



School Leader Update

Iowa Department of Education

Friday, October 1, 2004

Resources for Iowa School Leaders

NEWS FROM THE DE

New School Improvement Consultant

Please welcome Beth Calhoun as the new School Improvement Consultant serving AEAs 4 and 12. Contact Beth at Elizabeth.Calhoun@iowa.gov; 515/281-8170.

Search the School Leader Update

Now you can search through past issues of the School Leader Update to find information easier and faster. Just go to <http://www.state.ia.us/educate/oofd/slu/index.html> and click on the "search" next to the School Leader Update title.

SCHOOL IMPROVEMENT

Contact your ESL/ELL consultants

Please remember to contact the ESL/ELL consultant at your AEA and rely on his/her expertise. They are the best resources to answer your questions, provide services, and keep your district informed about services and resources available to help students improve their English language proficiency and academic achievement. The list of ESL/ELL consultants is attached to this email. Questions? Contact Carmen Sosa, 515/281-3805, Carmen.sosa@iowa.gov.

Managing school indoor air quality issues in existing and new construction

Sponsored by Iowa Department of Education, US EPA Region VII and Engineering Extension at Kansas State University. This one-day workshop for school districts that want to be proactive in addressing indoor air quality issues in existing buildings and new construction is scheduled on the following dates and locations:

- October 21, Des Moines AEA 11, Woodside Park Center, 6900 NE 14th St. Des Moines.
- October 22, Iowa City, Robert A. Lee Community Rec. Center, 220 S Gilbert.
- October 25, Storm Lake, AEA 8 office Building, 824 Flindt Drive Suite 105
- November 12, Cedar Falls, AEA 267 Building, 3712 Cedar Heights Drive
- November 17, Council Bluffs, AEA 13 Building, 24997 Highway 92.

Workshops start at 9:30am and end at 3:30pm. Districts who want to be proactive on indoor air quality issues should consider sending facility managers, administrators, board members, faculty, health professionals and maintenance personnel.

A \$10.00 registration fee covers lunch and refreshment breaks. Checks payable to the sponsoring agency will be collected onsite at the workshop location.

To register for any of these workshops, call or e-mail Milt Wilson 515/281-4743, milt.wilson@iowa.gov.

School governance that supports student achievement

A request for proposal (RFP) will be posted on the Department's website the week of October 11, 2004 seeking a district or consortium or districts wishing to research and design innovative governance systems that support student achievement. The result of the research and study will be to identify barriers to innovation and to assist the State of Iowa in removing those barriers through policy and legislation. The successful district(s) will examine the functions and roles of the entire organization – teachers, principals, central administration, school business officials, superintendents, and boards of education.

A grant from the Wallace Readers Digest Foundation will support the work of three breakthrough ideas. Breakthrough Idea No. 2 "Create new governance models in Iowa district(s) by restructuring governance from

the classroom level to the local school board level while changing the conditions of practice to ultimately improve student learning” will guide applicants as they frame their thinking for this application.

A conference date will be announced at the time the RFP is posted.

Volunteer for CSIP reading

AEA, district and school staffs are invited to volunteer as a CSIP reader this fall. This process will benefit districts by ensuring they gain prompt feedback on their CSIPs, and is also helpful to volunteers because it gives them insight on best practices at other districts.

Training via the ICN will occur with participants' choice of the following dates and locations from 9:00-4:00p.m.:

- October 18 at Grant Wood AEA in Cedar Rapids (origination site), Southern Prairie AEA in Ottumwa; Hoover State Office Building in Des Moines, State of Iowa Library in Des Moines, Western Hills AEA in Sioux City, and AEA 267 in Cedar Falls.
- October 22 at Hoover State Office Building in Des Moines (origination site) and at Loess Hills AEA in Council Bluffs.

Participants will read in pairs and have the opportunity to register as a reading pair or register individually and be assigned a partner. CSIP reading may be completed anytime and anywhere within a given deadline via the Internet. It is hoped that at least 15 reading partners will be trained at each ICN site. Each reading pair will read approximately six CSIPs. Each ICN session will include training, practice, and time for reading.

To register, access the DE web at www.state.ia.us/educate/ecese/asis/csi/formrequest.html by October 8. If you have questions about registration, please contact Julie Melcher, School Improvement Consultant, julie.melcher@iowa.gov, 515/281-6293.

Volunteer for a site visit team

Iowa educators are encouraged to volunteer to participate on one of the DE’s site visits scheduled for this school year. Serving on a site visit team has many benefits: It helps participants understand site visit expectations and the preparation process, and also allows educators to obtain in-depth information and examples from other districts. See the attachments for a volunteer form, or visit

<http://www.state.ia.us/educate/ecese/asis/csi/sv.html>. For more information, contact Tom Cooley, tom.cooley@iowa.gov, 515/242-5312.

Site visit training scheduled

All site visit participants are required to attend training. People are welcome to attend any of the sessions listed below that fit their schedules. No registration is required.

AEA	Date	Time	Location	Trainer
1	October 5	1:00-3:30	Keystone AEA in Elkader (Room D2-D3)	Tom Cooley
267	TBA	TBA	TBA	Eric Heitz
267	TBA	TBA	TBA	Eric Heitz
8	October 6	1:30-3:30	Iowa Central CC - CEB-108	Lois Irwin
8	November 3	2:00-4:00	AEA 8 Office-Cylinder	Lois Irwin
4	November 4	1:00-3:00	AEA 4 Office, Sioux Center	Lois Irwin
9	October 7	2:00-4:30	AEA 9, Bettendorf, Clinton Room	Tom Cooley
9	October 19	8:30-11:00	AEA 9, Bettendorf, Clinton Room	Tom Cooley
10	October 7	9:00-11:00	AEA 10 Spring Room, 6 th Street Facility	Debbie Boring
10	October 7	1:00-3:00	AEA 10 Spring Room, 6 th Street Facility	Debbie Boring
11	September 3	1:00-3:30	6445 Corporate Drive, Room I, Johnston	Julie Melcher
11	October 1	1:00-3:30	6445 Corporate Drive, Room I, Johnston	Julie Melcher
12	October 12	9:00-11:00	AEA 12 Office, Sioux City	Debbie Boring
12	October 12	1:00-3:00	AEA 12 Office, Sioux City	Debbie Boring
13	October 6	1:00-3:30	AEA 13, Council Bluffs	Debbie Boring
13	October 22	9:00-11:30	AEA 13, Council Bluffs	Debbie Boring
14	October 7	1:00-3:00	AEA 14, Creston	Brandie Gean
15	October 5	1:00-3:00	AEA 15, Ottumwa	Brandie Gean

15	October 13	9:00-11:00	AEA 15, Ottumwa	Brandie Gean
16	October 20	1:00-3:00	AEA 16, Burlington, Room 233-234	Brandie Gean

Helping your brightest students through acceleration

The Belin-Blank Center for Gifted Education at the University of Iowa recently released a study "National Deceived: How Schools Hold Back America's Brightest Students," that brings forth research to demonstrate that moving bright students ahead has strongly positive results, both academically and socially. To download the report, visit www.nationdeceived.org

Broaden your curriculum

Have budget cuts got you down? Are fieldtrips a thing of the past? IPTV K-12 Connections and the Iowa Communications Network (ICN) can help. ICN videoconferencing brings students face-to-face with experts across the state and around the world. If you are not familiar with the ICN, its technology provides an educational experience in which the instructor and learner, physically separated by location, are linked by a telecommunications medium or interactive video/audio exchange. The complement of quality programming, cross-curricular topics, and access to experts in science, technology, arts, history, and other areas distinguishes Iowa Public Television K-12 Connections as one of the top producers of current and relevant distance learning experiences. Students can look forward to topics like Lewis and Clark, Great Iowa Inventions, US Electoral College, Chemistry is a Blast, Adventures in Africa, Munch My Math, Amazing Reptiles, and much, much more! All IPTV K-12 ICN events connect to national education standards. Registration takes only minutes. K-12 schools and home schools participate at NO COST, and complimentary books and classroom resources are provided for many sessions. For more information and to register for these educational events, go to the K-12 Calendar at www.iptv.org/educational_resources.cfm.

You can stay more informed by joining the electronic newsletter group (www.iptv.org/enews.cfm) to receive information about upcoming sessions and special offers.

QUALITY TEACHING

Teacher compensation updates

Please visit www.state.ia.us/educate/ecese/tgt/tc/worksheet.html to access the worksheet to assist with the calculation of the minimum salary adjustments for beginning and career teachers as well as calculating the amount that is available to distribute to the remaining teachers. The 2004-05 allocations are posted online at www.state.ia.us/educate/fis/sft/alloc/index.html.

SCHOOL FUNDING AND GRANTS

2004-05 Iowa Demonstration Construction Grant applications available

The Iowa Department of Education is pleased to announce the availability of the Iowa Demonstration Construction (Harkin) Grant Program [Fire (Life) Safety and Construction], which was authorized by Title III of P.L. 108-199 in the amount of \$6,958,699.

The grants, to be awarded on a competitive basis, are available to Iowa public school districts. The Fire (Life) Safety Grant is also available to the State Board of Regents for use at the Iowa Braille & Sight Saving School and/or the Iowa School for the Deaf.

Applications must be postmarked or received at the Iowa Department of Education by 4:30 p.m., December 10, 2004, for both the Fire (Life) Safety and Construction Grant applications.

Applications may be obtained from the Iowa Department of Education's website at <http://www.state.ia.us/educate/ecese/asis/si/idcgp/index.html>.

The Department will hold an ICN session on the application process and program. More information will be sent at a later date.

Questions? Contact C. Milton Wilson, 515/281-4743, milt.wilson@iowa.gov.

Change in sex offender law that affects schools

This past legislative session, a new law was passed that has huge implications for school districts. House File 2460 (<http://coolice.legis.state.ia.us/legislation/enrolled/HG2460.html>) creates new Iowa Code section 282.9, which requires the following:

1. Upon receiving notification from the sheriff that a student of the district is required to register as a sex offender, the local school board must determine the educational placement of the student.
2. The agenda for the meeting of the board “shall specifically state that the board is considering the enrollment or educational placement of an individual who is required to register as a sex offender under chapter 692A.”
3. If the board votes to deny enrollment, the district of residence “shall provide” the student with educational services in an alternative setting.

A school district has no obligation to do a mass notification of any group – teachers, students, support staff, etc. However, the school could be held liable for negligence if it does not notify certain specific persons. Whom to notify is a decision to be made on a case-by-case basis. Certainly, if the victim of the sexual assault is also a student, notify him or her. Find out what you can about the crime from the county attorney or sheriff, and then use common sense to determine how to proceed.

Protective orders are public documents. Once a school is notified that a student is a sex offender, the school should call the county attorney, sheriff, or clerk of court to find out if there is a no contact order or protective order. If there is, get a copy and comply. Kathy Collins covers this subject in depth in her CYA column this month is the [SAI Report](#).

Problem employees – now, more of a problem

Up until now, employers (including school districts and nonpublic schools) have been liable on claims of negligent hiring, supervision, or retention only if the injured party suffered physical injury. As of September 1, the Iowa Supreme Court has determined that a claim based on negligent hiring, supervision, or retention may be successful against an employer even if the injured party did not suffer physical injury. Kiesau v. Bantz, et al.

In that case, the problem employee (a deputy sheriff whose father-in-law was the county sheriff) altered a photograph of a fellow deputy, a woman, to make it appear that the female deputy posed partially nude. He then distributed the altered photo via email. Although the subject of the photograph suffered no physical injury, she was embarrassed, humiliated, and otherwise emotionally harmed. Non-physical injury is now enough for a claim of negligent hiring, supervision, or retention to proceed to trial. Frankly, the employer’s odds in that case are not good; the problem employee is a fellow against whom multiple complaints had been made (both from co-workers and the public) without appropriate response. So, the key here is not so much whether an employee harms another person as it is whether the employer knew or should have known that the employee had a tendency to willfully harm others and chose not to intervene.

Expanded decision matrix for residency issues

Residency issues continue to plague districts. Thus, we are re-running the following decision matrix.

Situation	Resident? Enroll?	Other remarks
Student lives with someone other than parent/guardian b/c of family problems or personal problems – not for school reasons	Yes – student is a resident and must be enrolled tuition-free, without requiring guardianship papers.	Emergency contact – must be someone who can make a decision about the student (parent or court-appointed guardian, e.g.) OR who can quickly contact the decision-maker. Report cards, communiqués from school still go to parent, unless parent gives written permission to school to send documents to person with whom student resides.
Same as above, BUT – student is in district for school purposes (athletics, other extracurriculars, not doing well in former school)	Not a resident; per Iowa Code § 282.6 the district MUST charge tuition and MAY NOT include student on certified enrollment.	Same comments as above.
Same as first row, BUT – student is in district neither for school purposes nor because of personal or family problems (e.g., student is playing in a hockey league)	DEPENDS. Factors to consider include: 1. Does student intend to return to parent's home in near future? How frequently does child return to parental home to visit? 2. Does parent furnish significant financial support for child? 3. Does parent still have authority over child? MOST of the time, these students are NOT going to be residents and must be charged tuition. An exception may exist for a student who is 18 or older and who sets up his/her own household (all above questions would have to be answered in the negative).	Same comments as previously. Creating a legal guardianship does NOT affect whether the student is a resident. It merely clarifies who gets information from the district and who can make decisions for a minor child.
Student lives with parent(s) in District A, but is with a relative (not a parent) before and/or after school in District B.	This does not establish residency in District B.	If parents want student to attend District B, they must file an open enrollment request.

<p>Student resides with court-appointed guardian</p>	<p>Doesn't automatically make the student a resident for purposes of 282.6; still need to determine WHY the student is in the district.</p>	<p>The rights of a court-appointed guardian are superior to those of the parents; guardian is emergency contact and is the recipient of all documents from school. Therefore, make sure this is a legal guardianship (as evidenced by a court order signed by a judge or by "letters of appointment" signed by clerk of court with seal of court).</p>
<p>Student splits time equally between parents who live in different districts</p>	<p>Student is a resident of both districts, but only one district gets to include the student in its September count. It's permissible for the districts to determine which one will count the student and that district can reimburse the other.</p>	<p>This really gets fun when the child needs special education.</p>
<p>Family moves into district from another country</p>	<p>Children in the family are residents of district, regardless of whether they are aliens and even regardless of whether the family's presence in the U.S. is legal</p>	<p>U.S. Supreme Court ruled in 1972 that a free education must be provided to <u>resident</u> children, even if they are illegal aliens. A district CANNOT require any documents from this family that it would/could not request from any other family. That is, you may ask for proofs of birthdates and relevant health information. Period.</p>
<p>Family refuses to give street address, just gives P.O. box</p>	<p>282.6 requires district to charge tuition; without proof of residency (P.O. Box is NOT proof of residency in district), charge tuition and hope that gets the parents' attention</p>	<p>There are legitimate reasons why a family would want its street address kept confidential; however, districts must have proof of residency and can still take measures to protect this information.</p>
<p>Student lives with a foster family</p>	<p>Is a resident of the district for purposes of receiving a tuition-free education.</p>	<p>Under Iowa law, foster parents are not guardians (unless there is a separate order). DHS is custodian for placement in foster care; unless parental rights have been terminated by a court, the natural parents still have right to participate in meetings and receive reports. Call local DHS office (the one that made the placement) and get some guidance in writing from them.</p>

Custody Matrix

Likewise, districts and nonpublic schools need to know who gets information about a child, who gets to come to P/T conferences, who gets to pick up a child after school. These issues get murky in a split family situation.

WHO IS MAKING REQUEST	WANTS ACCESS TO RECORDS (INCLUDES PARENT/TEACHER CONF.)	WANTS ACCESS TO CHILD (INCLUDES PICKING UP CHILD, HAVING LUNCH WITH CHILD AT SCHOOL)
Custodial Parent (children live with)	Receives all information, report cards, notes home, etc.	Full access to child, subject to attendance center rules.
Non-Custodial Parent (children do not live with) NOTE: Iowa Supreme Court states that this is the responsibility of the custodial parent. However, FERPA requires you to respond to a request from either parent. You DO NOT have to send information to the non-custodial parent if that parent has not asked for anything.	Per FERPA, non-custodial parent has same rights as custodial parent to child's records. If custodial parent doesn't want other parent getting records or attending p/t conferences, put burden on custodial parent to provide a court order that limits other parent's right to access records. DO NOT make non-custodial parent produce an order that states that s/he is entitled to access; the law gives him/her access absent an order to the contrary.	If terms of court decree or order clearly and specifically state that the non-custodial parent has visitation at the time and date requested, it's OK. If decree or order just states "liberal and reasonable visitation," consult your school attorney.
Step-Parent (married to custodial parent; children live with)	No independent rights of access; must access via spouse. May attend p/t conference (with or without spouse).	OK only with consent of spouse; do not have to get consent of non-custodial parent.
Step-Parent (married to non-custodial parent; children do not live with)	No independent rights of access; must access via spouse. May attend p/t conference with or without spouse, unless there is a court order to the contrary.	If decree is specific as to time and date of visitation, step-parent may pick up children. If decree is not specific, only OK with consent of custodial parent.
Grandparents, any relatives	If grandparent is the guardian, OK. If not, put burden on grandparent to get written consent from CUSTODIAL parent or a court order or decree.	If grandparent is the guardian, OK. If not, put burden on grandparent to get written consent from CUSTODIAL parent or a court order that is specific as to times and dates.
Court-Appointed Guardian	Full access	Full access
Foster Parent NOTE: Just because a child may be in foster care does not mean that the parental rights have been terminated!	Only way a foster parent has access to records is with written consent or direction of DHS office.	Full access; but cannot file for open enrollment, home schooling (CPI), etc., if parental rights have not been terminated and even then, not without written consent of DHS office.

Smoke-free means smoke-free

Both state and federal law provide that public places are to be smoke-free. But, whereas state law allows a school board to designate a "smoking area," federal law does not allow any smoking in a school building where children are served. The Pro-Children Act of 1994 (20 USC 7181) states that the entire building where minors are provided educational, health, or library services is to be smoke-free.

This means that ALL of an attendance center is smoke-free. No smoking in the boiler room, basement, closet, etc. This also includes alternative schools if students under age 18 are in attendance. A local board may – but does not have to – designate a smoking area on grounds or in buildings such as a maintenance building where services are not provided to children at that building.

The feds mean business. Any school administrator who allows smoking in a school building contrary to the law can be fined \$1,000. Compare that to the fine of \$25 that is imposed upon the smoker under state law.

A new set of FAQs on this subject has been added to the DE's web site at <https://www.edinfo.state.ia.us/web/faqs.asp?f=smokfre>

STUDENT TRANSPORTATION

New federal school bus driver "S" endorsement

Beginning October 1, 2005, the federal government will require ALL school bus drivers in the nation to have an "S" endorsement on their CDL license. The "S" will signify "School Bus" and be strictly for those who drive school buses. This will be in addition to the current "P" endorsement that has been required for years. A session on this subject was held at the Annual Iowa School Transportation Conference in July of 2004. A representative from the Office of Driver Services for the Iowa Department of Transportation provided the answers to the many questions that were asked. Samples of those questions are listed below. The complete Q&A session is being presented to school transportation personnel across the State of Iowa as part of the 2004-2005 annual 3-hour in-service. Although the "S" endorsement won't be required for almost a year, the information being provided via the in-service will get your bus drivers up to speed on this issue, well ahead of the due date. The main thing to remember is that this regulation takes effect on October 1, 2005. If your drivers don't have the "S" endorsement on their license by that time, they will no longer be qualified to operate a school bus.

QUESTION #1:

- Where does the requirement for the school bus endorsement come from?
- The Federal Motor Carrier Safety Improvement Act of 1999. Title 49 Code of Federal Regulations, Part 383.123

QUESTION #2:

- What is the compliance date for this federal mandate?
- October 1, 2005

QUESTION #3:

- Do existing school bus drivers have to test and be issued the new endorsement?
- Yes

QUESTION #4:

- What happens if an existing school bus driver does not obtain the endorsement before October 1, 2005?
- He/she will not be valid to operate school buses.

QUESTION #5:

- Can existing school bus drivers "grandfather"?
- They may grandfather out of the skills tests, but not the knowledge test.

QUESTION #8:

- When will the knowledge tests be available?
- Changes to the Iowa Code will be presented to the Legislature in January 05. Testing is anticipated to start in July 05, but sooner if an early enactment is obtained.

QUESTION #9:

- When will study material be available?
- A link to that information is now available via our DE website. Click on the following link. The link to the study material will be the third link down from the top of the page:
www.edinfo.state.ia.us/web/links.asp?l=trans00

QUESTION #10:

- What are examples of subject matter on the test?
- Loading and unloading of children, using emergency exits, traversing highway rail grade crossings.

QUESTION #11:

- Where will the knowledge tests be administered?
- At all DOT and county-operated driver license stations.

QUESTION #12:

- Where will the skills tests be administered?
- At all DOT-operated driver license stations and at county treasurer locations that offer skills testing. A call to your local county treasurer may have to be made to verify that skills testing is available in that community. Additional information concerning hours and locations is available at www.iamvd.com/ods/dlsites.htm

QUESTION #13:

- Who will be eligible to "grandfather" out of the skills testing?
- At the discretion of the State, the skills test may be waived for an applicant who is currently licensed, has experience driving a school bus, has a good driving record, and meets the conditions set forth in statute.

QUESTION #14:

- Is there an expiration date for allowing drivers to be "grandfathered"?
- Yes. No "grandfathering" will be allowed after September 30, 2005.

QUESTION #15:

- What will the new endorsement cost?
- Undetermined at this time. The fee will be set by State statute.

QUESTION #16:

- Will the school bus driver have to have both the passenger (P) and school bus (S) endorsement?
- Yes

Questions? Contact Max Christensen, max.Christensen@iowa.gov, 515/281-4749.

CALENDAR

Deadlines and [Dates to Remember](#)

October 4, 20, 21, 26, 27 Stop Bullying and Harassment: Keys to Developing a Safe Learning Environment; conferences sponsored by ASCD at various locations.

December 14 Iowa High School Summit; Des Moines.

CONGRATULATIONS

Sioux City West High School and **Northeast Middle/High School** in Goose Lake have been selected for Innovation Awards from the Center for Research and Learning Institute for Effective Instruction at the University of Kansas. The award is given to schools, programs, or individuals who have demonstrated highly innovative and effective applications of the Strategic Instruction Model.

SCHOOL LEADER UPDATE is produced monthly for school leaders of Iowa. Comments and submissions should be sent to Kathi Slaughter, 515/281-5651, kathi.slaughter@iowa.gov.