



# School Leader Update

A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

May 2016

## Developing a TLC program that (really) works

As the third round of school districts in earnest begin their training for implementing their Teacher Leadership Compensation (TLC) programs, they would do well to drop by Norwalk to see what this district is up to.

Now in its second year of implementation, the district has found that its program is not static. Far from it. Leader titles have changed as needs became more focused. And, indeed, some of the leaders have changed.

Norwalk was in the first batch of districts joining the statewide TLC program, which is designed to create leadership roles and higher pay for effective teachers, while attracting promising new teachers with competitive starting salaries and more support. Through collaboration, teachers offer better classroom experiences for students, who subsequently receive better educations. [Read more.](#)



## In This Issue

- TLC survey..pg. 2
- At-risk students..pg. 5
- Conference alerts..pg. 7

## Enthusiasm grows for TLC

This past month marked a major milestone in the development of Iowa's Teacher Leadership and Compensation (TLC) system.

With full participation from every school district, Iowa has become the unrivaled national leader in tapping our greatest school-based resource – our teachers – to strengthen instruction and improve student learning.

Support and enthusiasm for TLC runs deep. Last month, the Iowa Department of Education hosted nearly 1,000 educators – including superintendents, principals, teachers and teacher leaders – from 175 school districts at the Launching Teacher Leadership event.

The purpose of this convening was to help districts transition from developing to implementing their local TLC plans. I had the opportunity to share nearly 50 examples from 22 school districts implementing meaningful changes through TLC that are leading to positive outcomes (these examples and other resources from the event are available [here](#)).

I fully anticipate these school districts will experience similar outcomes to what we've seen to date.

First, teachers feel their voice is being heard in new and important ways. They feel a greater ownership over decision-making, particularly as it relates to designing and delivering professional learning for their colleagues.

Second, those teachers taking on these roles feel energized and inspired. In turn, this enthusi-



**Director Ryan Wise**

*Continued on pg. 2*

## TLC survey now open to Iowa teachers and administrators

All public school teachers and administrators in Iowa are encouraged to provide feedback on opportunities for collaboration, professional development, career advancement, and perceived quality and effectiveness of Teacher Leadership and Compensation (when applicable).

[The survey links are specific to school districts within their associated Area Education Agencies.](#) Survey links also have been emailed directly to superintendents and principals for distribution.

Participation in the survey is highly encouraged. The findings from the survey will allow the Iowa Department of Education to determine if Teacher Leadership and Compensation (TLC) is making progress toward achieving its intended goals. In addition, your feedback will be used by the Commission on Educator Leadership and Compensation and the Statewide TLC Support Group to determine support for districts and to make recommendations on the system as a whole.

Finally, the results of the survey, along with the results of the Department's other TLC evaluation efforts, will be shared with stakeholders throughout the state to communicate the impact TLC is having. This study is being conducted by the [American Institutes for Research \(AIR\)](#), an independent, nonpartisan, non-profit research organization. This survey is strictly confidential with no way to track the responses back to individuals who complete the survey.

The survey must be filled out by May 6. [More information about the Evaluation of the Teacher Leadership and Compensation Program and Teacher Support Survey.](#)

### ***Continued from pg. 1***

asm is spreading throughout their buildings.

Third, new teachers are experiencing more support than they anticipated. In addition to having a mentor, they are taking advantage of working with coaches and model teachers.

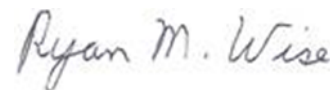
Finally, teachers are experiencing increased opportunities for collaboration and are engaging in data-driven conversations with their colleagues focused on student achievement.

In addition to each of these positive trends, teachers and administrators in all of the schools I've visited have also demonstrated a commitment to continuous improvement.

The Iowa Department of Education shares this commitment. We've built a strong statewide network of support in partnership with the Area Education Agency system, School Administrators of Iowa, the Iowa State Education Association, the Iowa Association of School Boards, higher education and others.

In addition, we will assist school districts in developing end-of-year reports to demonstrate the impact TLC is having at the local level. We have also contracted with the American Institutes of Research (AIR) to develop a third-party evaluation of TLC. We will use the results from these local and state-wide evaluations to strengthen the system.

As we prepare for full-implementation of TLC and as we transition to the Every Student Succeeds Act, we are at an important inflection point as an education system in Iowa. We have the opportunity to think boldly and craft a vision of success for all learners. Teacher leadership will be central to achieving this vision.



## Want to create a college culture in your high school?

As the 2015-16 school year comes to an end, Iowa College Aid is looking to register high schools to participate in a program designed to promote a college culture. Iowa College Aid coordinates the [3-Step Process](#) for college readiness, made up of three uniquely different opportunities for Iowa high schools to promote postsecondary education and build a college-going culture.

The Iowa College Application Campaign is step 1. The campaign gives students the chance to complete college applications during the school day with assistance they might not receive at home, with the goal that all seniors apply to at least one college.

Step 2 is the Free for Federal Student Aid (FAFSA) Completion Initiative, which provides schools with information on which students have or have not completed the FAFSA that can be used to assist with FAFSA outreach to students.

Finally, step 3 is the College Decision Day, a celebration for seniors, recognizing them for their hard work and decisions to continue their education beyond high school.

More than 100 Iowa high schools participated in last year's 3-Step Process for these college-inspiring efforts. For questions about the 3-Step Process, contact [Keyli Keifer](#) or [register here](#).



## Iowa continues to lead the way

A report shows that Iowa leads the nation in providing college-level coursework to high school students. Joint enrollment grew to a record high in 2015, with more than 44,000 Iowa high school students jointly enrolled in community college credit courses. The report finds that Iowa's community colleges enroll students of high school age at a rate far outpacing that of community colleges and four-year postsecondary institutions nationally.



Improving access to joint enrollment opportunities helps students acclimate to the expectations of college-level work. Read [more](#).

## Updated guide available for Senior Year Plus



An updated "Senior Year Plus Guide for Educators and Educational Administrators" has been released and is available on the Iowa Department of Education's [website](#).

Included is updated guidance on adopting district policies related to providing textbooks to students enrolled in a community college course through concurrent enrollment. Contact Eric St Clair at [eric.stclair@iowa.gov](mailto:eric.stclair@iowa.gov) or 515-725-0127 for further information.

# State of Our Schools: America's K-12 Facilities Report

The 2016 [State of Our Schools: America's K-12 Facilities report](#), released by the [Center for Green Schools](#) at the [U.S. Green Building Council](#), the [21st Century School Fund](#) and the [National Council on School Facilities](#), shows that the nation faces a projected annual shortfall of \$46 billion in school funding, despite significant effort on the part of local communities.

A state-by-state analysis of investment in school infrastructure focuses on 20 years of school facility investment nationwide, as well as funding needed moving forward to make up for annual investment shortfalls for essential repairs and upgrades. The report also proposes recommendations for investments, innovations and reforms to improve learning environments for children in all U.S. public schools.

School facilities have a direct impact on student learning, student and staff health, and school finances. But too many students attend school facilities that fall short of providing 21st century learning environments because essential maintenance and capital improvements are underfunded.

In addition, on the [www.StateOfOurSchools.org](http://www.StateOfOurSchools.org) website, you can find other helpful resources:

- [Infographic](#) summarizing the report;
- Link to the excel spreadsheets of all the data utilized in the report;
- A [school district lookup tool](#) – a district view of past maintenance-and-operations and capital construction expenditures and recommended spending based on modern educational facilities standards; and
- [Individual state profiles](#).



For more information, contact Gary Schwartz at [gary.schwartz@iowa.gov](mailto:gary.schwartz@iowa.gov).

## Iowa Literacy Standards review feedback needed



The Iowa Literacy Standards are currently under review as mandated by Executive Order 83. If you haven't already, please go to the [website](#) to provide feedback.

The results will be used by the Literacy Standards Review Team to make future recommendations.

## Getting to the A,B,C's of effective literacy instruction



Rhonda Carpenter, a Reading Recovery teacher, works with a student one on one.

It's no small wonder that the importance of being proficient in literacy has taken center stage in Iowa's schools. The emphasis on third grade literacy isn't random: it's a time when students begin reading to learn, as opposed to simply learning to read.

Perhaps more important is that studies show if students are weak in literacy by the fourth grade, they stand a much greater chance of doing poorly throughout their educational career, including possibly dropping out of school in later years.

As districts work to improve literacy rates, one need look no further than Johnston Community School District as a model. Take a school there – any school – and you will find solid practices at work. Indeed, nearly 90 percent of the district's students are proficient in literacy. And the all-important third graders? An impressive 90.1 percent, which compares to the statewide proficiency rate of 76.8 percent. Read what [Johnston](#) is doing.

## K-3 Innovative Program grants for at-risk students

Applications will be sent to eligible districts this spring for grants aimed at increasing achievement among at-risk students.

The K-3 Innovative Program Grants for At-Risk Students are competitive. Eligibility will be based on low income need as well as other risk factors. Information about the criteria, application process, etc., will be available in the near future.

Please note, the funding is subject to a state appropriation determined annually by the Iowa Legislature. Therefore, grant awards cannot be made until funding is secure.

## Planting ideas

Ideas are growing big at the CAM Community School District's middle school. Literally.

Those ideas take root in a greenhouse on the middle school's campus, which is central to the environmental class some 58 seventh and eighth graders take as an elective.

You can call it engagement. Enrichment. Whatever. The kids call it fun, but with a caveat: If you are not performing up to snuff, you can get fired, just like in the real world. The class is open to all, but it's the students on Individualized Education Programs who seem to benefit the most, teachers say.



"This is one thing they truly excel in," said special education teacher Paula Baughman. "It is hands-on work. In the past, we had a student with Down Syndrome, and he thoroughly excelled in the greenhouse. He was a great organizer."

[Read just how the middle school does this.](#)

## Read Educator Jane Schmidt's latest blog on the Iowa Core

This month, Jane writes about getting Professional Learning Communities focused on unpacking the standards.

Your teams will want to join the conversation at [iowacore.gov](http://iowacore.gov).



Jane Schmidt's blog

Join this month's conversation.

Unwrapping PLCs While Unwrapping Standards

at [iowacore.gov](http://iowacore.gov)



## It's spring time — and student reporting time

It's time to make plans to collect information for the spring Student Reporting in Iowa (SRI). The spring SRI is focused primarily on 1) Graduates; 2) Attendance; 3) Non-fall Supplementary Weighting for courses; and 4) Removals (suspensions and expulsions). Spring SRI data also are used for 5) Participation Rate and Full Academic Year calculations for Adequate Yearly Progress (AYP); and 6) Regular Education Foster Care Claim.

Click [here](#) to view previously recorded webinars on spring SRI reporting, an update to ELL (English Language Learners) reporting this spring, and the AYP application.

### Spring 2016 Dates to Remember

May 11	Spring Student Reporting in Iowa test site closes (opened 4/18)
May 16	Spring Student Reporting in Iowa site opens
June 20	Spring Student Reporting in Iowa certification deadline
June 21	AYP certification deadline (public districts only)

## No more printed licenses as of July 1

As of July 1, the Board of Educational Examiners will no longer print and mail licenses. This is part of our transition to the online licensing system.

The online version of the license is always the most accurate and up to date, since a license may have had a sanction or change since the last printed copy. Here is an example of a license that, if presented in the original hard-copy format, would appear to be valid through 2019. The online search function reveals that it has been permanently revoked.

	1/14/16: Final Order-Vol Surr-Lic permanently revoked (25.3(3)e & 25.3(3)a)	
	11/7/14: Ltr of Reprimand (25.3(3)e)	
License	License Suspended or Revoked	Expiration Date

Personnel records required for Iowa Department of Education accreditation should still contain a printed screen shot of the most recent licensure viewing. For more information, contact Joanne Tubbs at [joanne.tubbs@iowa.gov](mailto:joanne.tubbs@iowa.gov).

## Register for 2016 Our Kids Summer Institute

Register today for a conference designed to improve achievement among English language learners.

The 2016 Our Kids Summer Institute, sponsored by Heartland Area Education Agency, is scheduled for June 16-17 at Waukee High School in Waukee.

The institute will provide participants with the opportunity to network with other educational professionals, to discover new strategies for working with English language learners in Iowa, and to meet national and local experts to enrich practices for increasing English language learner achievement.



All k-12 educators and administrators of English language learners are encouraged to attend.

The keynote speaker will be Mawi Asgedom, author and national motivational speaker, former child refugee and Harvard graduate. Participants will receive a free copy of his 2014 book *The 5 Powers of an Educator: How to Inspire Educators, Parents and Youth*.

Click [here](#) for more information and to register.

## Register today for Iowa science standards summer institute

To launch the second year of a four-year Iowa science standards implementation process, the Iowa Department of Education is sponsoring grade-alike science institutes in June.



With national and state science education leaders, participants will engage in three-dimensional science learning experiences and will explore various resources and instructional practices that support the standards.

The institutes will be held June 15-17 at Valley High School in West Des Moines. Each day will be focused on content and issues related to specific grade bands (June 15 elementary focus, June 16 middle school focus, and June 17 high school focus).

Participation in this event assumes knowledge of the structure, foundations, and conceptual shifts of the standards; districts needing this overview of the standards should contact their Area Education Agency science consultants.

There is no registration fee but registration is required for planning purposes. Online registration is now open: [Registration June 15 elementary focus](#), [Registration June 16 middle school](#), [Registration June 17 high school](#)

## 21st Century Community Learning Center awardees announced

Out of 45 who filled out the online letter of intent for the 21<sup>st</sup> Century Community Learning (CCLC) awards, 19 made a formal application and 11 were funded.

The CCLC grant serves as a supplementary program that can enhance state or local reform efforts to improve student academic achievement and to support their overall development through afterschool. The 21st CCLC program is a federal title program (Title IV, part B). There is a minimum of 40 percent free and reduced-price lunch to be eligible.

PEER REVIEW RANK:	GRANTEE:	CONTACT:	1 <sup>st</sup> Year Award:	3 Year Award:	Children Served:	EL, MS, HS	SITES:
1	Des Moines Public Schools	Heidi Brown	\$297,600	\$892,800	248	EL	4
2	Council Bluffs CSD	Sandra Day	\$300,000	\$900,000	320	HS	2
3	Iowa City CSD	Amy Minter	\$150,000	\$450,000	160	EL	1
4	Oelwein CSD	Barb Schmitz	\$233,000	\$699,000	140	HS	2
5	Tanager Place	Emma Thompson	\$150,000	\$450,000	110	EL	2
6	Hamburg CSD	Mike Wells	\$115,500	\$346,500	55	EL	1
7	Clinton CSD	Loras Osterhaus	\$266,685	\$800,055	200	EL, MS	1
8	Cedar Rapids CSD	Beth Malicki	\$225,000	\$675,000	750	EL	5
9	Audubon CSD	Ann Miller	\$100,000	\$300,000	75	EL	1
10	Davenport CSD	Shaney Ford	\$112,000	\$336,000	145	EL	1
11	SHIP	Jenna Meyer	\$131,400	\$394,200	96	EL	1
<b>TOTALS:</b>	<b>11 Awards</b>	State AVG 65% Free and Reduced Lunch	<b>\$2,081,185</b>	<b>\$6,243,555</b>	<b>2,299</b>	<b>EL, MS, HS</b>	<b>21</b>

The free and reduced-price lunch ranged from 85 percent to 40 percent, with an average of 65 percent for this cohort. Of the students we serve, 19 percent are English language learners and 12 percent have disabilities. We serve 93 sites, 13,410 children and have 414 community partners. Contact Vic Jaras at [vic.jaras@iowa.gov](mailto:vic.jaras@iowa.gov) with any questions. For more information on this program, visit the Iowa Department of Education website: [Title IV - Part B - 21st Century Community Learning Centers](#).





## Comments sought on SES Transition Plan

The Every Student Succeeds Act (ESSA) provides flexibility in school interventions and supports to states, such as Iowa, that currently operate without a waiver to the Elementary and Secondary Education Act of 1965.

The Iowa Department of Education has chosen that flexibility option and has developed a draft transition plan for ensuring that school districts provide alternative supports for students eligible for supplemental education services and school choice in buildings with the greatest need during the 2016-17 school year.

This transition plan was developed following four public forums held across Iowa in March and April. Iowans are encouraged to review the [draft plan](#) and send comments to [ESSA@iowa.gov](mailto:ESSA@iowa.gov) no later than 1 p.m. on Friday, May 6.

## New member joins State Board of Education

Bettie Bolar, who is self-employed as the director of the Community Foundation of Marshall County, joins the State Board of Education on May 1.

She previously served as vice chancellor for Continuing Education and Training at Iowa Valley Community College District where she led a staff of 75 people to provide adult and continuing education, and training. Bolar will fill a seat vacated by Rosie Hussey.

She was appointed by Governor Terry Branstad for a six-year term and the Senate confirmed her appointment.

Branstad also reappointed Mike Knedler of Council Bluffs for another six-year term. His appointment also was confirmed by the Senate.

The other State Board members are Charles Edwards of Des Moines, Brooke Axiotis of Des Moines, Mike Bearden of Gladbrook, Angela English of Dyersville, Diane Crookham-Johnson of Oskaloosa, Mike May of Spirit Lake, and Mary Ellen Miller of Corydon.

The State Board is made up of nine voting members who serve six-year terms and one non-voting student member who serves a one-year term. The student member position is in the process of being filled.

# Early Childhood Preschool Programs

## Feedback sought on preschool task team’s work

A task team composed of consultants from the Iowa Department of Education and Area Education Agencies across the state have engaged in a process of review of the Iowa Quality Preschool Program Standards (IQPPS) and criteria.

The purpose of the IQPPS task team work was to make recommendations for keeping, editing, deleting, or adding criteria to be consistent with the most current National Association for the Education of Young Children (NAEYC) accreditation standards and criteria. The expected outcome is updated IQPPS criteria that align with NAEYC and Iowa Early Learning Standards.

Recommendations for IQPPS criteria is going through a vetting process now. Recommendations then will be shared with the State Board of Education for its approval. Those who would like to review proposed changes and provide feedback are welcome to respond to a [survey](#).



For more information on the IQPPS, contact Jennifer Adkins at [jennifer.adkins@iowa.gov](mailto:jennifer.adkins@iowa.gov) or 515-725-2219 or Dee Gethmann at [dee.gethmann@iowa.gov](mailto:dee.gethmann@iowa.gov) or 515-281-5502.

## Save the date: Early Care and Education Fall Institute

Learn about early childhood research and initiatives, take advantage of the resources of supporting agencies, and learn from national experts and each other at the Early Care and Education Fall Institute, Sept. 30-Oct. 1, at the Prairie Meadows Conference Center in Altoona.



The Iowa Department of Education will once again be co-sponsoring the Iowa Association for the Education of Young Children Fall Institute, titled “Supporting Children in a Changing World: Engage, Collaborate, Empower.”

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.

# Nutrition and Health Services

## May 25 deadline for food equipment grant opportunity

Grants are available for schools to purchase equipment to serve healthier meals that meet the updated meal patterns, with emphasis on serving more fruits and vegetables, including items purchased locally, improving food safety, and expanding access.

As in previous grant opportunities, the funds will be awarded via a competitive application process, giving priority to high-need schools where 50 percent or more of the enrolled students are eligible for free or reduced-price meals. In addition, priority will be given to schools that did not receive a previous Nation School Lunch Program Equipment Assistance Grant award.



Information on the process and the application are located on the Bureau of Nutrition and Health Services web page under Monthly Memos and Updates-Schools, 2016, and posting 2016/04/15.

To get started, click [here](#). Applications must be postmarked on or before May 25, 2016.

Contact Patti Harding at [patti.harding@iowa.gov](mailto:patti.harding@iowa.gov) if you have questions.

## Apply to receive a wellness coach

Is your school district working to provide a healthy school environment and meet the Smart Snacks in School and Local Wellness Policy regulations, as set by the USDA?

Iowa Team Nutrition is offering Registered Dietitian Nutritionist (RDN) Wellness Coach assistance to 30 school districts that need assistance with meeting the Local Wellness Policy and Smart Snacks section of the USDA Administrative Review. The RDN Coach will provide three visits per district during the fall to facilitate the implementation of an action plan to meet Local Wellness Policy and Smart Snacks regulations.



Deadline to apply is May 20. Contact Patti Delger at [patti.delger@iowa.gov](mailto:patti.delger@iowa.gov) for the application or for more information.



## Legislative Update

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

### A prediction: the Legislature *will* wrap up

The tea leaves must have been a casualty of all the wind we have been experiencing, since there was a prediction by some that the legislative session would end on time this year. However, day 100 of the session (the last day legislators may receive a per diem payment for food and lodging expenses) has come and gone, and the session continues.

In early April, the Governor signed SF 174 and SF 175, which set the rate for supplemental state aid and categorical state aid at 2.25 percent. Establishing the rate for the 2017-18 school year will not be addressed this session.

In mid-April, the Joint Appropriations Subcommittee unveiled the Education General [Fund](#) and the Education Appropriations bill [SF 2323](#). The Iowa Department of Education received \$250,000 less than what was anticipated in its administration fund. The Department was appropriated \$25,000 for a fine arts beginning teacher mentoring program. The Department did not receive funding to support education task forces, commissions and councils.

In the April School Leader Update (SLU), I mentioned that there may be policy language resurrected in Appropriations bills at the end of the session, which occurred in SF 2323. One item is a one-year delay on the requirement for the intensive summer literacy program, and a one-year delay on third-grade retention, which would push implementation of these provisions to the summer of 2018.

The House of Representatives amended the Education Appropriations bill to suspend the rule that adopted the Smarter Balanced Assessment as the new state assessment until July 1, 2017, and to call for a special review to occur during the December 2016 Administrative Rules Review Committee meeting. This means the rule is “suspended” or inactive until July 2017. The amendment passed on a voice vote, meaning there is no public record of who voted for or against the amendment. The Education Appropriations bill passed the House 52-41 and was returned to the Senate where it passed on a 27-22 vote. The day the session ends will determine how long the Governor has to sign the bill. If, during the session, the Governor does not sign or veto a bill, it becomes law after three calendar days. Bills received by the Governor during the last three calendar days of the session must be signed or vetoed within 30 calendar days.

The Governor had a public signing ceremony for [HF 2264](#), which allows a student who open enrolls to immediately participate in varsity athletics if the district of residence determines there is a founded incident of harassment or bullying. There were two families in attendance for the bill signing who had been affected by bullying in their home district and sought out assistance from legislators. They were very grateful for the bill, which passed unanimously in both the House and Senate and is effective immediately. The Governor also had a public signing for [SF 2196](#), Literacy Requirements in Teacher Preparation, which was a Department bill. The bill modifies the reading and literacy requirements for teacher preparation programs approved by the State Board. The bill passed unanimously in both the House and Senate.

*Continued on page 13*

# Legislative Update continued

*Continued from page 12*

Other bills of interest include:

[HF 2324](#) - Computer Science Advisory Council. The bill's original intent was to require all high schools to offer a high-quality computer science course and to establish an advisory council to make recommendations on the specifics of the course. The bill was modified significantly and remains on the Senate Unfinished Business Calendar.

[HF 2392](#) – Career Technical Education (CTE) including Career and Academic Planning. The House Education Committee put forth this bill which included all of the task force recommendations. You can review the report [here](#). This bill passed unanimously in the House and Senate, and was sent to the Governor.

[HF 2413](#) - Reading Proficiency/Intensive Summer Reading Program essentially does three things: clarifies that a 60-second snapshot or the FAST assessment is not the only assessment that will be used to determine proficiency and ultimately third-grade retention, replaces the language “substantial deficiency in reading” to “persistently at risk in reading,” and requires regular updates to parents regarding the student’s progress toward reaching or exceeding the targeted level of reading proficiency. The bill passed in both the House and Senate and was sent to the Governor.

I have no tea leaves, but I am predicting that the 2016 legislative session will have concluded by the time I sit down to write my June SLU column!

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

### April showers bring May flowers (almost)

April showers bring May flowers and a busy time of year for schools, students, and parents alike. It is no less busy in my household. T-ball is starting and it's time to plan summer activities like swimming lessons, softball, summer camps, and summer trips.

Other fun events are also keeping my calendar full until the end of the year like spring concerts, field trips, and track-and-field day, too. Among those things, we are also brightening up our outdoor space so we can enjoy it over the summer. Recently, I attempted my hand at gardening by planting tulips with the kids to add a little color to my front walk. The kids went with me and picked out the colors they wanted to plant. Liam was all too happy to help me dig in the dirt and dump water on them. It didn't take us long to plant them.

I let the dog out for some refreshing air and then started to grill so we could make lunch. A few minutes later when I let our dog back in, I noticed he had dirt all over his mouth. It didn't register right away ... until I noticed my tulips all over the sidewalk! Within only a half an hour of planting them our puppy, who is just shy of a year, ate half of my beautiful tulips when he was out of my line of sight! Looks like I will be replanting flowers this weekend to a new location out of his reach. Alas, there is always something to do. Summer will soon be here and I want to be ready for it!

But before we head onto summer fun and the close of 2016-17 school year, here are a few graduation reminders to help you get ready for graduation. In this short-and-sweet May edition of Legal Lessons, I bring you the Top Five Graduation Don'ts, CAUTION for School Nurses Picking up Student Prescriptions, and Athletic Eligibility for Students who Open Enroll Due to Harassment, and Appeal Case Update.

### 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.

*Continued on page 15*

*Continued from page 14*

### **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 a 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 the 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) at [Fees Declaratory Order](#).

- 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 committed some egregious misbehavior, the student may be properly banned from taking part in graduation exercises and the diploma can be mailed then 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 have all 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.

### **CAUTION: School Nurses Picking up Student Prescriptions**

Last year the Department issued a [Medication Waste Guidance](#) document which described the appropriate methods for disposal of medication waste. Another topic closely related to medication waste has surfaced from that guidance.

Many schools or school districts have school nurses who are currently picking up prescription medications for their students from the pharmacy and transporting those medications to the school in their own personal vehicles for administration at the school. While this is seemingly an innocent practice, it is not without its pitfalls. The issue from a legal perspective is a liability issue.

*Continued on page 16*

## Legal Lessons continued

*Continued from page 15*

Having a school nurse act as the agent of the parent or student and picking up medications puts the nurse in a compromised position. Schools and school districts should not be asking their nurses to act as agents for parents in this manner. The school nurse is liable for the prescriptions they transport in the course of his or her employment and so is the school or school district. If the nurse fails to deliver the medications or converts those for personal use, the school or school district could be liable.

Additionally, if the school nurse is pulled over while transporting these medications, he or she can still be charged for possession of a prescription drug without a prescription – the onus is then on the nurse to prove he or she was acting as an agent of the parent or student and that he or she was ensuring the appropriate use of the medication. In a nutshell, it really puts the school nurse in a bad position to be transporting student medications and it is not recommended.

The Iowa Board of Pharmacy rules provide that a pharmacy can deliver a prescription. Iowa Admin. Code r. 657—8.15. Thus, this provides another option to schools or school districts who currently have nurses who engage in this practice. Having the pharmacy deliver the prescription to the school for the student would be a better approach and have less liability attached to it. As always, you should consult with your school district counsel regarding these issues.

### **Athletic Eligibility for Students who Open Enroll Due to Harassment**

On April 7, Governor Branstad signed [House File 2264](#) into law. Under the new law, a student who files an application for open enrollment would not have to sit out for the 90-day ineligibility period if the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence. This act went into effect immediately upon the signature of the governor.

### **Appeal Case Update**

Here is a recent appeal decision from the State Board of Education. In this appeal, the State Board overturned the decision of the local school board denying the open enrollment application of a student who was suffering from a serious medical condition on the basis that the district had not had the opportunity to meet the student's medical needs.

However, the evidence at the hearing showed that the parents had made several attempts to work with the district regarding the student's medical condition, requested a 504 plan, and were working through this process when the district failed to follow through with the 504 process. Thus, the State Board found that the district was given an opportunity to meet the student's needs and failed to do so.

This case is a good reminder that districts need to work with students to try to meet their medical needs and must also follow through with statutory processes such as reviewing a student for need of a 504 plan.

[In re Open Enrollment of B.P., 27 D.o.E. App. Dec. 717 \(2016\).](#)

### **Students with Disabilities**

For questions regarding students with disabilities please contact Thomas Mayes at 515-242-5614 or [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov).



# Calendar

- May 1 • Second semester parental claim forms for nonpublic transportation reimbursement due
- May 11 • Spring SRI test site closes
- May 15 • AEA Budget Proposal Resubmit Unapproved Budget
- May 16 • Spring SRI site opens



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## Iowa Department of Education

400 E 14th Street  
Grimes State Office Building  
Des Moines, Iowa 50319  
Ph: 515-281-5294  
[www.educateiowa.gov](http://www.educateiowa.gov)