



# School Leader Update

A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

September 2016

## An Iowa definition for college and career readiness

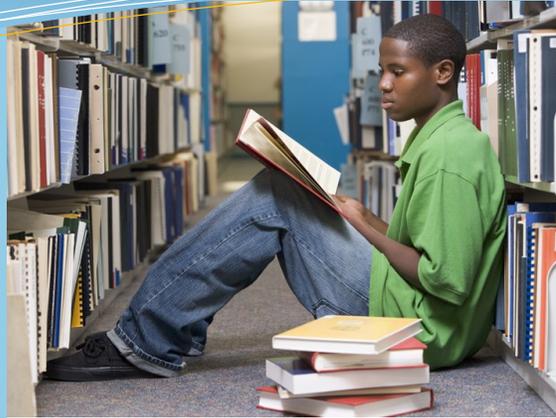
Iowa's education system works hard to prepare all students for success beyond high school. But what does college and career readiness actually mean?

A new definition adopted by the State Board of Education in August represents what's important for students to achieve postsecondary success:

Iowa students who are college and career ready have acquired the necessary knowledge, skills, and strategies to be successful in postsecondary opportunities as demonstrated through multiple sources of evidence, including those generated by students. Iowa students who are college and career ready have successfully:

- Achieved proficiency in essential content knowledge

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## Building partnerships, focusing on learning

While the school year has only just begun, the Iowa Department of Education is already planning a year ahead. We've fully launched our stakeholder engagement efforts in developing Iowa's Every Student Succeeds Act (ESSA) plan.

As I've previously stated, this federal legislation maintains a focus on transparency and accountability while returning more authority to states and local school districts to set goals and create systems of support that will improve student learning. Iowa has a significant opportunity with the passage of ESSA to think broadly, and in partnership, about what we as a state want this law to do in service of students.



**Director Ryan Wise**

On August 18, the Department convened an advisory committee of educators and representatives of school boards, area education agencies, education associations and parents. The meeting focused on the big ideas and opportunities contained in ESSA.

As part of the session, the Department asked members to share their hopes and priorities for the development of Iowa's ESSA plan. They expressed a range of ideas, which included:

- Shifting the paradigm from No Child Left Behind to what is best for the growth of all students.
- Finding "the magic in the may" that delivers the promise of the title of the act.
- Bringing common sense focus to the use of assessments.
- Maintaining accountability and maximizing flexibility.
- Ensuring we keep the tools we need to help kids succeed.

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## No guarantee of same day-service in licensure

The Board of Educational Examiners (BoEE) can no longer guarantee same-day processing for walk-in applications due to decreased funding and a 40 percent reduction in support staff. This diminished capacity affects BoEE's ability to maintain online and walk-in services at the desired level. However, fingerprinting services will continue as usual.

Priorities must be aligned with the available resources to sustain efficiency and ensure our stakeholders that only properly licensed practitioners are serving in the field. Educators and administrators are encouraged to review the current status of their license, and that of those they oversee, to best identify high priority needs and timely completion. For questions, contact Ann Lebo at 515-281-4810 or [ann.lebo@iowa.gov](mailto:ann.lebo@iowa.gov).

## Title II Part A FY17 allocations and application available now

The Local Education Agencies allocation for Title II Part A FY17 is \$16.5. The 2016-17 public schools annual notification and allocations are available on the Iowa Department of Education Title II A webpage [Title II, Part A - 16-17 Allocations](#) , [Annual Notification to Superintendents](#).

Districts must complete an application on [www.iowagrants.gov](http://www.iowagrants.gov). School districts can request reimbursement once the application is completed, certified by the district, and approved by the Department. For questions regarding the allocations or the application, contact Isbelia Arzola at 515-281-3954 or [isbelia.arzola@iowa.gov](mailto:isbelia.arzola@iowa.gov).

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- Focusing on student learning and not just accountability.
- Building capacity within schools.
- Creating stronger partnerships between families, communities, and schools.

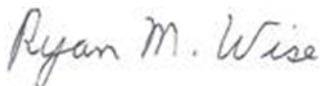
Committee members also provided input on an initial theory of action, which describes both the actions and the results Iowa hopes to achieve through the implementation of the state ESSA plan. The theory of action addresses the major components of the law, including: early childhood education, educator quality, accountability and school intervention, as well as standards and assessments.

The voluminous feedback generated by the Committee made it clear that there are numerous ideas to consider, many voices to hear, and much work ahead.

Over the next six months, the Department will energetically seek input from all stakeholders. We will announce opportunities for feedback at public forums across Iowa this fall. We will also conduct targeted outreach to education advocacy groups, legislators, teacher and administrator preparation institutions, the business community, the media, other state agencies, and civil rights organizations.

The Department will create opportunities for all interested Iowans to learn what the law means and how Iowa can use it to set a coherent vision for student success across Iowa's education system, as well as a system of accountability and support to reach that vision. The Department is committed to ensuring diverse voices have input in the development of this plan.

I encourage you to stay informed on and engaged in this effort by visiting our ESSA [webpage](#) regularly. I look forward to the work ahead!



# Nominate an educator for 2017 Iowa STEM Teacher Award

Do you know a STEM teacher that goes above and beyond to engage their students both in and out of the classroom? Nominations are now open for the 2017 Iowa STEM Teacher Award.

The award, offered by the [Iowa Governor's STEM Advisory Council](#), celebrates teachers whose leadership and dedication to STEM in Iowa increases students' interest and awareness in science, technology, engineering and mathematics. One teacher from each of the six STEM regions will receive a \$1,500 award along with an additional \$1,500 to be used in their classroom. Deadline for nominations is Oct. 14, and recipients will be announced spring 2017. The nomination process is simple and open to everyone, including fellow teachers, school administrators, students and parents. Visit [www.stemaward.fluidreview.com](http://www.stemaward.fluidreview.com) to submit a nomination and learn more.

GREATNESS  
STEMS  
FROM IOWANS

GOVERNOR'S STEM ADVISORY COUNCIL

dedicated to building a strong STEM education foundation for all Iowans

## Long-time educator Delagardelle passes away

Mary Lee Delagardelle, a long-time Iowa educator and an associate division administrator at the Iowa Department of Education, died last week following a long and truly courageous battle with cancer. She was 65.



Mary was a consummate professional in every sense of the word. She was bright, visionary and engaged. She also was engaging, as her work associates knew well, never missing an opportunity to extend a compliment or nice word. Even through her years of illness, she handled it with steel and grace, always with a smile at the ready.

"Mary's passing is a tremendous loss for all of us at the Department," said Director Ryan Wise. "She had a significant influence on my approach to leadership and life."

"She was always the first to offer words of encouragement to others, to lead with grace, dignity and talent, and to pitch in and support any and all of us when we needed help," said Dave Tilly, deputy administrator of the Department and long-time friend. "Mary truly was the best of us and she will be deeply missed by all who knew her."

Mary Boucher was born in Columbia, Mo., and graduated from Griswold Community High School in 1969. She and David Delagardelle were married in 1972.

Mary received her undergraduate degree from the University of Northern Iowa and her Master's and Ph.D. from Iowa State University. Mary had been involved in education for over 40 years in both Mason City and Ames as a teacher, principal, central office administrator and school board member/president.

She led many local, statewide and national educational initiatives (including the landmark Lighthouse Research Project) focused on improving teaching and learning. She also has published works related to school boards, parent involvement, mathematics reform, and programming for students with special needs.

Mary is survived by her husband, David Delagardelle of Ames; her son, Kelly (Edana) Delagardelle of Jefferson; her brother, Dr. Lewis Boucher (Marjorie); two sisters, Judi Lahr (Mel) and Kathy Boucher; and many loved nieces and nephews.

She will be missed.

# Administrator academy for districts with ELL populations

The Iowa English Language Learner (ELL) Administrator Academy provides professional development opportunities for administrators with ELL populations in their district. Over 50 school administrators are involved and the program will continue during the 2016-17 school year. New members can join for next school year.

Districts with significant or a growing number of ELLs are encouraged to have an administrator enrolled in the Academy. Ideally, the administrator will be someone with decision-making authority for the programming for ELLs.

Participation requires a two-year commitment by an administrator to:

1. Attend Our Kids and the Iowa Culture and Language Conferences annually.
2. Participate in three 90-minute meetings via web from their district throughout the school year.
3. Attend a national conference with a focus on serving students who are learning English as a second language once during the two-year period.



For questions regarding the Academy, contact Jobi Lawrence at 515-281-3805 or [jobi.lawrence@iowa.gov](mailto:jobi.lawrence@iowa.gov), or Lori Porsch at [laporsch@gmail.com](mailto:laporsch@gmail.com) or email to [iowaleadersell@gmail.com](mailto:iowaleadersell@gmail.com).

## Annual desk audits use Differentiated Accountability System

A statewide Differentiated Accountability (DA) system for all districts, accredited nonpublic schools, and Area Education Agencies is now being used by the Iowa Department of Education. All districts, accredited nonpublic schools and AEAs are required to complete a universal desk audit annually, as part of the system to check for compliance with state and federal education requirements,

Information on the universal desk audits is provided in the [April 29<sup>th</sup> webinar](#). Key points to remember:

- The Pre-K universal desk audit is the early childhood reporting application, due Sept.15. Access the application through [Iowa Education Portal](#).
- The K-12 and AEA universal desk audits will be uploads of documents or links to a web-based application.
- District and AEA sites will open Sept.15 and close Dec. 15. Access to the site for your district, school, or AEA will be provided to the superintendent or chief administrator.
- Check the Differentiated Accountability website for detailed information on [desk audit requirements](#).
- If you have not received your desk audit Google site from your school improvement consultant by Sept. 30, contact him/her.

For questions concerning the desk audit process, contact:

Jennifer Adkins [jennifer.adkins@iowa.gov](mailto:jennifer.adkins@iowa.gov) for early childhood desk audit

Cindy Butler [cindy.butler@iowa.gov](mailto:cindy.butler@iowa.gov) for K-12 and AEA desk audit

Your school improvement consultant for K-12 and AEA desk audit

## Teach Iowa offers training and refresher sessions

Teach Iowa: Basics and Beyond training sessions are coming to Iowa this fall. Frontline Technologies, home of Teach Iowa's AppliTrack system, will offer the sessions. These sessions will walk users through basic account set up, utilization and maintenance as well as answer questions specific to the needs of the audience.

Sessions are great for first-time users and a good refresher for current users. There is no charge for these training sessions and space is limited. Use links below to register for a specific date and location.

### Teach Iowa: Basics and Beyond

#### Oct. 10

Grant Wood AEA  
4401 Sixth St SW  
Cedar Rapids  
[Register here](#)

#### Oct. 11

WDM LRC Community Room  
3550 Mills Civic Pkwy  
West Des Moines  
[Register here](#)

#### Oct. 12

Halverson Center for Education  
24997 Highway 92  
Council Bluffs  
[Register here](#)

## Career information systems list

The following systems as reviewed by the Iowa Department of Education, meet the career guidance and development standards as defined in House File (HF) 2392.

Schools may select from any of the following systems:

Career Information Systems (CISs) Meeting State Board Standards		
Product	Vendor	Valid until:
Career Cruising	<a href="#">Career Cruising</a>	June 30, 2019
Navigator	<a href="#">Kuder</a>	June 30, 2019
I Have A Plan Iowa	<a href="#">XAP</a>	June 30, 2019
IntoCareers	<a href="#">University of Oregon</a>	June 30, 2019
Virtual Job Shadow	<a href="#">Strivven Media</a>	June 30, 2019
Naviance (conditional)*	<a href="#">Hobsons</a>	June 30, 2017*

Requests from system vendors will be reviewed upon receipt and the Department will update the list on the [website](#) as new vendors are added. Watch for additional guidance in the coming weeks in regards to district-level career guidance and development plans. For questions, contact Amy Vybiral at 515-281-3169 or [amy.vybiral@iowa.gov](mailto:amy.vybiral@iowa.gov).

*\*Indicates that a CIS met the majority, but not all, of the standards adopted by the state board. Vendors were notified of the criteria necessary to remove the "conditional" status and have submitted proposals to address any deficiencies. Vendors are responsible for ensuring any necessary modifications are incorporated into their CIS and reviewed and cleared by the department prior to the established deadline. If the deficiencies are not addressed as outlined in the proposal submitted by the vendor, the system will be removed from the Department's list of systems meeting state standards.*

## Four Iowans win math, science awards

Four Iowans were among 213 mathematics and science teachers named as recipients of the prestigious Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST), and will receive their awards at a ceremony in Washington, D.C. on Sept. 8. The award-winning teachers are:

- Ann Johnson, a second-grade mathematics teacher at Sageville Elementary School in the Dubuque Community School District
- Joshua Steenhoek, a science teacher at Jefferson Intermediate School in the Pella Community School District
- Lynnetta Bleeker, a life sciences teacher at Parkview Middle School in the Ankeny Community School District
- Richard Brooks, a math teacher at Johnston High School in the Johnston Community School District

Read more about the Iowa award winners [here](#).

Visit the [PAEMST website](#) for more information about the program.

# Fall grant competition for improved academic achievement

The 21st Century Community Learning Center (CCLC) grant serves as a supplementary program that can enhance state or local reform efforts to improve student academic achievement and to support the whole child through enrichment programs.



The 21st CCLC program is a federal title program (Title IV, part B). Districts must have a minimum of 40 percent free and reduced lunch to be eligible.

The new competition information will be posted on the Iowa Department of Education website in September. This competition will award \$6.8 million in grants for afterschool and summer school programs in Iowa. Districts will have three months to work on their proposals.

Technical Assistance Meetings will be held in Davenport, West Des Moines and Atlantic to assist districts that are interested in applying for the grant in fall 2016. The Department posts best practice examples for key sections of the grant and technical assistance meetings to help with questions about the application process. For questions, contact Vic Jaras at 515-242-6354 or [vic.jaras@iowa.gov](mailto:vic.jaras@iowa.gov). Click [here](#) for more information about this program.

## Microsoft Cy Press program ends June 2017

The Microsoft Cy Pres program will end June 30, 2017. This date is both the final purchase date and final filing date for redemption paperwork. Districts or elementary schools negotiating a purchase in June 2017 need to have the vendor invoice in time to file with the claims administrator before June 30, 2017. The final date to file an addendum to your application is March 31, 2017.



Microsoft

Remember, the focus is PK-3 literacy. Information can be found on the Iowa Department of Education [web page](#). Remind your teachers to take part in the teacher survey at [RISE](#). For questions or concerns, contact John O'Connell at 515-249-0334 or [john.oconnell@iowa.gov](mailto:john.oconnell@iowa.gov) or [john.oconnell@mchsi.com](mailto:john.oconnell@mchsi.com).

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- Acquired practical transition skills
- Developed key learning skills and cognitive strategies
- Built a strong foundation of self understanding and engagement strategies

### College and Career Ready Students



“Even though the definition is not fully in place, districts already are doing things that align with it,” said Iowa Department of Education Director Ryan Wise, who regularly visits classrooms statewide. “It’s really exciting that the board is moving this forward, and we look forward to working with districts to implement it.”

Work on the new definition began in 2014 with some members of the [Competency-Based Education Collaborative](#) membership.

A broad stakeholder group convened in 2015 and generated descriptions of what’s important for students to accomplish by high school graduation. A subgroup of that stakeholder group took those ideas and drafted a definition, which was revised based on feedback from the larger group as well as stakeholders statewide.

More than 200 people – mostly Iowa educators – provided feedback. Read the [item](#) from the State Board of Education’s agenda.

## Students can apply, file and decide on college education

Iowa College Aid's 3-Step Process offers Iowa high schools a college preparation program that helps seniors apply to college, file for financial aid and ultimately choose a college all while promoting education beyond high school to all students.

The Iowa College Application Campaign kicks things off in the fall, helping seniors navigate the college admissions process and providing them the opportunity to apply to one or more colleges during the school day.

The Free Application for Federal Student Aid (FAFSA) Completion Initiative, which provides schools with FAFSA completion statuses for their seniors, and Iowa College Decision Day, which celebrates student achievement and college decisions, round out the three steps.

Iowa College Aid is still registering schools in the 2016-17 3-Step Process. Signing up with Iowa College Aid gives participating schools access to resources and data to continue building a year-long college-going culture. For more details and to register, go to [3-Step Process](#).

## United States Senate Youth Program application deadlines



The United States Senate Youth Program is a unique educational experience for outstanding high school students interested in pursuing careers in public service.

Established in 1962, the annual program will be held in Washington, D.C., from March 4-11. Two student leaders from each state, the District of Columbia, and the Department of Defense Education Activity will gather for an intensive week-long study of government and those who lead it. In addition, each selected delegate receives a \$10,000 scholarship. The overall mission of the program is to help instill knowledge of the American political process and a

lifelong commitment to public service.

Oct. 3 is the first of numerous deadlines for application to the program. Additional program information, including the student application, is available [here](#) or by accessing the United States Senate Youth Program website [here](#). For questions, contact Stefanie Wager at 515-725-7842 or [stefanie.wager@iowa.gov](mailto:stefanie.wager@iowa.gov)

## Celebrating Constitution Day

Congress enacted legislation requiring all public schools to set aside one day during the week of Sept. 17 to teach all students about the U.S. Constitution and about citizenship. This year is the 229th anniversary of our national Constitution. While compliance is mandatory, the implementation details are left to local districts.

For resources on teaching about the Constitution go [here](#). If your district is planning something special to celebrate Constitution Day or you have any questions, contact Stefanie Wager, social studies consultant, at [stefanie.wager@iowa.gov](mailto:stefanie.wager@iowa.gov), or 515-725-7842.

If you have legal questions about the matter, contact [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov).



## Nominate a Presidential Scholar by Oct. 14

The Iowa Department of Education is seeking nominations for outstanding high school seniors for the 2016-17 U.S. Presidential Scholars selection cycle. We encourage you to nominate students who, while demonstrating outstanding scholarship, might not otherwise be nominated through the current SAT/ACT or arts recognition processes. If you have an outstanding high school senior deserving of consideration, please submit a nomination through the Department's online Presidential Scholar Nomination Form by Oct. 14.

Department Director Ryan Wise will select 25 students (10 males, 10 females, and 5 in the Career and Technical Education (CTE) category) to submit to the U.S. Presidential Scholar Program for consideration. The 2017 Presidential Scholars will be selected by the Commission on Presidential Scholars and will receive the Presidential Scholars Medallion at a ceremony in their honor in Washington, D.C. Reviewers will consider the following categories:

- Involvement and service (in school and community)
- Leadership and character
- Writing samples
- Academic achievements
- Discretionary points for extraordinary achievement, heavy workload, family responsibilities, or obstacles overcome.



The CTE component of the program will honor students on the basis of outstanding scholarship and demonstrated ability and accomplishment in career and technical education fields. Reviewers will consider the following categories:

- Mastery of technical skills
- Strength in teamwork, decision-making, and problem-solving
- Real-world application

Specific information to be included in each nomination is described on the department's online [Presidential Scholar Nomination Form](#). Nominations must be submitted no later than Friday, Oct. 14. For questions regarding the nomination process, contact Deborah Darge at [deborah.darge@iowa.gov](mailto:deborah.darge@iowa.gov) or 515-281-5295. Read more about the [Presidential Scholars program](#).

## Visiting Teachers from Spain program under way for 2016-17

The Visiting Teachers from Spain (VTS) program is an innovative approach to meeting the educational needs of Iowa's children while providing enriching cultural experiences during their academic journey. Sponsored and overseen by the Education Office of the Embassy of Spain and the Iowa Department of Education, the program recruits highly qualified, licensed, native Spanish-speaking teachers who have a minimum of three years' experience in bilingual or multicultural education.

By signing on for a one- to three-year teaching commitment, the visiting teachers address critical staffing needs that would otherwise go unmet. Iowa has 26 teacher placements set for the 2016-17 school year. Click [here](#) to read more about the VTS program and participating Iowa schools.



# Data and Reporting

## Fall certified enrollment on the horizon

Make sure to visit the [Student Reporting in Iowa \(SRI\) website](#) for the 2016-17 Data Dictionary, updated addendum, etc., if you missed the SRI road show in August.

Fall SRI and Certified Enrollment are just around the corner. Mark your calendar with the following:

DATE	APPLICATION	TASK
Sept. 7	Fall VRF, SRI and Certified Enrollment Test Sites Open	Start Sending Test files Move test data onto SRI and Certified Enrollment
Sept. 28	Fall VRF, SRI and Certified Enrollment Test Sites Close	
Oct. 3	<b>COUNT DAY</b>	
Oct. 3 thru Oct. 7	VRF, SRI, and Certified Enrollment Sites Open	Continue sending files. Verify student and course records
Oct. 7 thru Oct. 14	Certified Enrollment	Continue to monitor your reports and checking for state duplicates
Oct.15*	<b>CLICK 'CERTIFY' ON CERTIFIED ENROLLMENT</b>  <b>*YOU MAY WANT TO CLICK CERTIFY ON THE 14<sup>TH</sup> SINCE THE 15<sup>TH</sup> IS A SATURDAY AND STATE OFFICES ARE NOT OPEN ON WEEKENDS.</b>	

## Student Reporting in Iowa (SRI) GOLD Star Status

The Iowa Department of Education Student Reporting in Iowa (SRI) team will compile a "GOLD Star List" of public districts and nonpublic buildings who meet the criteria for fall reporting through SRI.

### Public School District Criteria:

- 1) SRI test data showing in certified enrollment on Sept. 28 at 4 p.m.
- 2) SRI data showing in certified enrollment on Oct. 7 at 4 p.m.
- 3) Certified enrollment certified on Oct. 15.

### Nonpublic School Criteria

- 1) Test data error free in SRI, no Level 2 validation errors, on Sept. 28 at 4 p.m.
- 2) Data error free in SRI, no Level 2 validation errors, on Oct. 7 at 4 p.m.
- 3) Student Reporting in Iowa certified on Oct. 15.

The Department wishes to recognize those who submit accurate and timely data. The GOLD STAR list will be published in the December School Leader Update.

## Early Childhood Preschool Programs

### Early childhood fall institute registration now open

The Early Care and Education Fall Institute: *Supporting Children in a Changing World* will take place on Sept. 30-Oct.1 at the Prairie Meadows Conference Center in Altoona. Teachers and anyone who works with young children are encouraged to attend.

In addition, early childhood educators are encouraged to attend upcoming pre-sessions focusing on “Prevent-Teach-Reinforce for Young Children” and “Teaching Intentionally in the Interest Areas” at the Early Care and Education Fall Institute on September 29 at the Prairie Meadows Conference Center in Altoona. These pre-sessions include:

- “Prevent-Teach-Reinforce” will focus on a model of intervention for young children with the most persistent and severe challenging behaviors.
- “Teaching Intentionally in the Interest Areas” will address ways that preschool teachers can be purposeful as they create and interact with children in an environment that best supports their development and learning.



*Please note: An article addressing preschool policies and practices is addressed in this edition's Legal Lessons.*

To register, visit the [Iowa AEYC website](#) or contact Betsy Lin at [betsy.lin@iowa.gov](mailto:betsy.lin@iowa.gov).

## Nutrition and Health Services

### Final USDA rules on wellness policies and smart snacks

The Healthy Hunger-Free Kids Act of 2010 included interim final rules for Local Wellness Policies and Smart Snacks nutrition standards for foods/beverages sold outside of the school meals program. The rules have now been finalized with minimal changes.



**Local Wellness Policy Changes:** The final rule requires each school district to assess compliance with its local school wellness policy and make this assessment available to the public at least once every three years, but removes the requirement for districts to annually report progress of local school wellness policies. School districts are expected to be in full compliance with rules.

#### Changes to Smart Snacks:

- Low sodium/no salt added canned vegetables with no added fats are exempt from all nutrient standards
- Whole eggs with no added fat are exempt from the total fat and the saturated fat standards
- Combination products other than paired exempt foods are not exempt and must meet all the nutrient standards

Read more about [wellness policies](#) and [smart snack](#) guidance.



## Legal Lessons

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

### Getting into the groove

Experience has taught me that the beginning of the school year does not always go as smoothly as planned. There are new teachers, a new daily routine with a full day of school followed by homework and other activities. I hope you enjoy a smooth transition back to school.

Now, in preparation for yet another school year in this edition of Legal Lessons, I bring you information about Safe Schools Week in October, Win \$1,000 for your school, Kaydn's Law: Iowa School Bus Safety, Enrollment Policies for the Statewide Voluntary Preschool Program, Choosing an Electronic Health Record System, Use of Home School Assistance Program (HSAP) Funds, Homeless Students, and Guidance from the U.S. Department of Education on Homeless Students and on Civil Rights of Students with Attention Deficit Hyperactivity Disorder (ADHD).

#### Iowa Safe Schools Week is Oct. 16-22 – Get Prepared!

Here are some things you can do in your school to recognize Iowa Safe Schools week locally:

- Work with your local fire department to do lesson plans regarding fires.
- Practice fire drills, tornado drills, and other emergency drills.
- Start an awareness campaign in your school asking your students to be aware of their surroundings and anything that is out of place, etc.
- Remind parents about school bus safety.
- Review your buildings for appropriate access controls.
- Make sure you're implementing effective school security when visitors are in your building.
- Review your school safety plan with local law enforcement and other emergency management agencies.
- Plan a day at the Capitol for the proclamation signing of Safe Schools Week by Governor Branstad. The date and time is yet to be determined but you may contact [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) for more information and to check availability of space.

These are just a few ideas to get you started. If you have other ideas, we would love to hear them. Just send me an email at [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov).



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## Legal Lessons continued

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### **Win \$1,000 for your school! Iowa Safe Schools Alliance video contest**

The Iowa Safe Schools Alliance (ISSA) is sponsoring a video contest for Iowa high school students. The winner of the contest will take home \$1,000 for their school. The theme should focus on the mission of ISSA with emphasis on mitigation. The mission: *Assist schools in preparing for, mitigating, responding to and recovering from natural and man-made threats and incidents.*

Sample topics could be identification of external or internal threats such as a student with a weapon, intruder, hazardous material spill outside the school, etc. Submission deadline is Sept. 23. [Click](#) to get information on how you can win up to \$1,000 for your school.

### **Kadyn's Law — Iowa School Bus Safety**

In 2012, the Iowa Legislature unanimously adopted Kadyn's law. The law was in response to the death of 7-year-old name Kadyn Jade Halverson who was struck by a pickup and killed while trying to cross the road to board a school bus.

The driver of the pickup violated Iowa's stop arm law – prohibiting drivers from passing a stopped school bus with the stop arms out or when the red or amber lights are flashing.

Kadyn's law increased the criminal penalties for passing a stopped school bus and increased the license sanctions for these offenses. Under Kadyn's law, an individual who is convicted of failing to stop for a school bus stop arm will be subjected to the following punishment for unlawful passing of a school bus under Iowa Code section 321.372(5)(b):



**First Offense** – A fine of at least \$250 but not more than \$675, and/or imprisonment not to exceed 30 days, and a 30-day license suspension.

**Second Offense** – (in five years) A fine of at least \$315, but not more than \$1,875, and/or imprisonment not to exceed one year, and a 90-day license suspension.

**Third Offense** – (in five years) A fine of at least \$315, but not more than \$1,875, and/or imprisonment not to exceed one year, and a 180-day license suspension.

Violations resulting in injury or death have increased fines and increased periods of suspension. Iowa Code § 321.482A.

*Other offenses not affected by Kadyn's law could be applicable in a case involving a violation of the law resulting in injury or death. The possible charges and penalties for those violations are listed below.*

**Serious Injury by Vehicle** – A Class D felony – is punishable by up to five years imprisonment, a fine of at least \$750 but not more than \$7,500, surcharges and court costs and a one-year license suspension.

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## Legal Lessons continued

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**Homicide by Vehicle while Intoxicated** – A Class B Felony – is punishable by a mandatory 25 years imprisonment, fines, surcharges and court costs and a six-year license suspension.

**Homicide by Vehicle Reckless/Eluding** – A Class C Felony – is punishable by up to 10 years imprisonment, a fine of at least \$1,000 but not more than \$10,000, surcharges and court costs and a one-year license suspension.

### **DO YOU KNOW WHEN STOPPING IS REQUIRED?**

Find out here: [Additional Information on Kady's Law from the DOT.](#)

### **IS THE LAW WORKING?**

School bus drivers in the state have expressed increased frustration with the lack of enforcement of Kady's law throughout the state. In a survey conducted by the National Association of State Directors of Pupil Transportation Services in 2016, Iowa bus drivers were asked to keep track of violations for one day. The 1,200 drivers who responded recorded 165 bus stop violations.

Any one of those violations could have resulted in serious injury or death of a student.

We are asking districts to increase awareness of the law by sharing the rules with parents and the community. Consider sending information home with your students, and using social media to direct the community to additional information. Sometimes a simple reminder is all it takes.

If you're curious about the bus driver survey, find it here: [2016 Survey Results](#)

### **Kady's Law Bulletin**

Please send this [bulletin](#) home with your kids this year or post a link to it online!

### **Enrollment policies for the Statewide Voluntary Preschool Program**

Guidance for enrollment policies regarding children who are not toilet trained:

If the child is eligible for the Statewide Voluntary Preschool Program (SWVPP) based on age and Iowa residency, the child is eligible for participation in the program regardless of whether the child is toilet trained. Based on preschool program standards and criteria, there would be policies in place for procedures to be implemented for children not yet toilet trained and these policies should be implemented in classroom practice.

This is a potential issue of the Americans with Disabilities Act (ADA) and Iowa Civil Rights Act, if the toileting needs are or might be due to a disability. Under the ADA, the U.S. Department of Justice (U.S.D.O.J.) has stated that centers, whether publicly run or privately run, cannot exclude children with disabilities who are not toilet trained.

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This analysis would also apply to faith-based community preschool partners, that would ordinarily be exempt from the ADA. This is because the ADA prohibits contracting with entities that engage in disability-based discrimination. More information is available in a [Commonly Asked Questions document](#) developed by the U.S.D.O.J (see Questions 15 and 16). Note that the analysis from the U.S.D.O.J. is focused on the provider, not the type of funding received for the child. This analysis would apply to non-SWVPP programs as well. The only exception to this is if the child's lack of toilet training has no relationship at all to an actual or potential disability after careful review of data by a school team.

Guidance for enrollment policies regarding children with needs for medication administration:

If the child is enrolling in the SWVPP (district site or community partner site), the child may not be excluded because of medication administration policies. In the case of a community partner site, the partner must accept the child (or the district would not be able to continue the partnership). Under the ADA and Iowa Civil Rights act, a school district could not participate in a partnership that discriminates based on disability (actual or perceived). See Question 14 from the U.S.D.O.J.'s Commonly Asked Questions document.

If the child is enrolling in a non-SWVPP district or accredited non-public school program that is not operated by a faith-based provider, the ADA would still apply. The Iowa Civil Rights Act applies to all providers, including faith-based providers. The Department of Human Services licensing requirements would also require compliance with the ADA.

For more information on the Statewide Voluntary Preschool Program, go to the [Statewide Voluntary Preschool Program](#) web page or contact Jennifer Adkins at [jennifer.adkins@iowa.gov](mailto:jennifer.adkins@iowa.gov).

For questions related to special education, contact Thomas Mayes at [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov). For questions related to medication administration, contact Melissa Walker at [melissa.walker@iowa.gov](mailto:melissa.walker@iowa.gov) or Nicole Proesch at [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov).

### **Choosing an Electronic Health Record System, Vendors, and School Health Services**

"Caveat emptor". "Let the buyer beware." School districts and accredited nonpublic schools need to ensure any health information or district use of health record system is in compliance with FERPA (Family Education Rights and Privacy Act) and other relevant state and federal laws. All records created by a school nurse working under the auspices of the school are considered education records and are protected under FERPA ([FERPA & HIPAA GUIDANCE, 2008](#)). Questions school districts or school administration should ask when approached by vendors marketing electronic health record systems or when using electronic educational record systems includes, "have we met the legal requirement for access to the data, security, confidentiality, and privacy?" and "have we addressed the ethical use of school health and educational record data?"

Many of these questions can be answered by reviewing the "Terms and Conditions" in an agreement between the school and the vendor of the electronic health record system before signing the agreement to use software or cloud-based programs. Schools are encouraged to consult their legal counsel prior to executing these contracts to ensure they are not violating federal and state laws. For example, many schools use the Iowa Department of Public Health's Immunization Registry Information System (IRIS) to access student immunization records to meet some of the legal

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requirements for students to enroll in school. The Iowa Department of Public Health has explicit laws and policies regarding the confidentiality and safety of its database and disclose of IRIS data to any third party.

Here are some suggested questions for schools or districts to answer when reviewing the “terms and conditions” of any electronic health record system vendor agreement:

- Have you reviewed the contract with your district or school legal counsel?
- Who owns the data?
- Does the use of an electronic health record system violate preexisting contracts or agreements to access other state databases?
- Whose responsibility is it to obtain parent authorization to share student education records to meet FERPA compliance?
- Is the data secure?
- Is there a statement prohibiting a vendor from mining or exploiting data for direct advertisement to parents or students or for using the data for improper or illegal purposes?
- Is there a statement prohibiting a vendor from sharing information with a subcontractor without the authorization of “the user” (meaning the school or district)?
- How much control does your district have over the data once it is released to the vendor?
- Is the system claiming to be FERPA compliant/HIPAA compliant and if so, please explain how?

School nurses should work directly with their legal counsel, school administration and technology team if approached by vendors to use electronic health record systems or if interested in upgrading current methods of documenting student health records.

Other considerations for the use of electronic health records:

- Does the school or district have a policy addressing information security?
- Does the program have overwrite protection?
- Does the program use firewalls, antivirus software and intrusion detection software?
- Does the program have role dependent secure access (if there is more than one employee entering into the student health record)?
- Does the program have encryption, usernames and secure passwords?
- Does the program have a password protected, lock-out screen saver (if the school personnel entering into the student’s educational record is pulled away for an emergency)?
- Is there a method to back up the electronic record system?
- Does the policy address data destruction?

To audit a “Terms and Conditions” policy or review your current electronic education record system, see the “Protecting Student Privacy While Using Online Educational Services: Model Terms of Service” [Guidance Document from the US Department of Education, January 2015](#). Refer also to the

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[National Center for Education Statistics and United States Department of Education Private Technical Assistance Center](#).

Additional information for school nurses can also be located at [National Association of School Nurses \(NASN\)](#). It is critical to review ethical and legal considerations when choosing an electronic health record system to protect the student, family, and school.

For more information, contact Melissa Walker at [melissa.walker@iowa.gov](mailto:melissa.walker@iowa.gov) or 515-281-5327. To inquire about the IDPH policies regarding use of IRIS, contact Kim Tichy at [kimberly.tichy@idph.iowa.gov](mailto:kimberly.tichy@idph.iowa.gov) or 515-281-4288.

### **Use of Home School Assistance Program funds**

The Department has received inquiries this past school year regarding the use of Home School Assistance Program (HSAP) funds. Note the passage below taken from the administrative rule on the use of HSAP categorical funds, especially the last sentence.

98.12(2) Inappropriate uses of categorical funding. Inappropriate uses of the home school assistance program funding include, but are not limited to, indirect costs or use charges; operational or maintenance costs other than those necessary to operate and maintain the program; capital expenditures other than equipment or facility acquisition, including the lease or rental of space to supplement existing schoolhouse facilities; student transportation except in cases of home school assistance program -approved field trips or other educational activities; administrative costs other than the costs necessary to administer the program; concurrent and dual enrollment costs, including postsecondary enrollment options program costs; or any other expenditures not directly related to providing the home school assistance program. A home school assistance program shall not provide moneys to parents or students utilizing the program.

Additional guidance can be found in the Home Schooling handbook found at [Homeschooling Handbook](#) (page 16, number 13). For questions regarding homeschooling, contact Elizabeth Calhoun at 515-281-8170 or [elizabeth.calhoun@iowa.gov](mailto:elizabeth.calhoun@iowa.gov).

### **Homeless Students**

During tough economic times, schools see a rise of homeless youth, and many schools have raised the question of who is considered to be a “homeless youth.” Subtitle VII-B of The McKinney-Vento Homeless Assistance Act authorizes the federal Education for Homeless Children and Youth (EHCY) Program and is the primary piece of federal legislation dealing with the education of children and youth experiencing homelessness. The Act was reauthorized in December 2015 by Title IX, Part A, of the Every Student Succeeds Act (ESSA). The McKinney-Vento amendments included in ESSA go into effect on Oct. 1,

The definition of the term “homeless children and youth” is as follows:

- A. Means individuals who lack a fixed, regular, and adequate nighttime residence; and
- B. Includes one or more of the following:
  - i. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to a lack of alternative accommodations; are living in emergency or transitional shelters; or awaiting foster care placement; (awaiting foster care placement until 12/10/16);

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- li. Children and youths who have a primary nighttime residence that is public or private not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- lii. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Iv. Migratory children who qualify as homeless for the purpose of this subtitle because the children are living in circumstances described in clause (i) through (iii).

In Iowa, the rules regarding Education for Homeless children are located in [281--Iowa Administrative Code 33](#). These rules add further guidance to school districts regarding education of homeless children and youth and cover the following:

- A homeless child or youth of ages 3-21;
- A child who lacks a fixed, regular and adequate nighttime residence and includes the following:
  - ◇ a child who is sharing the housing of others (includes doubled-up families) due to loss of housing, economic hardship, or a similar reason;
  - ◇ a child living in a hotel, motel, or camping grounds due to the lack of alternative accommodations;
  - ◇ a child living in an emergency or transitional shelter;
  - ◇ a child that is abandoned in a hospital;
  - ◇ a child that is awaiting foster care placement; (until 12/10/16);
  - ◇ a child who has a primary night-time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - ◇ a child who is living in a car, park, abandoned building, substandard housing, bus or train station, or similar setting;
  - ◇ a migratory child/youth who qualifies as homeless because of the living circumstances described above; or
  - ◇ youth who have run away or youth being forced to leave home.

### **Educational Rights of Homeless Youth**

Under the McKinney-Vento Act, children in homeless situations have the right to:

- Go to school, no matter where they live or how long they have lived there;
- Attend either the local school or the school of origin, if this is in their best interest; the school of origin is the school the child attended when he/she was permanently housed, or the school in which the child was last enrolled;
- Receive transportation to and from the school of origin;
- Enroll in school immediately, even if missing records and documents normally required for enrollment such as a birth certificate, proof of residence, previous school records, or immunization/medical records;
- Enroll, attend classes, and participate fully in all school activities while the school arranges for transfer of records;
- Have access to the same programs and services that are available to all other students including transportation and supplemental educational services;
- Have access to free school meals/lunch programs;
- Attend school with children not experiencing homelessness; segregation based on a student's status as homeless is prohibited<sup>8</sup>

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# Legal Lessons continued

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## Local Homeless Education Liaison

Every Iowa public school district is required to have a liaison for homeless students. A toolkit for the liaison as well as more detailed information about the McKinney-Vento Act and [Iowa Administrative Code chapter 33](#) is available on the [Homeless Education webpage](#).

For questions regarding homeless students, contact Sandy Johnson at 515-281-3965 or [sandra.johnson@iowa.gov](mailto:sandra.johnson@iowa.gov).

## U.S. Department of Education Releases Guidance on Homeless Students

On July 27, 2016, the U.S. Department of Education released guidance on the new provisions of Every Students Succeeds Act (ESSA) for supporting homeless youth. The guidance includes a fact sheet and a Notice of Rights and Protections for Homeless students. Here is the news release and the guidance below.

[News Release](#)

[Homeless Guidance](#)

[Homeless Fact Sheet](#)

[Homeless Student Notice of Rights and Protections](#)

For more information on Homeless Students, check [Homeless Resources](#) on the U.S. Department of Education website.

## U.S. Department of Education Releases Guidance on Civil Rights of Students with ADHD

On July 26, 2016, the U.S. Department of Education's Office of Civil Rights (OCR) released guidance on the Civil Rights of Students with Attention Deficit Hyperactivity Disorder (ADHD). The guidance which is in the form of a Dear Colleague Letter clarifies the obligations of schools to provide students with attention-deficit disorder with equal educational opportunities under Section 504 of the Rehabilitation Act of 1973. OCR also released a [Know your Rights](#) document for students and parents of children with ADHD. Here is the news release and the guidance below.

[News Release](#)

[Guidance](#)

For more information on Civil Rights issues and other OCR guidance, check [OCR's Reading Room](#). For other Equity Issues, contact Fred Kinne at [fred.kinne@iowa.gov](mailto:fred.kinne@iowa.gov) or (515) 281-6293.

## Students with Disabilities

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

## Calendar

- September 1 • New Regional Academy Applications due
- September 1 • Vehicle Information System update due
- September 2 • Exhibits and requests for SBRC for October 4, 2016 hearing due
- September 15 • CAR, SES, Transportation reports due
- September 30 • Facilities, Elections & Sales Tax data collection due



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