Senate unanimously.

A quick update on the Department's bills. The Modification of At-Risk and Dropout Prevention Funding bill, [HF 346](#), passed in the House unanimously early in the session; however, it ran into a snag in the Senate. The bill is designed to broaden and align the allowable uses for at-risk, alternative schools and returning drop-outs. It did not make it through the second funnel. We pronounced it dead...but wait...it is still alive! With a little luck and communication with key people, the bill was revived and is included in the House and Senate's budgets.

If I were to outline the journey of twists and turns that the Child Care Oversight and Licensing bill, [HF 347](#), has taken, it would require pages of meticulous writing. Instead, I'm going to give you a much abbreviated version. The bill, in its intended version, is on its way to the Governor for signature. It seemed the bill was heading for a certain death, but once again with a little luck and communication with key people, the bill was revived and moved forward to become law. This bill will remove the Department from oversight responsibility for child-care programs located in schools and place the responsibility with the Department of Human Services, which already provides oversight for the majority of child-care programs in Iowa.

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# Legislative Update continued

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A bill that everyone seemed to like was the Payment of Student Costs for Psychiatric Facilities, [HF 445](#), which passed unanimously in the House and Senate. The bill allows for the actual special education instructional costs incurred for a child who resides in a facility to be paid by the district of residence of the child to the district in which the facility is located. It was signed by the Governor on March 31.

The Iowa Principal Leadership Institute, [HF 396](#), passed the House Education Committee unanimously, but failed in the Senate subcommittee. The program's purpose is to establish an advisory council to advise and make policy recommendations and to develop a pool of principals to provide leadership in the highest-needs Iowa schools. The Department believes this council could be developed in advance of legislation and will assess the overall need and determine how to move forward.

There is still a stalemate in regards to Supplemental State Aid. The House has maintained its recommendation of a 1.25 percent increase. Democrats started with 4 percent and then proposed a compromise of 2.625 percent, which the Republicans declined. This impasse seems to be affecting the movement of other bills as well.

As one stalemate continues...one came to an end. Surrounded by young students, Governor Branstad signed into law the new school start date. The law requires that all Iowa districts and accredited nonpublic schools begin school no earlier than Aug. 23 each year. An exception to the start date requirement exists for districts or accredited nonpublic schools that choose to operate one or more elementary or prekindergarten through grade eight attendance centers on a year-round calendar. The Department provided guidance to districts and I have included a link to the guidance for the specifics: [School Start Date Guidance](#). With this law, the Department no longer has authority to grant early start date waivers.

As you all know, one of the Governor's priorities this session has been the Anti-Bullying Bill. [HF 490](#) passed the House Education Committee with a 19-4 vote and was then referred to the Appropriations Committee. [SF 345](#) passed in the Senate Committee with a 9-6 vote and on the floor with a 43-7 vote. Several amendments have been filed and there is concern that many of the House Republicans do not support the bill in its current form. The Majority Leader of the House placed the bill on the unfinished business calendar. The fate of the bill at this time is uncertain.

Another one of the Governor's priorities is the Broadband Expansion Bill, [HF 641](#), which was referred to Ways and Means and passed on the House floor. It will now go to the Senate. The Senate's version of the bill is [SF 461](#). In general terms, the bills provide for the coordination and facilitation of broadband access in targeted service areas of the state. Both bills include a great deal of detail, and there are differences in the content so I have provided the links in the event you have specifics that are of interest to you.

A bill that gained momentum and is already on its way to the Governor for signature is [SF 462](#), Epinephrine Auto-Injector. The bill allows schools to have epinephrine auto-injectors available for use by authorized personnel. It allows a licensed health care professional to write a prescription in the name of a school and establishes immunity except for gross negligence.

Now that the budgets are out, hopefully the pace at the Capitol will return to frenzy and soon we can put the Legislative session of 2015 in the history books. Until next month....

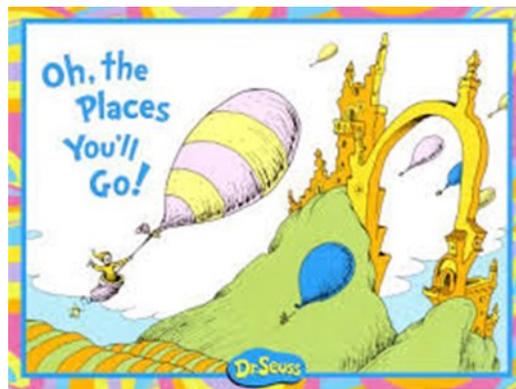


## Legal Lessons

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

### Oh, the Places You'll Go

The sun is shining, the grass is turning green, and the flowers are in full bloom. The kids can finally get outside and enjoy this beautiful weather. It is so refreshing to smell the spring air. The month of May is the month of spring celebrations. From May Day, Cinco de Mayo, Memorial Day, graduations, to end-of-the-school-year celebrations, there is something to be happy about and something to look forward to. So in the midst of all the preparation for graduations and parties, stop – take a deep breath and enjoy the moment! Great things are on the horizon. When I graduated from high school, I received a copy of the Dr. Seuss book, “Oh the Places You’ll Go!” as a gift. It is a simple reminder of what life has in store for us and the opportunities we have. I have read it and reread it for inspiration over the years. I even have a copy I purchased to give to Sophia when she graduates. Each year, I ask her teachers to write a note in it. When she graduates, she will have a reminder of where she has been and she will have hope for the places she will go. High school graduation is just the beginning. Oh the places they will go!



In this May edition of Legal Lessons, to get you ready for these end-of-the-year celebrations, I bring you the Top Five Graduation Don'ts, Transportation for Shared Programs, and Medication Waste Guidance.

#### Top Five Graduation Don'ts

It's that time of year again to revisit the Top Five graduation don'ts.

**1. Don't allow sponsored prayer at commencement.** School districts cannot sponsor prayer at graduation regardless of the form of delivery. This includes the school choir singing a hymn that includes religious references. This does not mean that the school is going to get in trouble if a student speaker spontaneously begins to pray during the middle of his or her commencement speech. As long as school officials do not have prior knowledge of the student's intent to pray, it is not considered school-sponsored. The district should take affirmative steps to inform all speakers that prayer at a public school graduation is not legal. If, given the district's prior knowledge of the speaker, it is not unreasonable to assume that the speaker may offer a prayer, the district has an affirmative obligation to pre-screen the content of the planned speech.

#### 2. Don't charge fees.

Diplomas. Schools cannot charge a fee for a diploma if earned. The district must provide a diploma, and there is no authorization to charge a fee. School districts can charge a fee for graduation cap, gown, tassel, and a diploma cover – as long as the purchase is voluntary, state law does not regulate this.

Senior Trip. If a school district still schedules a senior trip as part of its instructional days or hours, the presumption is that the trip is curricular in nature, and thus, the district cannot charge a fee. See Declaratory Order (upheld by district court): <https://www.edinfo.state.ia.us/web/appeals.asp?book=25&decision=62>.

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## Legal Lessons continued

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**3. Don't withhold diplomas for failure to pay.** School boards cannot withhold diplomas for failure to pay fines, fees, etc. A student who has met graduation requirements has an undisputed right to receive his/her diploma. To withhold a diploma for non-academic reasons is tantamount to academic fraud. Having said that, the student does not have an undisputed right to receive the diploma at a commencement ceremony. If the student has shown some egregious misbehavior, the student may be properly banned from taking part in graduation exercises and the diploma can be mailed to the student. Again, do not charge a fee for the diploma.

**4. Don't use a breathalyzer or search students without reasonable suspicion.** Iowa law prohibits searches of students without reasonable suspicion. So, in order for a school district to search a student, including use of a breathalyzer, the employee administering it must have a reasonable suspicion that the specific student has violated school rules. The suspicion has to be individualized to a student. There is no broad authority to search a group of students unless there is reasonable suspicion that they all have violated school rules.

**5. Don't sponsor a Baccalaureate.** A school district cannot sponsor a Baccalaureate; this is an event that must be left to the local churches or similar organizations. Students cannot be required to participate in a Baccalaureate ceremony, nor punished for failure to do so. Prayers and religious songs are unrestricted at a properly sponsored Baccalaureate.

### Transportation for Shared Programs

The Department has received several questions from districts and parents alike requesting clarification on who should provide transportation for shared programs – the district or the parents. If a sending school district contracts with a receiving school district to provide a vocational program as part of the sending district's offer-and-teach requirement, the sending district is required to provide transportation. This is based on several laws and is not a close question. Examples of these programs include: gifted and talented programming, agricultural programs, special education tuition out, special education alternative discipline placements, alternative schools or programs, or any other shared programming offering that is required under offer and teach. This does not include cooperatives or work experience options. In those scenarios, the student provides the transportation.

Now let me explain why this is the case. First, the sending district is obligated to provide a tuition-free education. A tuition-free education includes "all facilities, supplies, and other items necessary or essential to instruction." AG Opinion 12-28-79. This includes providing all necessary transportation during the school day. Iowa Code chs. 282, 285 (2015). A district is not providing a program to its resident students if it contracts with another district and then does not take steps to provide transportation.

Second, providing transportation to students would be necessary for the courses to be offered under the offer-and-teach rule.

A subject shall be regarded as offered when the teacher of the subject has met the licensure and endorsement standards of the state board of educational examiners for that subject; *instructional materials and facilities* for that subject have been provided; and students have been informed, based on their aptitudes, interests, and abilities, about possible value of the subject.

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## Legal Lessons continued

### *Continued from page 13*

Iowa Admin. Code r. 281—12.5(16) (emphasis added). A school district that does not provide access to the facilities in which a course is taught has not offered it. For these reasons, a resident district that contracts with a receiving district to offer a course and does not provide transportation to that course is out of compliance with its obligation to offer a tuition-free education, and the course cannot be counted toward the minimum program required by Chapter 12.

### **Medication Waste Guidance**

The end of the school year is near, and once again school nurses find themselves with bottles of leftover medication that have not been picked up by the rightful owner. Since this is an issue many schools are dealing with the Iowa Department of Education, Iowa Department of Natural Resources, and the U.S. Department of Justice's Drug Enforcement Administration (DEA) have worked together to provide clear and accurate information regarding medication disposal for public school districts and accredited nonpublic schools in its new [Guidance on Medication Waste](#). This new guidance highlights four categories of medication and waste for management in the school setting, which include: Controlled Substances/Scheduled Medications, Hazardous Pharmaceutical Waste, Infectious Waste, and Nonregulated Medications.

In particular, I want to highlight the guidance on Controlled Substances/Scheduled Medications as an area of concern. Many schools and school districts have a school employee, such as a school nurse, transport controlled substances/scheduled medications to a local pharmacy or take-back program for destruction. However, under the [Secure and Responsible Drug Disposal Act of 2010](#), school personnel do not have the legal authority to deliver controlled substances to registrants for the purpose of disposal on behalf of the ultimate user. 79 Fed. Reg. 53520, 53546 (Sept. 9, 2014). Furthermore, putting the employee in a position to cart these medications around in their vehicles puts them in a compromising legal position. Thus, the Department recommends that schools and school districts work with their school resource officers or local law enforcement to pick up the medication and transport it for destruction or disposal.

Remember, the safe disposal of medications and infectious waste can prevent drug diversion and protect the environment. We appreciate you doing your part to keep our schools safe and our environment clean.

For more information on DEA Registrant Drug Disposal, visit this link: [Drug Disposal](#). For additional questions regarding this guidance, please contact me at [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) or Melissa Walker, Iowa Department of Education school nurse consultant, at [melissa.walker@iowa.gov](mailto:melissa.walker@iowa.gov), or the Iowa Department of Natural Resources at 515-725-8200.

### **The Office of Civil Rights Releases Guidance Package on Designating Title IX Equity Coordinator**

On April 24, the Office of Civil Rights for the U.S. Department of Education issued a guidance package on the roles and responsibilities of schools, school districts, colleges, and universities to designate a Title IX Equity Coordinator. The designation of at least one employee to coordinate a school's compliance with the law is required under Title IX. The guidance reviews legal requirements in several areas under Title IX, including athletics, single-sex education, sex-based harassment, and discipline. The package also includes a letter to Title IX Equity Coordinators. Please make sure you review these requirements and share this information with your designated Title IX Equity Coordinator.

[Guidance package](#)

[Letter to IX Equity Coordinators](#)

[Dear Colleague Letter](#)

[Title IX resource guide](#)

## Kirkwood honored for sustainability efforts

Kirkwood Community College was named by the U.S. Department of Education's Green Ribbon Schools program as a first-ever Postsecondary Sustainability awardee.

In all, 58 schools, 14 school districts, and nine postsecondary institutions were honored for their progress in reducing environmental impact and utility costs, promoting better health for students and staff, and offering effective environmental education, including civics, STEM and green career pathways.

Visit the U.S. Department of Education's website for more information: <http://www.ed.gov/blog/2015/04/recognizing-green-schools-and-districts-and-colleges-this-earth-day/>

## Calendar

- May 1 • Second semester parental claim forms for nonpublic transportation reimbursement due
- May 1 • AEA Budget Proposal, Resubmit Unapproved Budget

*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](mailto:OCR.Chicago@ed.gov)*



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