



# School Leader Update

Iowa Department of Education

March 2009

Resources for Iowa School Leaders

## FROM THE DIRECTOR

### Education As Seen Through the Eyes of Students

Over the last few weeks I have had the opportunity to observe and talk to high school students here in Iowa who are participating and even helping to create innovative and engaging learning environments. It is clear from my conversations with these students and from recent national reports that we are entering an era in which we must change teaching and learning.

Why do I say that? If we watch and listen to our students of today it is evident they are learning and interacting with others in very different ways than schooling has engaged them in the past.

At the same time, parents and employers are expressing their expectations for schools that go beyond the attainment of knowledge. It is a given that students must be able to read, compute, and write. The expectations parents and employer now have go far beyond that; voters and parents have expressed that they believe the skills of problem solving, teamwork, and critical thinking are equally as important as the “basics.”

Both parents and students want skills that can be applied in real-world situations. Students want to be engaged and active learners.

I recently asked students at East Marshall High School what would be the characteristics of teachers and the attributes of a learning environment in this new era. What I hear is this:

- “Guiding not telling” — allow students to seek answers and construct learning experiences that bring meaning to them;
- Multi-age groups where students learn from one another;
- Technology imbedded in learning, not added on;
- Demonstration of knowledge and skills through performances;
- Content and knowledge acquired “just in time”;
- More than one pathway to learning;
- Opportunities to learn that extend beyond the school day and school doors;
- Respect and understanding of different learning styles.

Students have much to share about their learning needs and the kinds of experiences they believe will “catch, intrigue, and captivate” them so that “schooling” will be prized and sought by all.

Thus, I would ask that as you and your community consider the implementation challenges of the Iowa Core Curriculum that students have a place at the discussion table.

*Judy Jeffrey*

## NEWS FROM THE DE

### Federal Stimulus Package (American Recovery and Reinvestment Act) Update

While it is clear that the educational system in Iowa stands to benefit from the infusion of American Recovery and Reinvestment Act (ARRA) funding, detailed and *official* guidance on the use and distribution of funds is simply not available yet.

Iowa Department of Education Director Jeffrey met with Secretary of Education Arne Duncan and Vice President Joe Biden, as well as other chief state school officers, on Wednesday, February 25 in Washington to discuss implementation details of the stimulus bill. In addition, the department is working daily with the Governor, legislative leadership, and the Department of Management to determine appropriate uses and distribution of funds in a way that complies with the federal statute.

Please see the attached list of Iowa-specific funding related to the ARRA. The department will make additional information available as it is provided.

*It is important that as districts plan their budgets for the upcoming year that administration waits for the official funding amounts from the Iowa Department of Education and the regulations surrounding these funds.* In addition, the department knows there will be reporting requirements.

The department will furnish information just as soon as it can confirm it is accurate and meets federal guidelines.

### **Final Portion of Iowa Core Curriculum Approved**

The State Board of Education recently accepted the final portion of the Iowa Core Curriculum required for all kindergarten through 12<sup>th</sup> grade students in the state of Iowa. The portion approved by the board focuses on expectations for kindergarten through eighth-grade students in the area of social studies and 21<sup>st</sup> century skills.

Specifically, the board accepted the 21<sup>st</sup> century skills, which includes employability skills, financial literacy, health literacy, technology literacy, and civic literacy. In addition, the board approved essential skills and concepts for social studies, which address the specific areas of behavioral sciences, economics, geography, history, and political science/civic literacy. The skills and concepts approved are identified for grade spans, including primary elementary grades, intermediate elementary grades, and middle school.

The board also approved additional math skills for kindergarten through 12<sup>th</sup> grade. These include skills related to problem solving, ability to construct and apply multiple connected representations, and more.

This spring, the department and its partners will finalize our approach for what training will look like next year.

For more information, please visit the newly revised Iowa Core Curriculum Web site at <http://www.corecurriculum.iowa.gov/Home.aspx>. This is an initial launch of this site, which will be updated in a few weeks with new information and more robust search capabilities.

### **Statewide Enrollment Projections Show Increase**

Recently updated statewide enrollment projections show a slight increase in the number of kindergarten through 12<sup>th</sup> grade students from 2010-2011 to 2013-2014. Certified enrollment is for 2008-2009 is 477,019. In 2013-2014, that number is projected to increase to 487,440.

Projections also show a continued trend of increased enrollment in large suburban districts and a decrease in small rural districts. Enrollment projections are based on trends observed in the number of students moving from grade to grade and birth rate trends.

For more information and district-level projections, please visit [http://www.iowa.gov/educate/index.php?option=com\\_docman&task=cat\\_view&gid=561&Itemid=1563](http://www.iowa.gov/educate/index.php?option=com_docman&task=cat_view&gid=561&Itemid=1563).

### **Senior Year Plus Rules Noticed**

Iowa Administrative Rules for the Senior Year Plus law were noticed by the State Board of Education on February 11. Guidance was sent out to superintendents in December. A hearing on the rules will be held on March 31 from 9:00 a.m. to noon, originating in the Iowa Communications Network Room on the second floor of the Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa. The rules are currently available at

[http://www.iowa.gov/educate/index.php?option=com\\_docman&task=doc\\_download&gid=6437](http://www.iowa.gov/educate/index.php?option=com_docman&task=doc_download&gid=6437).

### **Teacher of the Year Nominations Due**

The nomination deadline for the 2010 Teacher of the Year is April 15.

Anyone, including school administrators, colleagues, students, parents, college faculty, and associations, may nominate teachers for the award. Winners are chosen by a committee that includes representatives of the Iowa Department of Education, the Iowa State Education Association (ISEA), the School Administrators of Iowa (SAI), the Parent Teachers Association (PTA), the past Iowa Teacher of the Year, and representatives from higher education institutions.

The Iowa Teacher of the Year may serve as the Iowa Ambassador to Education, acting as an education liaison to primary and secondary schools in this state.

The Iowa Teacher of the Year Award was established in 1958 and is sponsored by the department through an appropriation from the Iowa legislature. The award provides an opportunity to recognize an outstanding Iowa teacher.

Please visit [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=686](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=686) to obtain a nomination form. For questions, contact Deborah Humpal at 515-281-3980 or [deborah.humpal@iowa.gov](mailto:deborah.humpal@iowa.gov).

## Iowa Partners with China and Taiwan to Expand Offerings to Educators and Students

The Iowa Department of Education has established several partnerships and program offerings for cultural exchange and foreign language education with the People's Republic of China. These include:

- *Chinese Teachers to Teach in Iowa:* The Iowa Department of Education is finalizing an agreement with the People's Republic of China to place one or more teachers from China into Iowa public high schools or middle schools. These teachers are appropriately licensed by China, available as early as the 2009-2010 school year and willing to commit to a full year of teaching Chinese language and culture to Iowa students. If interested or if a district has questions, please contact John Scott at 515-281-3805 or [john.scott@iowa.gov](mailto:john.scott@iowa.gov).
- *Chinese Language Teacher Recruitment and Sister School Partnerships:* The Visiting Chinese Teachers from Taiwan Program invites superintendents or principals to visit university language centers and K-12 schools throughout Taiwan. For those schools interested in establishing or enriching their Chinese language programs, this is a great opportunity to recruit in person Chinese language teachers and find sister school partnerships. Roundtrip airfare and accommodation will be covered by the Ministry of Education in Taiwan. Tentative dates are April 3-April 12 and the tentative itinerary is attached. For more information, please contact Cyndi Chen, Administrator at Commission on the Status of Iowans of Asian and Pacific Islander Heritage (CAPI); 515-281-4223 (office); 515-240-8782 (cell); 515-242-6119 (fax); [cyndi.chen@iowa.gov](mailto:cyndi.chen@iowa.gov); [www.iowacapi.org](http://www.iowacapi.org)
- *Opportunity to Teach in Taiwan:* The Iowa Department of Education has an agreement with the Ministry of Education in the Republic of China (Taiwan) that offers experienced and newly licensed Iowa elementary teachers the opportunity to teach in Taiwanese schools for one academic year. Participants work with local Taiwanese teachers to develop curriculum and to teach English to elementary students. Recent participants have found the experience extremely fulfilling and worthwhile. The application and a "frequently asked questions" document are found at: [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=689&Itemid=1](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=689&Itemid=1). Applications must be postmarked by April 24, 2009. For additional information, contact Rebecca ("Becky") Griglione at 515-281-3170 or [rebecca.griglione@iowa.gov](mailto:rebecca.griglione@iowa.gov)
- *Taiwan Ministry of Education Offers Scholarships:* The Taiwan Ministry of Education is offering two types of scholarships available this year. The first, known as the [Taiwan Scholarship](#), is offered to people who wish to enroll in a degree program in Taiwan. Undergraduate scholarship recipients will be provided with a monthly stipend for four years. The second is the [Huayu Enrichment Scholarship](#) is tailored for people who wish to focus exclusively on the study of Chinese. Recipients of this scholarship will be given a stipend for up to one year for study at a university-affiliated language center. It should be noted that applicants for both the *Taiwan Scholarship* and the *Huayu Enrichment Scholarship* must also apply to the university or language center of their choice. Interested students must submit all required application documents to our office by March 31. Additionally, the Cultural Division will be offering the Test of Proficiency – Huayu (TOP) in Chicago this spring on March 28. This is an excellent way for learners of Chinese to show evidence of their language skills when applying to the above mentioned scholarships or to potential employers. For more information contact Cultural Division, Taipei Economic & Cultural Office in Chicago, 180 N. Stetson Avenue, Suite 5803, Chicago, IL 60601; 312-616-0805 (phone); (fax) 312-616-1499; or (email) [info@edutw.org](mailto:info@edutw.org)

## Talent Pool Recommendation

The Iowa Department of Education is looking for distinguished teachers and principals to add to its talent pool. It invites education leaders to recommend distinguished classroom teachers and/or principals who have demonstrated all of the following:

- Exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom and school;
- Exemplary educational accomplishments beyond the classroom that provide models of excellence for the profession;
- Strong long-range potential for professional and policy leadership; and
- Engaging and inspiring presence that motivates and impacts students, colleagues, and the community.

Please see the attached request letter from Iowa Department of Education Director Judy Jeffery and the [Talent Pool Recommendation Form](#). The deadline to turn in the form is May 1, 2009. For further information please contact LaCosta M. Potter [lacosta.potter@iowa.gov](mailto:lacosta.potter@iowa.gov) or 515-281-3937.

### **Consumer Product Safety Improvement Act (CPSIA)**

The Consumer Product Safety Improvement Act (CPSIA) is a sweeping new law that impacts a broad spectrum of our economy. From manufacturers of toys to the kids that play with them, everyone is affected in some way — even those who make and donate products to hospitals and charities.

There are new rules to be understood and adopted for everyone from the largest global manufacturer to the crafter working in the family workshop to the mom-and-pop shop on the corner. Indeed, all children's products including toys, books, child care articles, and clothing are covered in different ways by this law, and there are different rules for different products

As of now, "paper and ink" books such as library books are exempt because they could be used by all ages. "Toy" books, such as plastic books intended to be used in a bathtub or possibly cardboard books intended to be used by very young children might be covered by this law.

*School libraries should not have to throw away "paper" books or restrict their usage to children under the age of 12.*

The Iowa Department of Education is continuing to monitor information from CPSIA related to children's books and this new law. It will provide further guidance to schools as it becomes available. Additional information is available at this link: <http://www.cpsc.gov/library/foia/advisory/323.pdf>.

If you have questions, contact Mary Cameron at 515-281-3927 or [mary.cameron@iowa.gov](mailto:mary.cameron@iowa.gov).

### **ICN sessions for Microsoft Settlement Cy Pres Program application**

The Iowa Department of Education will be holding three days of Iowa Communications Network (ICN) sessions on April 1, 2009 for the eastern region of the state, April 2, 2009 for the central region, and April 3, 2009 for the western region regarding the Microsoft settlement.

A complete list of the session sites can be found on the department's Web page for the Microsoft settlement under "M" in the A-Z program list.

Due to limited capacity only the listed sites will be used. The sessions will provide an update and current information on the settlement as well as information and demonstration of the online application for the Cy Pres program. The application window will be open from April 15 – May 15. Districts must file for all eligible buildings during this time frame. A complete list of eligible buildings can be found on the same Web site as mentioned above. The districts can request a 360-day extension at this time, which will allow them to file an application for their buildings anytime up to May 11, 2010. These sessions will be videotaped and the appropriate tapes distributed to the media directors of each area education agency. These tapes should be in the media director's hands within two weeks of the last session.

### **Jointly Enrolled Students Reduce Time to Degree**

Iowa high school students who enroll in community college coursework tend to be upperclassmen with higher ACT scores than their peers, according to a pair of reports released by the Iowa Department of Education. In addition, they graduate from college earlier than those who do not enroll in college coursework.

The Annual Condition of Iowa's Community Colleges 2008 report includes a special focus on "jointly enrolled students." Jointly enrolled students are high school students who are also enrolled in community college credit coursework through a variety of options. These students were academically above-average students with ACT scores averaging 22.8 — nearly a point above the Iowa average and more than two points above the national average.

The Annual Condition of Iowa's Community Colleges report provides Iowa citizens a tool for reviewing community college education in Iowa. The Iowa's Community Colleges Joint Enrollment Report 2008 was also released with additional information on jointly enrolled students disaggregated by college.

The full reports, presentations, and other documents may be found on the Iowa Department of Education website at: [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=252&Itemid=2182](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=252&Itemid=2182).

## **SCHOOL IMPROVEMENT**

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### **Bullying Prevention**

Research has shown that bullying can lead to significant problems for students who bully, are targets of bullying, and are bystanders. Recent studies reveal that bullying is not childhood inevitability. Bullying can be



prevented, and educators are learning more and more about prevention. There are Educational Campaigns like the Health Resources and Services Administration's National Bullying Prevention Campaign. To learn more, please visit [www.stopbullyingnow.hrsa.gov/](http://www.stopbullyingnow.hrsa.gov/).

Iowa has policies that support the elimination of bullying in schools. In addition, quality comprehensive bullying prevention programming that encompasses the school and community is critical. For more information on components of a quality prevention program, please see attached document: [10 Components of Quality Bullying Prevention Programs](#).

For questions, please contact Cyndy Erickson at [cyndy.erickson@iowa.gov](mailto:cyndy.erickson@iowa.gov) or 515-281-8514.

### **Form for Use by Investigator of Student Harassment**

A new form has been developed by Iowa Department of Education staff for use by school personnel who investigate allegations that a student has been bullied or harassed. The form is attached to this edition of the *School Leader Update*. Schools may use this form "as is" or may modify to suit their purposes, but it is strongly recommended that modifications not stray far from the provided format. Questions about use of the form may be directed to Cyndy Erickson at [cyndy.erickson@iowa.gov](mailto:cyndy.erickson@iowa.gov) or 515-281-8514.

### **Accessible Instructional Materials for First Day of School**

TRUEAIM is the Iowa Department of Education's initiative to assist local school districts in getting accessible instructional materials to students with print disabilities in a timely manner on the first day of school.

The following are tips adapted from the American Foundation for the Blind Tool Kit.

- Make textbooks available for students on the first day of school.
- Identify books and materials prior to the end of the school year of the previous school year.
- Order books and materials in a timely manner, eliminating sharing or waiting for textbooks so that learning begins immediately.
- Make sure complete texts are available in Braille, large print, audio, and digital text on the first day of school to ensure the child with a print disability is given the same access to education as his/her classmates.

Textbooks for mathematics, algebra, science, and social studies often contain many graphics that require careful consideration when adapting them to specialized formats (Braille, large print, audio, digital text). Also, if class scheduling or teacher assignments are delayed, children with print disabilities will receive their print materials late, only in chapters, or not at all. The student is then not fully engaged in the general education curriculum and learning is delayed.

Children with print disabilities have historically been disenfranchised from having access to the general education curriculum and future employment because of a lack of access to printed materials. Typically, states and local school districts do not have a system in place for choosing books early enough or for producing accessible textbooks.

For additional information, contact Steve Maurer at [steve.maurer@iowa.gov](mailto:steve.maurer@iowa.gov) or at 515-281-3576.

## **LEGISLATIVE UPDATE**

*The contact for all Legislative Update items is Konni Cawiezell, [konni.cawiezell@iowa.gov](mailto:konni.cawiezell@iowa.gov); 515-281-3399.*

### **Compulsory Attendance Age, Funding, and More Moving at the Statehouse**

It is no surprise that funding, including education funding, is a top issue at the statehouse this year. Last week, the Governor signed Senate Files 217, which will mean an extra \$6.4 million for teacher quality programs, \$700,000 more for professional development, and an additional \$700,000 to help reduce class sizes. He also signed Senate File 218, which will set allowable growth for fiscal year 2011 at two percent, an increase of nearly \$56 million. This will set state aid per student at \$5,883, an increase of \$115 dollars over 2010.

March 13 is "funnel" week, which is considered a first deadline for getting bills out of committees for further consideration by the full House and Senate.

There are several education-related bills that are moving forward at the Statehouse. These include:

*HF 259 - Compulsory Attendance:* This bill raises the compulsory school attendance age from 16 to 17 for students other than those receiving competent private instruction. The Iowa Department of Education has registered in favor of this bill. Department Director Judy Jeffrey has said the state is sending mixed signals by holding districts accountable for decreasing dropout rates and increasing graduation rates, but saying it is okay to drop out at 16. It is anticipated that about 25 percent of current dropouts would stay in school if the change was made.

*SF 81 - DE Legislation: Disaster Recovery for Schools:* This bill provides assistance to schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property. It has passed in the Senate 36-13 and now moves to the House.

*HSB 1016 - DE Legislation: Statewide Writing Assessment:* This bill requires the state board of education to establish a statewide writing assessment for students in grades 3, 6, and 10, and requires school districts to begin administering the assessments to students in grades 3, 6, and 10 in the 2010-2011 school year. Iowa Testing will be presenting information this week on how this type of testing is conducted.

As many may have heard, Senator Matt McCoy is planning to submit a bill that would reduce the number of superintendents to one per county. This bill has not yet been introduced. In addition, HF 265 sponsored by Representative Wayne Ford proposes a study regarding the advisability and practicability of a renewed effort to consolidate school districts to improve student opportunity and achievement and attain efficiencies in administration and operations.

Please remember to visit <https://www.edinfo.state.ia.us/web/legisupdate.asp> for the most up-to-date information on education legislation.

## LEGAL LESSONS

The contact for all Legal Lessons items is Carol Greta, [carol.greta@iowa.gov](mailto:carol.greta@iowa.gov); 515-281-8661.

### Healthy Kids Act is Not Related to Physical Education Waivers

The fact that several activities, in addition to physical education, may be used to fulfill the physical activity requirement does not mean those non-physical education activities can be used to waive the physical education requirement. EXAMPLE: Acme School allows community swim club to count as a physical activity. Students in the swim club may use that time to fulfill their 120 minute/week physical activity. Those students MAY NOT use swim club to obtain a waiver from P.E.

### New Cyberbullying Guidance Available

A document regarding the legal aspects of cyberbullying is attached. This document addresses when a school may discipline the cyberbully. More importantly, the document discusses steps that must be taken by school officials even in situations where the school cannot lawfully punish the cyberbully.

### S\*N\*O\*W D\*A\*Y\*S Guidance

**Question:** May a school district lengthen the school day to make up for days missed as a result of inclement weather?

**Answer:** No. This question was answered in the affirmative last year at this time, but only because a great many districts had already missed 12 to 20 days of school because of last year's harsh winter. If March brings horrific weather, this guidance may be reinstated. For now, the answer is "no."

**Question:** May a school district make up snow days on weekends?

**Answer:** Yes. Iowa Code section 279.10 does not designate what days of the week are official "school days."

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

**Answer:** Yes. 281 IAC 12.1(9) provides for this exception as long as the five consecutive days equals 27.5 hours of student instruction. Remember, parent-teacher conference time counts as student instruction.

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

**Answer:** No.

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

**Answer:** No.

**Question:** May a school district get a waiver from the Iowa Department of Education (DE) to NOT make up snow days.

**Answer:** No. The DE has no such authority.

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

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

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

**Answer:** No. 281 IAC 12.1(8) states that "a day of school is a day during which the school or school district is in session and students are under the guidance and instruction of the instructional professional staff." In addition, all grade levels of the school or school district must be operated and available for attendance by all students.

**Question:** Does the school or school district have to run the buses to count the day as a day of student instruction?

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

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

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

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

**Answer:** Yes. Full days that are missed must be made up. If a district has early dismissal or late start due to emergency health issues, the district may count the day as a full instructional day. Remember also that if just a classroom or attendance center is closed for emergency health or safety reasons, while the remainder of the district is in operation, the day may be counted as a day of school.

**Question:** May a school district let out school for athletic tournaments and other competitions and still count the day as a day of student instruction?

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

### **Copyright Law in the Digital Age**

The federal Copyright Act permits educators and students at nonprofit educational institutions to perform and display copyrighted material in face-to-face teaching activities. The Act also permits converting analog or print works into digital format — but **only** if no digital version is available or if there is a digital version available but cannot be transmitted because of technological protection measures.

For more about the lawful uses of copyrighted materials by schools, teachers, and students, reference the Iowa Association of School Board (IASB) sample policy #605.7R1. This policy is in the IASB Policy Reference Manual, available to all school districts that subscribe to the same online at <http://www.iasb.org/PolicyLegal.aspx>. (You need your username and password to access the manual.) If a district does not subscribe to the manual, just call IASB's Angie Kendall at 515-288-1991 to ask for a copy.

## **Interstate Compact on Educational Opportunity for Military Children**

This Interstate Compact, which is aimed at addressing perceived inequities facing schoolchildren of military parents when they are required to relocate across statelines, has been signed so far by 11 states. It appears that the Iowa legislature will soon join those ranks. Specially, the compact allows the laws of the "sending" state to apply to transferring students from military families in the schools of the "receiving" state for such policies as graduation requirements, Advanced Placement, and age of student enrollment.

The Interstate Compact affects only students of families with a parent who is required to relocate by the military. The students of a family that voluntarily chooses, for example, to move from Iowa to the Rock Island Arsenal for convenience are not protected under the new law.

The Commission's new Web site, which includes answers to any questions that may occur, is: <http://www.csg.org/programs/ncic/InterstateCommissiononEducationalOpportunityforMilitaryChildren.aspx>. The Iowa Department of Education anticipates that very few children of school age will be impacted in Iowa.

## **FUNDING AND GRANTS**

### **Grant Funds Available: Sun Shade Structures for Playground Areas**

The Iowa Department of Public Health has granted funding available for school districts to provide sun shade structures for playground areas.

Eligible applicants are Iowa schools and may apply for up to \$4,000 to be used for purchasing and erecting shade structures placed in open areas where shade is needed and will be used in order to develop sun-safe school environment.

The shade structure may be removable (put up and taken down daily or weekly, etc.) or permanent. These structures may include, but not limited to: porches, armadas, shade cloth, and umbrellas. If awarded funding, structures need to be purchased and erected between April 13, 2009 and June 29, 2009.

Proposals should include the school's plan for accomplishing the work and should include sufficient information regarding the school's ability to perform the services. *Proposals are due to the Iowa Department of Public Health by March 27, 2009* and successful applicants will be selected April 8, 2009. The announcement and associated grant materials can be found under the Grants, Bids, and Proposals quick link at [www.idph.state.ia.us](http://www.idph.state.ia.us).

Please contact Gary Schwartz at 515-281-4743 or [gary.schwartz@iowa.gov](mailto:gary.schwartz@iowa.gov) for more information.

## **EARLY CHILDHOOD PRESCHOOL PROGRAMS**

### **Statewide Voluntary Preschool Program for Four-Year-Olds Application 2009-2010**

Please check the Iowa Department of Education Web site for the Statewide Voluntary Preschool Program for Four-Year-Old Children 2008-2010 Application and the 2009-2010 Technical Assistance Guidance Manual.

Please direct questions to [lorri.cooper@iowa.gov](mailto:lorri.cooper@iowa.gov). Note these important dates:

- Letter of Intent due March 9, 2009
- Courtesy formatting review deadline is March 19, 2009
- Application due March 30, 2009, at 4:30 p.m.

The Statewide Voluntary Preschool Program for Four-Year-Old Children Grant Application awards will be based on the 2010 legislative appropriation. Additional application requirements may be included if legislatively mandated.

The 2009-2010 Application **MUST BE USED** in applying for funding in year 3 (2009-2010).

Please refer to the Technical Assistance Guidance Manual and the Frequently Asked Questions Document for Application guidance, both of which are available at the department Web site:

[http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=940&Itemid=1279](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=940&Itemid=1279)

Questions regarding the Application Form and/or the Application Process must be submitted in writing to Lorri Cooper at [lorri.cooper@iowa.gov](mailto:lorri.cooper@iowa.gov). Questions must be received by March 23, 2009.

### **Districts Previously Awarded Year 1 and Year 2 Funding (2007-2008 and 2008-2009)**

Districts who received grant funds for Year 1 and Year 2 (2007-2008 and 2008-2009) of the Statewide Voluntary Preschool Program for Four-Year-Old Children **DO NOT** have to re-apply for a grant.

The preschool (four-year-olds) certified enrollment count that was provided to the Iowa Department of Education, October 1, 2008, will sustain your preschool funding for each subsequent year. This is the same process used for districts and the School Foundation Aid Formula, only at the rate of 0.60 per pupil cost for the



preschoolers. (Only those districts already awarded Application Grant Awards submitted certified enrollment for four-year-olds.)

## STUDENT HEALTH AND NUTRITION

### Fresh Fruit and Vegetable Program (FFVP) Applications Due

The Iowa Department of Education is currently requesting applications for elementary schools to participate in the USDA Fresh Fruit and Vegetable Program for the 2009-2010 school year. Federal law establishes the following participation criteria:

- 1) Only elementary schools may apply to participate;
- 2) Each interested school must submit an approvable application for participation annually; and
- 3) In the selection process, highest priority must be given to schools with the highest percentages of low-income students to the maximum extent practicable. Any elementary school may apply.

School districts with one or more elementary schools with 50 percent or more of the students eligible for free or reduced price meals will be mailed applications in early March.

If districts do not receive an application by mail and want to apply, please go to the department's Web site at [www.iowa.gov/educate/](http://www.iowa.gov/educate/) > nutrition programs > Fruit and Vegetable Program and fill out a 2009-2010 FFVP application. Deadline for application submission is April 8, 2009. For additional information, please contact Dean Flaws ([dean.flaws@iowa.gov](mailto:dean.flaws@iowa.gov), 515-281-4032) or Carrie Scheidel ([carrie.scheidel@iowa.gov](mailto:carrie.scheidel@iowa.gov), 515-281-4758).

### Youth in Action for A Healthy Iowa Symposiums

The Iowa Department of Education's Team Nutrition program and the State of Iowa Youth Advisory Council are sponsoring "Youth in Action for a Healthy Iowa" symposiums on the following dates:

- Wednesday, April 8<sup>th</sup>: Cedar Rapids
- Thursday, April 16<sup>th</sup>: Alta
- Wednesday, April 22<sup>nd</sup>: Davenport
- Wednesday, May 6<sup>th</sup>: Creston

Organizers strongly encourage students to participate. Attending one of the symposiums is a great opportunity for high school students to gain leadership skills and be a role model for their fellow peers through nutrition and physical activity. Mileage reimbursement and \$500 mini-grants will be available to schools that send a team of students and an adult advisor.

To register a team for one of the symposiums or for more information, please contact Carrie Scheidel at [carrie.scheidel@iowa.gov](mailto:carrie.scheidel@iowa.gov) or 515-281-4758, or visit [www.iowa.gov/educate/](http://www.iowa.gov/educate/) > Nutrition Programs > Team Nutrition.

## CALENDAR

### Deadlines and Dates to Remember

March 9	DEADLINE: Statewide Voluntary Preschool Program for 4-year-olds Letter of Intent due
March 27	DEADLINE: Proposals due for Playground Sun Shade Structure grants
March 30	DEADLINE: Statewide Voluntary Preschool Program for 4-year-olds application due DEADLINE: Receiving district to act on timely-filed open enrollment application
March 31	Public hearing on Senior Year Plus Rules (see article above) DEADLINE: Annual Audit submission/extension request Taiwan Ministry of Education scholarship application due (see article above)

April 1	DEADLINE: Competent Private Instruction/Homeschooling School district sends the state names of all resident CIP children who are subject to an annual assessment
April 1, 2, & 3	Microsoft Settlement ICN session dates (see article above)
April 3-12	Visiting Chinese Teachers from Taiwan Program trip dates (see article above)
April 8	Applications for the USDA Fresh Fruit and Vegetable Program due (see article above)  Youth in Action for A Healthy Iowa Symposium (see article above)
April 11	DEADLINE: School Budget Review Committee Hearing Request due
April 15	Iowa Teacher of the Year nomination deadline (see article above)
April 15-May 15	Microsoft Settlement Cy Press program application open

**Click [HERE](#) for a complete  
Iowa Department of Education Calendar**

*SCHOOL LEADER UPDATE is produced monthly by the Iowa Department of Education for school leaders of Iowa. Comments and submissions should be sent to Elaine Watkins-Miller at [elaine.watkins-miller@iowa.gov](mailto:elaine.watkins-miller@iowa.gov) or 515-281-5295.*

*It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).*

*If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312/730-1560, fax 312/730-1576, e-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).*

**HR 1: The American Reinvestment and Recovery Act**

**A \$1.9 BILLION INVESTMENT IN IOWA JOBS, EDUCATION, HEALTH CARE**

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Medicaid (FMAP)	\$550,000,000*
State Stabilization -- Education	\$386,874,000
Highways & Bridges	\$358,000,000**
Special Education (IDEA)	\$121,394,000
Weatherization	\$93,694,000
State Stabilization -- General Fund	\$86,071,000
Title I	\$65,318,000
Clean Water State Revolving Fund	\$53,864,000
State Energy Program	\$44,209,000
Transit Grants	\$36,500,000**
Drinking Water State Revolving Fund	\$24,481,000
Byrne Justice Assistance Grant	\$19,205,000
Child Care Development Block Grant	\$18,120,000
Homeless Prevention	\$16,816,000
HOME	\$14,783,000
Community Services Block Grant	\$10,822,000
Public Housing Capital Fund	\$7,654,000
Dislocated Workers	\$6,053,000
Head Start	\$5,588,000
Vocational Rehabilitation	\$5,397,000
Workforce Investment Act-Youth	\$5,224,000
UI State Grants	\$5,148,000
Employment Service	\$3,860,000
Immunization	\$3,720,000
Educational Technology	\$3,322,000
Violence Against Women	\$2,412,000
Workforce Investment Act-Adult	\$1,571,000
School Lunch Equipment	\$1,169,000
Internet Crimes Against Children	\$1,050,000
Crime Victim Assistance	\$978,000
Commodity Assistance	\$776,000
Emergency Food & Shelter	\$639,000
Elderly Nutrition	\$441,000
<b>TOTAL</b>	<b>\$1,906,481,000</b>

Source: Preliminary Conference Estimates, Federal Funds Information for States, 2/13/2009

\*FMAP estimate according to Government Accounting Office, 2/13/2009

\*\*Iowa DOT estimate, 2/16/2009

## Schedule for 2009 American Superintendents/Educators' Project on Chinese Language Teacher Recruitment and Sister School Partnerships

Time	Schedule and Activities	Note
4/3 ( Fri )	Depart from O'Hare/Des Moines/Cleveland/Columbus/Indianapolis International Airport	
4/4 ( Sat. )	12:10 China Airlines Flight 007 to Taipei	
4/5 ( Sun. )	05:40 Arrive at Taiwan Taoyuan International Airport 09:30 Visit National Palace Museum ( <a href="http://w.npm.gov.tw/en/home.htm">http://w.npm.gov.tw/en/home.htm</a> ) 12:00 Lunch 14:00 Taipei City tour: The Office of President, Democracy Plaza, National Theater, the National Concert Hall, National Museum of History and Taipei Botanical Garden 18:00 Dinner 20:00 Hotel Check-in	
4/6 ( Mon )	09:00 Visit Taipei Municipal Changchun Elementary School ( <a href="http://www.ccps.tp.edu.tw/english/index.htm">http://www.ccps.tp.edu.tw/english/index.htm</a> ) 11:00 Discussion: School Management and English Teaching 12:00 Lunch 13:30 Visit Taipei Municipal JieShou Junior High School ( <a href="http://www.csjh.tp.edu.tw/front/bin/cglist.phtml?Category=64">http://www.csjh.tp.edu.tw/front/bin/cglist.phtml?Category=64</a> ) 15:30 Visit National Taiwan Normal University Language Center ( <a href="http://www.mtc.ntnu.edu.tw/indexe.html">http://www.mtc.ntnu.edu.tw/indexe.html</a> ) <i>-Introduction to Chinese language teacher training and teaching materials in Taiwan</i> <i>-Chinese language teacher verification and international cooperation in Chinese language education</i> 18:00 Dinner 20:00 Taipei 101 night scenes	
4/7 ( Tue. )	09:00 Chinese Language teacher interview I 11:00 Visit Taiwan Handicraft promotion Center 12:00 Lunch 14:00 Chinese Language teacher interview II	

Time	Schedule and Activities	Note
	17:00 Dinner	
4/8 (Wed)	09:00 Visit The Affiliated High School of National Chengchi University ( <a href="http://www.ahs.nccu.edu.tw/cahs/index.htm">http://www.ahs.nccu.edu.tw/cahs/index.htm</a> ) 12:00 Luncheon offered by the Ministry of Education 14:00 Welcome reception & press conference - Remarks by Cheng Jei-cheng, Minister of Education - Remarks by American delegation representative 14:10 Briefing: <i>Chinese language Education and teacher training in Taiwan</i> Or Speech by Keynote Speaker(TBA) 15:30 Discussion: <i>Taiwan/ U.S. K-12 Sister School Exchange Practices and Models</i> 17:30 Dinner Taiwan High Speed Rail to Taichung ( <a href="http://www.thsrc.com.tw/en/index.htm/">http://www.thsrc.com.tw/en/index.htm/</a> )	
4/9 (Thurs)	09:00 Visit Taichung Municipal Hui Wen Elementary/ Senior High School ( <a href="http://web.hwes.tc.edu.tw/english/S-history.htm">http://web.hwes.tc.edu.tw/english/S-history.htm</a> ) ( <a href="http://203.64.159.12/editor_model/u_editor_v1.asp?id=357">http://203.64.159.12/editor_model/u_editor_v1.asp?id=357</a> ) 11:30 Lunch 13:30 Visit Changhua County Guangsing Elementary School ( <a href="http://www.gspc.chc.edu.tw/">http://www.gspc.chc.edu.tw/</a> ) Erhlin Junior High School ( <a href="http://163.23.87.1/english/history.htm">http://163.23.87.1/english/history.htm</a> ) 18:00 Train to Hualien	
4/10 (Fri.)	09:00 Visit Taroko National Park ( <a href="http://www.taroko.gov.tw">http://www.taroko.gov.tw</a> ) 12:00 Lunch 14:00 Hualien/ Taitung elementary, junior or senior high school 15:30 Visit Cisingtan Beach ( <a href="http://www.tourguide.tw/hualien736.php">http://www.tourguide.tw/hualien736.php</a> ) 17:31 Take Train Taroko (Dinner on the train) back to Taipei 19:36 Arrive at Taipei	
4/11 (Sat.)	10:00 Visit Lin Family Garden Panchiao ( <a href="http://edu.ocac.gov.tw/culture/chinese/historic/05/index05_e.html">http://edu.ocac.gov.tw/culture/chinese/historic/05/index05_e.html</a> ) 12:00 Lunch 14:00 Visit Yingge Ceramics Museum and Yingge old town sightseeing ( <a href="http://www.ceramics.tpc.gov.tw">http://www.ceramics.tpc.gov.tw</a> ) 17:30 Dinner 19:00 Depart for Taiwan Taoyuan Int'l Airport	



Time	Schedule and Activities	Note
	23:25 China Airline Flight 004 to San Francisco int'l Airport (Arrive at 19:10) 23:20 Depart from San Francisco int'l Airport to O'Hare Int'l Airport	
4/12 (Sun.)	Arrive at O'Hare/Des Moines/Cleveland/Columbus/Indianapolis International Airport	



# STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF EDUCATION  
JUDY A. JEFFREY, DIRECTOR

Dear Superintendent:

The Iowa Department of Education maintains a file of emerging classroom leaders that consists of a cadre of distinguished teachers and principals. These educators may be considered for membership on advisory boards and task forces, as well as candidates for special recognition programs. Your recommendations will identify educators who will be of great value to your community and state and who may also ultimately receive prestigious recommendation.

We are very fortunate to have a rich base of veteran educators represented in our current talent pool. They have been and continue to be a valuable resource in our state efforts. What is particularly lacking at this time is representation from secondary educators relatively new to the profession who demonstrate extraordinary instructional and leadership ability. Such persons exhibit strong potential for professional leadership and inspiring presence that impacts students, colleagues, and community.

Do you know someone who is relatively new to secondary education that is illustrative not only of Iowa's, but also the nation's best? Whose lessons provide models for others? Who has distinguished him/herself above and beyond established top-quality professionals in many of our schools? A minimum of five years in education is a must. Candidates are building level personnel. They are typically classroom teachers that are recognized by peers and supervisors as unique in their growth. Occasionally a principal or specialist is considered. Previous recognition is not required. **In fact, of special interest are educators who are outstanding, but have not received other recognition.**

Please provide CONFIDENTIAL, succinct, and specific information regarding up to three candidates on the enclosed form. All questions must be answered, preferably typewritten or using the attached electronic version. Please include a narrative with this form that addresses how the candidate meets the criteria mentioned in this letter, and also a resume from their personnel file. We ask that you keep this recommendation confidential and do not share it with the individual. I urge you to take the time to recommend candidates. If necessary, please feel free to assign the request to an associate. If you have any questions, please contact LaCosta M. Potter at [lacosta.potter@iowa.gov](mailto:lacosta.potter@iowa.gov) 515-281-3937 Complete information must be sent by May 1, 2009; attention LaCosta M. Potter Teaching and Learning Services at the address below.

Your cooperation and assistance is greatly appreciated.

Sincerely,

LaCosta M. Potter

A handwritten signature in cursive script that reads "Judy Jeffrey".

Judy Jeffrey

Grimes State Office Building - 400 E 14th St - Des Moines IA 50319-0146

PHONE (515) 281-5294 FAX (515) 242-5988

[www.iowa.gov/educate](http://www.iowa.gov/educate)

*Helping Communities Meet the Learning Needs of All Their Children and Adults*

# Iowa Department of Education Anti-bullying Anti-harassment

## 10 Components of Quality Bully Prevention Programs

1. **A focus on the entire school environment which includes:**
  - A comprehensive school-wide effort to fully identify and address problem area or areas
  - A change in the environment to effectively combat bullying behaviors
  - A change in student and staff behavior norms to successfully address the problem
2. **Data driven decision-making**
  - Decisions about the implementation of program components are made and modified *after* the analysis of data that is collected.
  - Students participate in a survey of their school climate and behaviors.
  - Parents and school staff participate in a survey of the school climate and behaviors.
3. **Support for any bullying prevention program is provided by:**
  - District and school administrators
  - A majority of classroom teachers and Para educators in the building
  - Clerical, custodial, food service & transportation staff
4. **A coordinating group within the school takes a leadership role in the school's bullying prevention efforts.** The coordinating group includes:
  - An Administrator
  - A School Counselor
  - At least One Parent
  - A Community Member
  - A Teacher from each grade level
  - A Non-Teaching Staff Member (i.e. bus driver or custodian)
  - A School-based Health Professional
5. **Training for the bullying prevention program is provided for ALL staff.**
  - Administrators
  - All teachers
  - Health & mental health professionals
  - Support staff
  - Custodians
  - Bus drivers
  - Lunchroom supervisors
  - Playground aids
  - Volunteers
6. **Rules and policies about bullying behavior are developed and enforced.**
  - Rules guide the behavior of children who bully & children who are bystanders.
  - Staff members' follow-up with consistent positive & negative consequences.
7. **Adult supervision increases in areas identified as "Hot Spots"**
  - "Hot spots" are identified on student surveys.
  - All adults in the school community are vigilant to intervention when bullying behavior occurs.
8. **When a bullying behavior is observed, interventions are consistent & appropriate.**
  - All adults are prepared to intervene appropriately on-the-spot, whenever they observe bullying behaviors.
  - Plan for follow up with children who bully as well as victims of bully behaviors and by-standers.
  - Students are empowered to report bullying behaviors and know how to respond when they observe a peer being bullied.
9. **Classroom time includes messages and lessons on bullying prevention**
  - A small amount of time each week is set aside to learn about bullying prevention.
  - Students and staff discuss bullying & peer relations.
  - Staff uses videos, story books, role-playing, and artistic expression.
  - Bully prevention information is integrated across the curriculum.
10. **Prevention efforts are continued over time**
  - Although a kick-off event is generally held at the beginning of the implementation of a bully prevention program, the effort is sustained over time and does not have an end-date.

*Adapted from "Bully Prevention and Intervention in a Post-Columbine Era" workshop at the Power and Empowerment: Iowa Governor's Conference on Bullying and Harassment, January 27, 2005, Ames Iowa, Susan P. Limber, PhD, presenter*

ANTI-HARASSMENT/BULLYING INTERVIEW NOTES FORM  
(Interviewer: See instructions on back side)

Name of person interviewed: \_\_\_\_\_

Name of interviewer: \_\_\_\_\_

Date of interview: \_\_\_\_\_

Description of incident by witness: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of person interviewed: \_\_\_\_\_

Signature of interviewer: \_\_\_\_\_

Notes to Interviewer:

1. Do not hand this to the person to be interviewed to have them fill out. As the interviewer, it is your task to make notes as you interview the person.
2. Have the person interviewed (whether the target or a witness) review front side and all attachments thoroughly before having them sign. If you wish to make notes on a separate sheet and then legibly fill out this form later, that's fine. This is the document for the person interviewed to review and sign.
3. Make sure to get the basics (who, where, when).
4. Ask leading questions if necessary to get all necessary details known. For instance, when interviewing the target, ask the following questions:
  - a. Have the actions against you made you fear for your safety? How? Where (just at school? Home? Both?)?
  - b. Have the actions against you made you fear that harm would come to any of your personal property? How?
  - c. Has your health – physical, emotional, mental – been affected? How? (seen by a doctor? Missing school?)
  - d. Have your academics been affected? How? (increase in tardies/absences? Grades going down? Missed assignments?)
  - e. Have you quit any extracurricular activities?
  - f. Have you changed any of your usual routine at school? (using different hallway, skipping lunch in lunchroom or using different lunch period, taking different route to school, etc.)
  - g. Why do you think this happened to you (or to the target)?
5. Keep a copy of this signed form in your investigations file.



# Cyberbullying

## Doing Something about It, Lawfully

Material prepared by  
Carol Greta, Attorney  
Iowa Department of Education<sup>1</sup>  
515/281-8661; [carol.greta@iowa.gov](mailto:carol.greta@iowa.gov)

*Note: The materials in this document are not legal advice, but have been prepared as general guidelines.*

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### I. INTRODUCTION

Cyberbullying is the intentional infliction of harm by the use of one or more media of electronic technologies. Electronic media include computers, Instant Messaging, social networking Web sites, handheld communication devices, cell phones, and the two dozen other media that were just invented as this sentence was typed. Cyberbullies use technology to flame, out, phish, bash, spam, impersonate, threaten, etc.<sup>2</sup>

The “traditional” school bully, as we have learned the hard way, is an unhappy youth who feels disenfranchised, and chooses to take drastic, even tragic steps to get attention.<sup>3</sup> The anonymity of electronic communications has deepened the pool from

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<sup>1</sup> It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, *et seq.*), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, *et seq.*).

<sup>2</sup> These terms may have more than one definition. Some of the more commonly understood definitions are included here.

Flame: to post an extremely critical or abuse message.

Out: to trick the target into revealing sensitive or confidential information and then to forward that information to others as a “joke.”

Phish: same as out.

Bash: to post racist or other extremely offensive remarks online.

Spam: to flood the Internet with multiple copies of the same message.

<sup>3</sup> Please forgive the gross over-simplification. It is included merely to demonstrate the difference between cyberbullies and non-cyberbullies.

which cyberbullies emerge. The lack of the face-to-face element emboldens adults and children alike to communicate in a way in which they would not dream of doing otherwise.

Cyberbullying is an issue that is exacerbated among the young because targets often are reluctant to break a perceived code of silence by complaining, because they fear that adults will take away their own access to electronic communication devices, and because adults just have a lack of understanding of the nature of cybercommunications. When targeted students do complain, an additional challenge lies in trying to corral the information, because one click of the mouse can send the information literally around the globe. Finally, when confronted with evidence of cyberbullying, the student suspected of the same may loudly proclaim that s/he is just exercising his/her free speech rights.

So what's an educator to do? As with any form of student misconduct in which other students (or staff) are harmed, the worst thing to do is nothing.

*"Awareness without Action is Useless." D. Olweus.*

*"Awareness without Action is a Successful Lawsuit." C. Greta*

Just because it may be more difficult to gather evidence does not excuse school officials from taking some kind of action. The remainder of this document discusses what steps educators may – and in some cases, must – take in the face of cyberbullying and other forms of electronic misconduct by students.

## **II. STATUTES, RULE, AND POLICY**

In 2007, the Iowa Legislature enacted legislation requiring all school districts and accredited nonpublic schools in Iowa to have anti-harassment/anti-bullying policies, to make complaint forms available to targets of bullying or harassment, to put investigative procedures into place, and to collect and report data regarding incidents of bullying and harassment.

The new law includes electronic means of bullying and harassment.

This law has been incorporated into the accreditation rules adopted by the State Board of Education as rule 12.3(13). Failure of a school board to adopt a policy that is in compliance with the rule below subjects the district or accredited nonpublic school to removal of accreditation. The Department has also drafted a sample policy and forms for schools and school districts to use. The statute, sample policy, and a complaint form are in Part VIII of this document.

## **III. GUIDANCE FROM CASELAW**

There must be a close connection – a *nexus* – to school for school officials to be able to suspend cyberbullies from school. In addition, because cyberbullying involves student

speech, the school must demonstrate legitimate pedagogical concerns before courts will allow schools to take action that removes a student from school. So before discussing some recent cyberbullying cases, here is a review of student free speech cases:

<p style="text-align: center;"><b>The First Amendment</b> Congress shall make no law ... abridging the freedom of speech ...</p>
--

The traditional triumvirate of student free speech cases is – in chronological order – *Tinker v. Des Moines Independent Community School District et al.*, 393 U.S. 503, 89 S.Ct. 733 (1969); *Bethel School Dist. No. 403 v. Fraser*, 478 U.S. 675, 106 S.Ct. 3159 (1986); and *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260, 108 S.Ct. 562 (1988). This document goes into some depth to discuss those three cases, and adds a briefer discussion of *Morse v. Frederick* [the “Bong HiTS 4 Jesus” case], 127 S.Ct. 2618 (2007).

***Tinker v. Des Moines Independent Community School District,*  
393 U.S. 503, 89 S.Ct. 733 (1969)**

John and Mary Beth Tinker were public school students in Des Moines who were part of a group against American involvement in the Vietnam War. Wanting to publicize their opposition to the same, the Tinker children decided to wear black armbands to school. Upon arriving at school, the children were asked to remove their armbands. They did not remove the armbands and were subsequently suspended until they returned to school without their armbands. Their parents filed suit in federal trial court asking for a small amount of money for damages and an injunction to restrain school officials from enforcing their armband policy.

The Supreme Court ruled 7-2 in favor of the students. From this case comes the acknowledgement that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. . . .”

But the Court realized that there is a legitimate need for school officials to control student conduct, as long as the school can “show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would ‘materially and substantially interfere with the requirements of appropriate discipline in the operation of the school,’ the prohibition cannot be sustained . . . .”

***Bethel School Dist. No. 403 v. Fraser,*  
478 U.S. 675, 106 S.Ct. 3159 (1986)**

The lesson from *Fraser* is that lewd, indecent, objectively offensive speech by students may be regulated by school officials.

Matthew Fraser was a high school student in Pierce County, Washington, who delivered a speech at a mandatory school assembly of about 600 fellow students, some as young as 14 years of age, nominating a classmate for class vice president. Matthew thoughtfully, creatively, and wholly inappropriately laced his nomination speech with sexual innuendo and outright graphic, explicit sexual metaphor. The reaction of the captive audience of students ranged from clueless bewilderment to embarrassment to enthusiastic “hooting and yelling,” accompanied by gestures that “graphically simulated the sexual activities pointedly alluded to in [Fraser’s] speech.”

A divided (6-3) U.S. Supreme Court held that there is a “marked distinction between the political ‘message’ of the armbands in *Tinker* and the sexual content of [Fraser’s] speech.” School officials may discipline students for indecent speech and lewd conduct at school.

***Hazelwood School Dist. v. Kuhlmeier,*  
484 U.S. 260, 108 S.Ct. 562 (1988)**

School officials may regulate content of articles in school newspaper as school-sponsored expressive activity. So held the Supreme Court (another 6-3 decision) in *Hazelwood*. The Court took this opportunity to differentiate regulation of this type of student speech.

The question whether the First Amendment requires a school to tolerate particular student speech – the question that we addressed in *Tinker* – is different from the question whether the First Amendment requires a school affirmatively to promote particular student speech. [Emphasis added.]

While it is important to note the distinction between tolerating appropriate student free speech and promoting the same, note that **Iowa has a state law that gives students additional rights regarding student publications.** Iowa Code section 280.22 prohibits censorship by school officials as long as the student publication does not include materials which are obscene, libelous, or which encourage students to violate any rule or law or cause a material and substantial disruption of the orderly operation of the school.

***Morse v. Frederick,*  
127 S.Ct. 2618 (2007)**

The U.S. Supreme Court held in *Morse* [the “Bong HiTS 4 Jesus” case] that a school may restrict student speech that is harmful, such as speech that appears to promote illegal drug use. It remains to be seen how far-reaching the effects of this holding will be. (For instance, if a school can demonstrate that certain student speech will lead to a decline in test scores or increased truancy, may the school intercede? How about speech that leads to more dental decay in students?)

The immediate benefit of the *Morse* decision was to High School Principal Deborah Morse and all public school administrators and board members everywhere. The Supreme Court’s ruling undid the Ninth Circuit’s decision that Principal Morse was not entitled to qualified immunity from suit because the law in this area was so well settled

that she should have known that it was wrong for her to take the banner away from young Mr. Frederick (now a teacher himself) and to punish him for its display.

**In summary**, our starting point consists of the following:

1. *Tinker*: Absent either impingement on the rights of others or the likelihood of a substantial and material disruption at school, school officials may not regulate student speech.
2. *Fraser*: Lewd, indecent, objectively offensive speech by students may be regulated by school officials.
3. *Hazelwood*: School officials may regulate content of articles in school newspaper as school-sponsored expressive activity.
4. *Morse*: School officials may regulate speech that appears to promote illegal or harmful activity.

**Look for the nexus, or lack thereof, to school in the following sampling of caselaw regarding cyberbullying:**

1. A high school student created a Web site that used crude and vulgar language in criticizing the school administration. He did not use school resources to create the site, but the site included a hyperlink to the school's official homepage, and the student invited readers of his Web site to contact the school to communicate their observations about the high school. The school imposed a ten day suspension, which was overturned by the court because the principal testified that he suspended the student because the principal did not like the *content* of the student's Web site. Had the principal testified about the site causing a substantial disruption of educational time at school, there might have been a different outcome. [*Beussink v. Woodland R-IV School District*, 30 F.Supp.2d 1175 (E.D. Mo. 1998).]
2. A student included mock obituaries of his friends in a web site he created and named "Unofficial Kentlake High Home Page." The student – an honors student with no disciplinary history – included a disclaimer on his web site that noted that the site had no connection to the school and was for entertainment purposes only. Readers of the web site were invited to vote on "who should die." When local media picked up on this, one TV station characterized the site as having a "hit list." Mortified, the student removed his site the day after this news item ran on television. There was no evidence that any of the students whose obits were featured felt threatened, no evidence that the creator of the web site intended to do any harm, and no evidence of any disruption to the educational environment. The court found in favor of the student. [*Emmett v. Kent School District No. 415*, 92 F.Supp.2d 1088 (W.D. Wash. 2000).]
3. In this case one student wrote an e-mail about the school's activities director that was very unflattering about his weight (very large) and genital size (not so very large). The student sent the email from his home computer to friends on their home computers, but one recipient brought several copies of the e-mail to school. In ruling in favor of the student, the court stated that the mere desire on



the part of school officials to avoid discomfort or unpleasantness did not justify a restriction of private student speech. However, because this student had previously written “poison pen” e-mails about school employees on school computers, the court left the door open for a school to prevail if the school can demonstrate a “well-founded expectation of disruption.” [*Killion v. Franklin Regional School District*, 136 F.Supp.2d 446 (W.D. Pa. 2001).]

4. The court reversed the expulsion of a student who posted derogatory comments on the student’s personal Web site about Canadians, lesbians, albino florists, oh, yes, and his teachers. School district also ended up paying the student \$20,000. [*Muss v. Beaverton School District*, No. CV-02-1706-AA (D. Ore. 2002).]

{If you’re keeping score, the school districts haven’t won yet; this next case ends that streak.}

5. The court upheld the expulsion of a student based upon a Web site the student created at home that contained *threatening* comments against a teacher and a principal. The student attempted to shield himself from school discipline or regulation by putting a disclaimer on his site (which was not password-protected) that viewers promised not to tell any school officials or employees about the site. This attempt proved futile. His site had *many* visitors, so the word got back to the teacher who was threatened that he was actually soliciting donations from site visitors to hire a hitman to take out the teacher. [*J.S. ex rel. H.S. v. Bethlehem Area School District*, 807 A.2d 847 (Pa. 2002).]

6. Comments typed in class and printed off in class alleging that a teacher and principal were having sex were proper grounds to suspend the student who typed and printed the comments. This student was an honor student who went to court to try to get the suspension off her student record. The court denied her request. [*Matos ex rel. Matos v. Clinton School District*, 367 F.3d 68 (1<sup>st</sup> Cir. 2004).]

7. A male middle school student who was a competitive ballroom dancer was verbally harassed and taunted by peers almost daily; some students also posted derogatory comments about him on an internet chat room that was accessed from the school library. In response, the district made classroom announcements, contacted parents, and suspended students. The harassment continued; the family sued. The school was able to get the lawsuit dismissed because it showed that it took reasonable steps to try to get the harassment to stop. [*Shaposhnikov v. Pacifica School District*, WL 931731 (N.D. Cal. 2006).]

8. A senior with no disciplinary history and who was academically successful decided just before the Christmas recess to create a “parody profile” of one of the high school principals on MySpace.com. The profile was juvenile in its conception, vulgar in parts, and crude. It did not provide a flattering profile of the principal. The student did not use school equipment or school time to develop the profile. The court determined that the student’s off-campus speech did not result in a substantial disruption of school operations; therefore, it granted summary judgment to the student. This case is on appeal to the Third Circuit Court of Appeals. [*Layshock v. Hermitage School District*, 496 F.Supp.2d 587 (W.D. Pa. 2007).]

9. A year later, another federal trial court in Pennsylvania reached the opposite conclusion, ruling that school officials did not violate a student's free speech rights by disciplining her for creating a parody online profile of her principal, and granting *the school's* motion for summary judgment. As in *Layshock*, the student here created a fake MySpace profile and used a photo of the principal from the district's Web site. The personal profile section depicted the principal as a pedophile and sex addict. The court here found that *Fraser's* regulation of lewd and vulgar speech applied. [*J.S. v. Blue Mountain School District*, No. 07-585 (M.D. Pa. 9/11/08).]
10. The suspension of a middle school student who created an instant messaging (IM) icon depicting his English teacher being shot was upheld by a federal court. The student created the icon at home and sent it to 15 other students, one of whom showed it to the teacher. The teacher was distressed enough that he was allowed to stop teaching this student's class. The court concluded that "it was reasonably foreseeable that the IM icon would come to the attention of school authorities and the teacher whom the icon depicted being shot," thus deciding that the material and substantial disruption of the work of the school was met. [*Wisniewski v. Weedsport Cent. School District*, 494 F. 3d 34 (2<sup>nd</sup> Cir. 2007).]
11. Student who wrote vulgar comments about school officials in a blog could be barred from running for class secretary as punishment. The student was unhappy that school officials were not cooperating with her efforts to organize a music event. In this extraordinarily thoughtful decision, the Court noted that the student was a "good student and a good citizen" who had a "momentary lapse of judgment," and that the school officials were not "tyrants bent on curbing the constitutional rights of all who criticize them." The decision upholding the punishment turned on the fact that the student's blog gave false information about the music event and then urged other students to contact the school superintendent in support of the event "to piss her off more." It is also worth noting that the student was not suspended, did not receive any other written discipline, and was allowed to continue as a member of the student council. [*Doninger v. Niehoff*, 2007 WL 2523753 (D. Conn. 8-31-07); *aff'd*, 527 F.3d 41 (2<sup>nd</sup> Cir. 2008).]
12. The expulsion for the remainder of a semester of a high school student was upheld by a state court where the student violated the school's computer use policy by decoding encrypted information and helping another student to access extremely sensitive and private school information. This student had previously committed a serious violation of the policy, and his conduct was felonious under state criminal statutes. [*M.T. v. Central York School Dist.*, 2007 WL 3239280 (Pa. Cmwlth. 2007).]
13. *It's not just students!*  
A teacher created a MySpace account ("Mr. Spiderman"), ostensibly so he could answer questions about homework and to learn more about his students so he could better relate to them. Several students complained to the school's counselor about the content of the teacher's MySpace account. When the counselor looked at the web site, he saw pictures of naked men and inappropriate conversations that the teacher had conducted with students. The teacher closed down this account, but soon activated another account under the

name “Apollo68.” This account again generated student complaints. Eventually, the teacher was terminated and his termination was upheld by the courts. [*Spanierman v. Hughes, et al.*, \_\_\_ F.Supp.2d \_\_\_ (D. Conn 2008).]

**NOTE:** Most, if not all, schools have a “good conduct” policy by which they may govern out-of-school conduct of students who participate in extracurricular activities. A cyberbully can be punished under a good conduct policy (if the policy prohibits this type of misconduct) by being suspended from extracurricular activities, including being banned from school dances, prom, being a member of student council, or being elected to class office. The above cases only address the limits of a school’s ability to suspend or expel a cyberbully from school.

## IV. PROTECTING THE TARGET

Just because it may be more difficult to gather evidence does not excuse school officials from taking some kind of action. And just because a school may not be able to directly discipline the bully/ies does not excuse school officials from acting.

Here are some steps school officials should consider that are directly related to protection of targeted students:

- Notify the perpetrator and perpetrator’s parents of the allegation
  - Just because you may not have a sufficient nexus to discipline the perpetrator doesn’t mean that you ignore him/her. Call that student and parents into your office for a heart-to-heart.
- Keep an extra eye on the perpetrator...and let the perpetrator and his/her family know that you will be doing so.
- Give target’s family option of notifying law enforcement
  - In Iowa, the crimes of harassment and terrorism can be committed by electronic means. So just because a school may not be able to take action, law enforcement should be contacted if the family is willing to cooperate.
  - If the cyberbullying involves a threat, notify law enforcement directly and inform the families of both students that you have done so.
  - Of course, the school must fully cooperate with law enforcement.
- Do not discourage target’s family from exploring civil actions (defamation, invasion of privacy, intentional infliction of emotional distress)
- Gather evidence and investigate
  - Confiscate the electronic device(s) in question for as long as you need to investigate
    - Learn how to do this or find an expert
    - See information about school policy in next section
  - Document, document, document

- Keep target and target's family posted as to progress made during investigation, but remember not to tell them what discipline is ultimately imposed against the perpetrator.
- Check with the target often to make sure s/he is not suffering any retaliation from the initial perpetrator or friends of the perpetrator
- Offer counseling/mental health support to the target

## **V. OTHER ACTIONS TO CONSIDER**

There are other action steps that a school should consider that are proactive and not reactive to situations in which allegations are made. These include the following:

- Professional development for staff
- Parent/Community outreach
- Filter and monitor...but DO NOT rely on filtering software to control Internet activities of students
- Update and post school rules, policies
  - Include the policy, as well as student handbook, a statement that students have a limited expectation of privacy on the school's Internet system, and that routine monitoring or maintenance may lead to discovery that a user has violated district policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law.
  - Include an "Internet Acceptable Use" policy to stress that students are prohibited from name-calling, bullying, or harassment online during school on personal or school equipment.
  - Include a statement that the personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.
- Implement a prevention-intervention curriculum such as the one in Part VII of this document

## VI. RESOURCES

Web sites<sup>4</sup>:

<http://csriu.org>

<http://cyberbully.org>

<http://cyber-safe-kids.com>

<http://www.isafe.org>

<http://look-both-ways.com/stayingsafe/bullying.htm>

<http://www.netsmartz.org>

<http://www.k12.wa.us/Safetycenter>

<http://www.webwisekids.org>

<http://www.ctap4.org/cybersafety/>

<http://www.caabi.org>

<http://www.bullypolice.org>

## VII. CURRICULUM

An anti-cyberbullying curriculum is free and available for everyone at these Web sites<sup>5</sup>:

<http://www.seattleschools.org/area/prevention/cbms.html>

<http://www.incredibleinternet.com>

(Either link takes the educator to the same program, which is used in the Seattle school district, and is Olweus-based.)

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<sup>4</sup> The inclusion or exclusion of a Web site does not indicate approval or disapproval by the Iowa Department of Education. Any known Web sites regarding the topic of cyberbullying that may be helpful to educators have been included. The educator can determine for himself or herself the helpfulness of the site.

<sup>5</sup> See footnote #2.

## VIII. APPENDICES

### APPENDIX A

#### **Iowa Code section 280.28**

1. Purpose - findings - policy. The state of Iowa is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. The general assembly finds that a safe and civil school environment is necessary for students to learn and achieve at high academic levels. Harassing and bullying behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state of Iowa that school employees, volunteers, and students in Iowa schools shall not engage in harassing or bullying behavior.
2. Definitions. For purposes of this section, unless the context otherwise requires:
  - a. "Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.
  - b. "Harassment" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:
    - (1) Places the student in reasonable fear of harm to the student's person or property.
    - (2) Has a substantially detrimental effect on the student's physical or mental health.
    - (3) Has the effect of substantially interfering with a student's academic performance.
    - (4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
  - c. "Trait or characteristic of the student" includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.
  - d. "Volunteer" means an individual who has regular, significant contact with students.
3. Policy. On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

- a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:
    - (1) School employees, volunteers, and students in school, on school property, or at any school function or school-sponsored activity shall not engage in harassing and bullying behavior.
    - (2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about such an act of harassment or bullying.
  - b. A definition of harassment and bullying as set forth in this section.
  - c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and students relative to prevention measures, reporting, and investigation of harassment or bullying.
  - d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy.
  - e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying.
  - f. A procedure for the prompt investigation of complaints, either identifying the school superintendent or the superintendent's designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this section.
  - g. A statement of the manner in which the policy will be publicized.
4. Programs encouraged. The board of directors of a school district and the authorities in charge of each accredited nonpublic school are encouraged to establish programs designed to eliminate harassment and bullying in schools. To the extent that funds are available for these purposes, school districts and accredited nonpublic schools shall do the following:
- a. Provide training on antiharassment and antibullying policies to school employees and volunteers who have significant contact with students.
  - b. Develop a process to provide school employees, volunteers, and students with the skills and knowledge to help reduce incidents of harassment and bullying.
5. Immunity. A school employee, volunteer, or student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of harassment or bullying, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district or accredited nonpublic school, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.
6. Collection requirement. The board of directors of a school district and the authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incidence data.
7. Integration of policy and reporting. The board of directors of a school district and the authorities in charge of each nonpublic school shall integrate its antiharassment and antibullying policy into the comprehensive school improvement plan required under



section 256.7, subsection 21, and shall report data collected under subsection 6, as specified by the department, to the local community.

8. Existing remedies not affected. This section shall not be construed to preclude a victim from seeking administrative or legal remedies under any applicable provision of law.

## APPENDIX B

### SAMPLE ANTI-BULLYING/ANTI-HARASSMENT POLICY<sup>6</sup>

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the board. The board is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by students, school employees, and volunteers who have direct contact with students will not be tolerated in the school or school district.

The board prohibits harassment, bullying, hazing, or any other victimization, of students, based on any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age or disability is also prohibited.

This policy is in effect while students or employees are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures up to, and including, exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

Harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;

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<sup>6</sup> The sample policy is just that...sample language for schools and school districts to consider. As long as the required elements in rule 12.3(13) are included, the policy does not have to mirror precisely the sample policy, and in fact, the sample anti-bullying/anti-harassment policy put forth by the Iowa Association of School Boards (IASB) is somewhat different from the department's.

- Has a substantially detrimental effect on the student’s physical or mental health;
- Has the effect of substantially interfering with the student’s academic performance; or
- Has the effect of substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic” means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic” includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging, or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, fear, or suffering to the victim;
- Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, fear, or suffering to the victim;
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, fear, or suffering to the victim; and/or
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student’s education or benefits;
- Submission to or rejection of the conduct by a school employee is used as the basis for academic decisions affecting that student; or
- The conduct has the purpose or effect of substantially interfering with the student’s academic performance by creating an intimidating, hostile, or offensive education environment.

In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student’s education or participation in school programs or activities; and/or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person’s participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

Retaliation against a person because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding is prohibited. An individual

who knowingly files a false harassment complaint and a person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall a person who is found to have retaliated against another in violation of this policy. A student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. A school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. A school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The (*state the title of the investigator*) or designee will be responsible for handling all complaints by students alleging bullying or harassment. The (*state the title of the investigator*) or designee will be responsible for handling all complaints by employees alleging bullying or harassment.

It also is the responsibility of the superintendent, in conjunction with the investigator and principals, to develop procedures regarding this policy.

[OPTIONAL, BUT STRONGLY SUGGESTED THAT IT BE INCLUDED AND FOLLOWED:] The superintendent also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the board. The superintendent shall report to the board on the progress of reducing bullying and harassment in the board.

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion in the registration materials
- Inclusion on the school or school district's web site,
- (other) \_\_\_\_\_,

and a copy shall be made to any person at the central administrative office at (street address).

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## ANTI-HARASSMENT/BULLYING INVESTIGATION PROCEDURES

Individuals who feel that they have been harassed should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask a teacher, counselor or principal to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
  - tell a teacher, counselor or principal; and
  - write down exactly what happened, keep a copy and give another copy to the teacher, counselor or principal including:
    - what, when and where it happened;
    - who was involved;
    - exactly what was said or what the harasser did;
    - witnesses to the harassment;
    - what the student said or did, either at the time or later;
    - how the student felt; and
    - how the harasser responded.

### COMPLAINT PROCEDURE

An individual who believes that the individual has been harassed or bullied will notify \_\_\_\_\_, the designated investigator. The alternate investigator is \_\_\_\_\_. The investigator may request that the individual complete the Harassment/Bullying Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. The complainant shall be given a copy of the completed complaint form. Information received during the investigation is kept confidential to the extent possible.

The investigator, with the approval of the principal, or the principal has the authority to initiate a investigation in the absence of a written complaint.

### INVESTIGATION PROCEDURE

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The investigator will interview the complainant and the alleged harasser. The alleged harasser may file a written statement in response to the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator will make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the principal. The investigator will provide a copy of the findings of the investigation to the principal.

### RESOLUTION OF THE COMPLAINT

Following receipt of the investigator's report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps which may include discipline.

Prior to the determination of the appropriate remedial action, the principal may, at the principal's discretion, interview the complainant and the alleged harasser. The principal will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The principal will maintain a log of information necessary to comply with Iowa Department of Education reporting procedures.

#### POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

#### CONFLICTS OF INTEREST

If the investigator is a witness to the incident, the alternate investigator shall investigate.

### APPENDIX C<sup>7</sup>

#### Harassment/Bullying Complaint Form

Is this form being filed because of retaliation for filing an earlier complaint? Yes\_\_\_\_\_ No\_\_\_\_\_

Name of complainant: \_\_\_\_\_  
*(Student, Parent, Employee, Other – Please Specify)*

Date of complaint: \_\_\_\_\_

Name(s) of student(s) alleged to be responsible for incident: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Describe what happened: *(Use back of form or attach additional pages if necessary)* \_\_\_\_\_

<sup>7</sup> This form is constantly being revised to make it more “user-friendly.” The goal is for the student to make all pertinent information known to the school.

\_\_\_\_\_  
\_\_\_\_\_

Name(s) of witness(es) \_\_\_\_\_

\_\_\_\_\_

Is there any documentation of the incident? Yes \_\_\_\_\_ No \_\_\_\_\_ Please attach evidence OR  
explain why not. \_\_\_\_\_

\_\_\_\_\_

Any other relevant information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I feel I was harassed based upon: \_\_\_\_\_  
(LIST ALL THAT APPLY)

*sexual orientation, gender identity, physical attribute, race, color, creed, age,  
national origin, religion, disability, ethnicity, political party preference, sex,  
marital status, familial status, socioeconomic status, political belief, ancestry*

I agree that all of the information on this form is true to the best of my knowledge.

**Complainant's signature:** \_\_\_\_\_