

# School Leaders of Iowa

## August 2003

### Bureau of Administration and School Improvement Services Iowa Department of Education

(This document is also available on the DE web site.)

<http://www.state.ia.us/educate/ecese/asis/index.html>

*There is no winning, no hope of constant improvement, for you or your people, unless there is involvement. You must love what you do, or else excellence remains an elusive target.*

Tom Peters, *A Passion for Excellence*

1. **Annual Progress Report (APR) under State Student Accountability.** Each school district and accredited nonpublic school is submitting its annual progress report to the Department during August. This report informs the local community about goal progress with state indicators for student performance and other information relevant to the 2002-03 school year. APR readers across the state will be trained on September 17-19. All APRs must be received by that time.  
Contact: Jeanette McGreevy, 515-281-4750, [jeanette.mcgreevy@ed.state.ia.us](mailto:jeanette.mcgreevy@ed.state.ia.us)
2. **Adequate Yearly Progress (AYP) under Federal NCLB.** School districts representing the buildings that have been identified as schools in need of assistance (SINA) have entered their data into the Department's new AYP web-based system. All other school districts will be notified early this fall to input information into this AYP system.  
Contact: Paul Cahill, 515-281-3944, [paul.cahill@ed.state.ia.us](mailto:paul.cahill@ed.state.ia.us)
3. **Comprehensive School Improvement Plan (CSIP).** Early this fall, the Department will distribute initial information about new comprehensive school improvement plans that each school district and accredited nonpublic school will submit in the fall of 2004. Initial information will include content requirements, state and federal rule interpretations, and guidance about how to meet each requirement. Early second semester, the Department will distribute additional guidance, models, and directions about how to enter information into a new CSIP web-based program. The intent is to create a plan that does the following:
  - Provides clear, usable information that schools and school districts can implement, and
  - Functions as the five-year application for state and federal funds (school districts only).Contact: Jeanette McGreevy, 515-281-4750, [jeanette.mcgreevy@ed.state.ia.us](mailto:jeanette.mcgreevy@ed.state.ia.us) or Rita Martens, 515-281-5332, [rita.martens@ed.state.ia.us](mailto:rita.martens@ed.state.ia.us).
4. **LEA Comprehensive Site Visits for the 2003-04 School Year.** Ninety-five school districts and accredited nonpublic schools will receive comprehensive site visits during the 2003-04 school year. These visits have the following purposes pursuant to 281—IAC 12.8(4)(a)(2):
  - To assess progress with the comprehensive school improvement plan,
  - To provide a general assessment of educational practices,
  - To make recommendations with regard to visit findings for the purposes of improving educational practices above minimum compliance, and
  - To determine that a school or school district is in compliance with accreditation standards.

The School Improvement Team will provide site visit training opportunities across the state beginning in September. Schools being visited and site visit team members may attend any training session across the state. Representatives from schools having visits and site visit team members are invited

to any of the training sessions at the following locations in the fall of 2003. The Department school improvement consultant (who will be conducting the training) is listed in parenthesis.

<b>Iowa Department of Education Training Sessions for LEA Comprehensive School Improvement Visits Fall 2003</b>	
<p><b>AEA 1</b> September 10, 2003 (1:00 - 3:30 p.m.) Keystone AEA offices - Room D5 Elkader (Tom Andersen)</p> <p>October 8, 2003 (1:00 - 3:30 pm ) Keystone AEA offices - Room 1 Dubuque (Tom Andersen)</p>	<p><b>AEA 11</b> September 5, 2003 (1:00 - 3:30 p.m.) Heartland AEA offices – Bldg. 6445 Johnston (Steve Fey)</p> <p>October 3, 2003 (1:00 - 3:30 p.m.) Heartland AEA offices – Bldg.6445 Johnston (Steve Fey)</p>
<p><b>AEA 267</b> September 10, 2003 (1:00 - 3:30 p.m.) AEA offices (tentative date) Cedar Falls (Rita Martens)</p> <p>September 24, 2003 (1:00 - 3:00 p.m.) AEA offices Clear Lake (Rita Martens)</p>	<p><b>AEA 12</b> None</p>
<p><b>AEA 4</b> None</p>	<p><b>AEA 13</b> September 3, 2003 (1:00 - 3:30 p.m.) Halverson Center Council Bluffs (Tom Cooley)</p> <p>October 1, 2003 (1:00 - 3:30 p.m.) Halverson Center Council Bluffs (Tom Cooley)</p>
<p><b>AEA 8</b> September 23, 2003 (1:00 - 3:30 p.m.) Prairie Lakes AEA offices Storm Lake (Lois Irwin)</p> <p>October 2, 2003 (1:00 - 3:30 p.m.) Iowa Central Community College Voc Tech Bldg - Room 101 Fort Dodge (Lois Irwin)</p>	<p><b>AEA 14</b> September 4, 2003 (1:00 - 3:30 p.m.) Green Valley AEA offices Creston (Tom Cooley)</p> <p>October 2, 2003 (1:00 - 3:30 p.m.) Green Valley AEA offices Creston (Tom Cooley)</p>
<p><b>AEA 9</b> September 2, 2003 (1:00 - 3:30 p.m.) Mississippi Bend AEA offices Bettendorf (Barb Byrd)</p> <p>October 6, 2003 (1:00 - 3:30 p.m.) AEA offices Bettendorf (Barb Byrd)</p>	<p><b>AEA 15</b> September 2, 2003 (1:00 - 4:00 p.m.) Southern Prairie AEA offices Ottumwa (Julie Melcher)</p> <p>October 8, 2003 (9:00 a.m. - 12:00 noon) Southern Prairie AEA offices Ottumwa (Julie Melcher)</p>
<p><b>AEA 10</b> September 11, 2003 (9:00 - 11:30 a.m.) Grant Wood AEA offices Cedar Rapids (Debbie Boring)</p> <p>October 2, 2003 (1:00 - 3:30 p.m.) Grant Wood AEA offices Cedar Rapids (Debbie Boring)</p>	<p><b>AEA 16</b> September 3, 2003 (1:00 - 3:30 p.m.) Great River AEA offices - Board Room Burlington (Barb Byrd)</p> <p>October 1, 2003 (1:00 - 3:30 p.m.) Great River AEA offices - Board Room Burlington (Barb Byrd)</p>

**School Districts Having Joint Equity and School Improvement Site Visits**

Additional training sessions will be held exclusively for those schools who are having joint equity and school improvement site visits during the 2003-04 school year. This session will be held on Tuesday,

September 23, 2003, from 12:30 – 3:30 p.m. at the State Historical Building in classroom A at 600 East Locust Street in Des Moines. Jan Huss, Equity Consultant with the Department of Education, will conduct these sessions with assistance from Department School Improvement Consultants. Schools with joint equity and school improvement visits this year have been notified and should plan to attend only this session and not the sessions listed above. These schools are as follows:

**Atlantic Community School District  
Centerville Community School District  
Dubuque Community School District  
Harlan Community School District  
Maquoketa Community School District**

**Marion Community School District  
Mount Ayr Community School District  
Saydel Community School District  
Southeast Polk Community School District  
Southeast Webster Community School Dist**

Representatives from schools and school districts receiving site visits during the 2004-05 school are encouraged to sign up as team members this year. They can access the list of schools visited this year at the following address on pages 1-4:

<http://www.state.ia.us/educate/ecese/asis/csi/doc/leacsv.pdf> and contact Cheryl Syferd to sign up. Contact: Cheryl Syferd, 515-281-3170, [cheryl.syferd@ed.state.ia.us](mailto:cheryl.syferd@ed.state.ia.us)

5. **LEA Comprehensive Site Visits for the 2002-03 School Year—Survey Data and Summary.** The School Improvement Team has been surveying site visit team members and schools visited for the last three years. Many thanks to LEA, AEA, and DE staff who provided the feedback. Each year the team analyzes the data, identifies priorities, and makes revisions in content and process to improve comprehensive site visits. The priority items from the survey open-ended questions appear below.

#### **Comprehensive School Improvement Site Visit Feedback from the 2002-03 School Year Team Member Feedback on Open-ended Questions**

Surveys mailed: 549  
Surveys returned: 378 (69%)

**What site visit content and/or process helped the school/school district with continuous improvement of student learning?** The top four responses to this question appear below:

- Gathering information from multiple perspectives through the interviews,
- Preparing for the visit – data gathering,
- Getting the “big picture” or systems view, and
- Giving the school/district the opportunity for self-reflection.

**How can site visit process and/or content be improved to help the school/district with the continuous improvement of student learning?** The top four responses to this question appear below:

- Revise the interview protocols for greater clarity and simplicity.
- Provide more information time for conversation with school staff or classroom observation.
- Schedule more time for team dialogue, team reflection, and team writing.
- The Department needs more follow-up after the site visit.

#### **Comprehensive School Improvement Site Visit Feedback from the 2002-03 School Year Schools Visited Feedback on Open-ended Questions**

Surveys mailed: 106  
Surveys returned: 86 (80%)

**What site visit content and/or process helped the school/school district with continuous improvement of student learning?** The top four responses to this question appear below:

- Getting the big picture through preparing and reflecting,
- Interviewing a variety of stakeholders,
- Experiencing validation for local school improvement efforts,
- Keeping us focused on our goals, and
- The Department’s process (e.g., document review checklist, oral report, written report, and training).

**How can site visit process and/or content be improved to help the school/district with the continuous improvement of student learning?** The top four responses to this question appear below:

- a) Revise the schedule (e.g., more time to visit classrooms and talk to individuals).
- b) Review team membership.
- c) Determine the validity of all statements in report.
- d) Revise interview protocols to eliminate jargon and repetition.

**Comprehensive School Improvement Site Visit Improvements  
For the 2003-04 School Year  
(Based Upon LEA and Team Member Feedback)**

The Department will make the following improvement as a result of customer input:

- Site visit school improvement conversations (interview protocols) have been revised.
- Sample site visit agendas will include the scheduling of “team time.”
- The site visit will include classroom visits.
- The site visit document review checklist has been revised by removing accreditation requirements that are monitored through other methods.

1. **School Improvement Consultants: Liaison Assignments for the 2003-04 School Year.** The following chart indicates the names of school improvement consultants in the Bureau of Administration and School Improvement Services and the AEAs for which they are the liaison. The liaison will attend monthly superintendent meetings at each AEA and function as the primary contact for LEA for technical assistance with regard to accreditation issues.

School Improvement Consultant/Liaison	AEA	Contact Information
Andersen, Tom	AEA 1	515-281-8170 <a href="mailto:tom.andersen@ed.state.ia.us">tom.andersen@ed.state.ia.us</a>
Boring, Debbie	AEA 10	515-281-3198 <a href="mailto:debbie.boring@ed.state.ia.us">debbie.boring@ed.state.ia.us</a>
Byrd, Barb	AEA 9 AEA 16	515-281-5345 <a href="mailto:barb.byrd@ed.state.ia.us">barb.byrd@ed.state.ia.us</a>
Cooley, Tom	AEA 13 AEA 14	515-242-5132 <a href="mailto:tom.cooley@ed.state.ia.us">tom.cooley@ed.state.ia.us</a>
Fey, Steve	AEA 11	515-281-3552 <a href="mailto:steve.fey@ed.state.ia.us">steve.fey@ed.state.ia.us</a>
Irwin, Lois	AEA 8	515-281-8582 <a href="mailto:lois.irwin@ed.state.ia.us">lois.irwin@ed.state.ia.us</a>
Martens, Rita	AEA 267	515-281-5332 <a href="mailto:rita.martens@ed.state.ia.us">rita.martens@ed.state.ia.us</a>
Melcher, Julie	AEA 15	515-281-6293 <a href="mailto:julie.melcher@ed.state.ia.us">julie.melcher@ed.state.ia.us</a>
Pauley, Judy	AEA 4 AEA 12	515-281-3353 <a href="mailto:judy.pauley@ed.state.ia.us">judy.pauley@ed.state.ia.us</a>

Each school improvement consultant is also responsible for compliance monitoring for 60+ schools in Iowa. Since these monitoring assignments are spread equally among all consultants, a direct correlation between liaison assignments and monitoring assignments does not exist in all cases. Please go the following web site address to access the name of your monitoring consultant for the 2003-04 school year: [www.state.ia.us/educate/ecese/asis/csi/doc/leama03.doc](http://www.state.ia.us/educate/ecese/asis/csi/doc/leama03.doc)

2. **Data Driven Leadership (DDL) Eligible Schools.** To date approximately 400 superintendents and principals have received the DDL grant award memo notifying them that they are eligible to apply for the \$900 Grant Award. Those who have received notice of their eligibility to receive the \$900 award should place their orders with the AV/Computer Co-op catalog by August 22, 2003. For **technology hardware and peripherals** the catalog can be found at <http://av.co-op.k12.ia.us/>. For **software** from the Media and Technology Co-op the catalog can be found at <http://www.iec-ia.org/>.

Current coop prices are in effect until August 22, 2003. Ordering by this date will also allow the school to provide the needed documentation to the Department of Education in order that payment can be made from the funding source which expires by December 31, 2003.

Standard procedures to order are explained on the co-op web-sites. A paper copy of the invoice, a copy of the order form (order placed by the "authorized purchaser" in the district), and the completed certification form is mailed to the Department of Education (DE) in order for the DE to authorize the distribution of the funds to the district. Each principal who successfully completed DDL requirements and TAGLIT and each superintendent who successfully completed DDL requirements qualifies for the grant award.

Funding will still be available for schools who are still working on completing their eligibility during the 2003-2004 school year. The source of this funding will be from sources available beyond December 31, 2003.

- a) **Data Driven Leadership (DDL) Eligibility.** Eligibility is based on the completion of DDL training by the building principal/superintendent and completion of the TAGLIT (Taking a Good Look At Instructional Technology) on line assessment. Superintendents are eligible as a result of completing the DDL training. Building principals are eligible as a result of completing the DDL training and having 80% of the BEDS FTE equivalent complete the online survey.

There is one award per superintendent and one award per principal regardless of the number of buildings they serve.

Once eligibility is obtained, the administrator is notified and provided with directions and the form to use to submit their application for payment. The payment is compensation for items purchased. The application must include the purchase order and invoice for the items purchased.

- b) **Data Driven Leadership (DDL) Payment.** Once the Department receives the necessary application and attached documentation, it will process for payment. Payment will be made to the school via the AEA. The DE will provide the award funds to the AEA and the AEA will in turn pay those districts for those who have completed all the requirements.

- c) **Data Driven Leadership (DDL): Taking A Good Look At Instructional Technology (TAGLIT) Results.** Principals can access a printable TAGLIT final report for the building at any time after the TAGLIT assessment window closes by doing the following:

- Login to TAGLIT using your login and password and go to the management screen.
- A new message on the screen says, "[click here to get your data summary.](#)" Click on that link.
- To complete responses and to generate the final report: 1) click on the "responses" link, 2) enter the first response; go to the bottom of the screen and click on "submit," 3) enter the second response and go to the bottom of the screen and click on "submit," and 4) continue until all responses are entered.
- It is important to click on the "submit" after each item because TAGLIT times out after 15 minutes since the last "submit." The TAGLIT system indicates receipt of the response after each "submit." It is best to compose responses in a word processing program and then to copy/paste each response into the appropriate text boxes in the "responses" screen. Click "submit" after each paste. It is possible to modify your responses at any time by accessing the TAGLIT site using your login and password.

At this time, the developers of TAGLIT will generate district level reports by request. If interested, contact Warren K. Weber at [warren.weber@ed.state.ia.us](mailto:warren.weber@ed.state.ia.us). The TAGLIT developer's fee for this report will depend on the number of requests and the size of reports.

- d) **Data Driven Leadership (DDL) Apple Products.** Apple has consented to work with the Department through the AV/Computer Coop. The previous list of products available was effective through June 13, 2003. The AV/Computer Co-op is currently working on an update of a listing of Apple products through the hardware and peripherals catalog. It should be available early fall. The Department is currently taking names of those schools that have in interest in Apple products and the information will be provided when it is available.
- e) **Data Driven Leadership (DDL) Training and Cost.** Until June 30, 2004, those who complete DDL training as a requirement for Evaluator Approval certification receive DDL training at no cost. Those who need DDL for certification are given priority over other registrants. Until June 30, 2004, all others can complete DDL training at any AEA for a fee of \$55 for the one hour of professional development credit. If DDL is available for graduate credit in a specific AEA, fees for graduate credit are at the rate for that post-secondary institution. Beginning July 1, 2004, all persons register for DDL at the standard rate determined by each AEA.

AEAs offer training to participants who are current administrators, who hold current evaluator approval certification, who move into Iowa with evaluator certification from another state, or who are teachers, board members, central office staff, etc.

Approved administrative preparation programs offer training to participants registered in the administrative preparation program of that institution. Participants in these programs must take the DDL training from the college or university where they are completing their administrative preparation program.

- f) **Data Driven Leadership (DDL) TAGLIT Registration.** At the current time there are over 500 schools who have not initiated registration in order for the administrator and teachers to participate in the online assessment (TAGLIT). This is one of the requirements for eligibility for the grant award. If this step is not completed before all funding ends, the school will not receive a grant award. Any school who is not registered for the online assessment should contact Warren K. Weber, [warren.weber@ed.state.ia.us](mailto:warren.weber@ed.state.ia.us) to initiate this step. Once a school is registered, there will be a 30-day window provided for staff members to complete the assessment.

- 3. **Whole-Grade Sharing.** Below is a timeline for whole grade sharing. This fall a whole grade sharing handbook containing frequently asked questions, a sample contract, incentives, and a list of sites will be placed on the web site.  
Contact: Eric Heitz, 515-281-5001, [eric.heitz@ed.state.ia.us](mailto:eric.heitz@ed.state.ia.us)

## Whole Grade Sharing Timeline

(\*) Indicates a Required Board Action

Action	Deadline
*Board of directors publicly announces its intent to explore Whole Grade Sharing. Iowa Code § 282.11	90 days prior to signing a whole grade sharing agreement. (End of October)
*Public hearing in each school district. Iowa Code § 282.11	30 days prior to signing. (End of December)
Parent may request the school board send the pupil to another contiguous district because the agreement will not meet the needs of the pupil or that adequate consideration was not given to geographic factors. Iowa Code § 282.11	Within the thirty day period prior to the signing of the agreement.
Parents may apply for open enrollment if the application is signed after January 1 <sup>st</sup> . Iowa Code § 282.18	Up to 45 days after the agreement is signed
*Board allows or disallows any parent requests to attend another contiguous district. (If any requests filed) Iowa Code § 282.11	Prior to signing the agreement or the request shall be deemed granted.

Action	Deadline
*Boards sign the agreement. (If an agreement is reached.) Iowa Code § 282.10	No later than February 1 of the school year preceding the school year for which the agreement is to take place.
If the board disallows the parent's request to send the child to a contiguous district, the parent may appeal to the State Board of Education. Iowa Code § 282.11	March 1
*The district terminating employees as a result of a whole grade sharing agreement shall notify any other district, which is a party to the agreement, of the names and addresses of those terminated. Iowa Code § 280.15	After terminating employees
*If a new position is open within two years, the district must hire any qualified employee that was terminated due to the whole grade sharing agreement. Iowa Code § 280.15	Within two years
*The number of pupils participating in a whole grade sharing agreement shall be determined on the third Friday of September and third Friday of February each school year. Iowa Code § 282.12	Third Friday in September and February each school year.

4. **Iowa Charter Schools.** The 2002 Iowa Legislature passed legislation that directed the Iowa State Board of Education to initiate a pilot program to test the effectiveness of ten public charter schools during the 2003-04 school year. Charter schools are part of the state's program of public education and are intended to provide school districts and communities with expanded opportunities to improve student achievement through new and innovative methods of instruction, curriculum, and activities. A charter may be established by creating a new school within an existing public school or converting an existing public school to charter status.

The purpose of charter schools is set forth in law. Specifically, charters will be designed to accomplish the following.

- a) Improve student learning,
- b) Increase learning opportunities for students,
- c) Encourage the use of different and innovative methods of teaching,
- d) Require the measurement of learning outcomes and create different and innovative forms of measuring outcomes,
- e) Establish new forms of accountability for schools, and
- f) Create new professional opportunities for teacher and other educators, including the opportunity to be responsible for the learning.

Public hearings for the rules will be held on **September 23, 2003, (3:30 PM – 5:00 PM)** in the following locations:

1400 2<sup>nd</sup> Street, NW  
Elkader, IA 52043

1382 4<sup>th</sup> Avenue, NE  
Sioux City, IA 51250

PO Box M  
9184 B 265<sup>th</sup> Street  
Clear Lake, IA 50428

1235 5<sup>th</sup> Avenue, South  
Fort Dodge, IA 50501

PO Box 38  
5253 2<sup>nd</sup> Street  
Cylinder, IA 50528

909 S. 12<sup>th</sup> Street  
Marshalltown, IA 50158

3712 Cedar Heights. Dr.  
Cedar Falls, IA 50613  
4401 6<sup>th</sup> Street, SW  
Cedar Rapids, IA 52404

729 21<sup>st</sup> Street  
Bettendorf, IA 52722  
24997 HWY 92, Halverson Ctr  
Council Bluffs, IA 51503

DMACC (Carroll Campus)  
906 North Grant Road

1405 N. Lincoln



Carroll, IA 51401

1520 Morningside Avenue  
Sioux City, IA 51106

3601 West Ave Road,  
PO Box 1065  
Burlington, IA 52601

Creston, IA 50801

Indian Hills Comm. College  
525 Grandview Ave., Bldg 1  
Ottumwa, IA 52501

Contact Laurie Phelan, 515-242-5611, [laurie.phalen@ed.state.ia.us](mailto:laurie.phalen@ed.state.ia.us) or Lois Irwin, 515-281-8582, [lois.irwin@ed.state.ia.us](mailto:lois.irwin@ed.state.ia.us)

#### 10. **Evaluator Approval.**

- a) **Adjustment in evaluator approval implementation timelines.** HF 549 moved several Teacher Quality implementation timelines from July 1, 2004, to July 1, 2005. Districts will now have an additional year to implement the following systems:
- Performance reviews of non-beginning teachers based on the Iowa Teaching Standards/Criteria and other local standards/criteria as applicable,
  - Intensive assistance processes for non-beginning teachers who are determined to not meet specific teaching standards, and
  - Individual Teacher Career Development Plans for non-beginning teachers
- Local districts will need to have local teacher evaluation systems updated to include these processes by July 1, 2005.
- b) **Support for revision of local teacher evaluation systems.** The AEA system, in collaboration with several partners including the Department of Education, developed a web-based resource guide and tool kit for local districts to use as they work to revise local teacher evaluation systems to meet the expectations of the Teacher Quality legislation. Interested parties can access this resource at the following web site: <http://www.iowaaea.org/evaluation/welcome.html>.
- c) **IEATP Training Schedule for the Fall of 2003.** Anyone interested in obtaining the revised teacher evaluator approval can access the statewide schedule of IEATP training at <http://www.state.ia.us/educate/ecese/tqt/tc/teacheval.html>. The regional contacts for these training cohorts are included in this document. Registration should occur through each region. *Please note the change in location for the Northwest Region (AEAs 3, 4, 5 and 12). Please contact Jeanne Hanna at Western Hills AEA [jhanna@aea12.k12.ia.us](mailto:jhanna@aea12.k12.ia.us), 712-274-6000 or 1-800-352-9040.* Due to the limited numbers of training spaces, registration will be based on the following priorities, in order of highest priority to lowest:
- District administrators hired for the 2003-04 school year that will be evaluating beginning teachers but have not had the IEATP training. This includes candidates from out-of-state and new administrators that have not had the training as a part of their administrative preparation program.
  - Other district administrators including superintendents and central office staff that have evaluation duties but have not completed the training. This includes district administrators who are not evaluating teachers but need to renew their evaluator approvals.
  - AEA staff including consultants and or administrators (no stipend attached to this category of personnel).
  - Nonpublic administrators (no stipend attached to this category of personnel).
  - Any teachers, including those who currently hold evaluator approval.
  - Categories 3-5 will be held on a waiting list until 10 working days prior to the start of training to ensure that any personnel in categories 1 and 2 have access to the process.

Note: Athletics directors evaluating coaches only will not be accepted into IEATP training during 2003-04. There will be a separate training for this category of evaluator ready by the fall of 2004. Until that time athletic directors can request a year extension to the existing approval from the (Board of Educational Examiners) BOEE. Up to two extensions can be granted.



- d) **Teacher Licensure and Comprehensive Evaluations/Performance Reviews.** Please remember that it is illegal to allow a teacher's license to expire pending a comprehensive evaluation or performance review. For example, a second year teacher, for whatever reason, has a provisional license that expires in January, but the district cannot complete the comprehensive evaluation until later in the spring. In this scenario, it is improper to "advise" the teacher to allow the license to expire for a few months while waiting for the comprehensive review and ensuing licensure recommendation from the district. Teachers who allow any license to expire will incur late fees upon reactivation of the license and are violating the law requiring all teachers to have an active license at all times while providing instruction. In this scenario, the teacher should request a license extension to allow the district time to complete the required comprehensive evaluation.
- e) **Evaluator Approval Training Stipend.** Stipends for completion of the IEATP/DDL Evaluator Approval Training will continue to be available to local district participants once they have successfully completed all ten days of evaluator approval training. The stipend is a commitment by law of the Department of Education until July 1, 2004, and will be paid to eligible individuals who complete the entire training program before that time.

Contact: Jeff Berger, 515-281-6719, [jeff.berger@ed.state.ia.us](mailto:jeff.berger@ed.state.ia.us) or Warren Weber, 515-281-3750, [warren.weber@ed.state.ia.us](mailto:warren.weber@ed.state.ia.us)

- 11. **More Improvements to the Department's School Transportation Web Site.** As promised, the Department is making improvements to our DE transportation web site in areas that need attention. The newest improvement is the addition of ALL transportation code references in one spot. Go to the transportation web site at [www.state.ia.us/educate](http://www.state.ia.us/educate), then click on "Programs And Services." This will take you to an alphabetical listing where you need to scroll down to "S" and look for "Student Transportation." Click on this and it takes you to the transportation page. On this page, click on "Laws, Rules, and Regulations" in the second row of buttons from the left, and that will take you to all the code references. Contact: Max Christensen, 515-281-4749, [max.christensen@ed.state.ia.us](mailto:max.christensen@ed.state.ia.us)

- 12. **Medicaid Changes for Local Schools.** There will be a few changes to both of the Medicaid options for local school districts as the new school year begins. In May, a new Guide was released for the Medicaid Administrative Claiming (MAC) program. In July, the Medicaid direct services program began using new procedure codes to comply with HIPAA regulations.

If your district participates in the MAC program, there are two ICN sessions planned in September to review the changes from the MAC Guide and how we will be implementing those changes in Iowa. The Iowa Department of Public Health is the state agency that provides technical assistance for the MAC program and will be coordinating the ICN sessions. These will be full day ICN sessions with a half day for fiscal issues and the other half day for service staff. Those districts that participate in this Medicaid funding option will be contacted about the ICN sessions.

All districts are able to participate in the Medicaid direct services program, with nearly 100 already having a Medicaid Provider number. Districts are able to receive federal funds from Medicaid for eligible IEP services of Medicaid enrolled students. In Iowa, the federal funds rate is 67.5% of your cost for the services. In order to comply with HIPAA regulations, some of the procedure codes used in Iowa for these services needed to be changed to national codes. The codes went into effect July 1st, but the old codes will be accepted until September 30<sup>th</sup>. As of October 1<sup>st</sup>, districts will have to use the new codes. Those districts that have a provider number will be contacted to coordinate training on these new codes.

If you have questions about Medicaid direct services, or would like to visit about how these funding sources can be implemented in your district, you may contact me by phone at 515-281-8505 or email at [Dann.Stevens@ed.state.ia.us](mailto:Dann.Stevens@ed.state.ia.us).

13. **Special Education Resource—Multicategorical--Regents Endorsement Initiative (MCR-REI)—The #1 Teacher Shortage In Iowa.** The greatest teacher shortage area in Iowa is in the area of special education resource. The MCR-REI program was developed four years ago to address this shortage by offering conditionally licensed teachers with the ability to complete a program of study in a shorter period of time. Participants are able to take classes at any of the Regents Institutions, complete some coursework via the ICN and correspondence, and receive a small stipend to participate. This program is in its final year and will terminate August 2004 with the change of licensure requirements for Strategist I and II.

Administrators with resource teachers who are conditionally licensed or administrators who have chronic problems keeping quality special education resource teachers over time should persuade appropriate staff to check into this program. Any conditionally licensed resource teacher need only contact the Counselor/Advocate for MCR-REI to see if this program will meet their needs. The Counselor/Advocate, Mike Cavin, will help interested teachers determine the feasibility of meeting those requirements within the time limits of their conditional license. He can be reached toll free at the following number: 1-877-807-9589.

Contact: Jane Todey, 515-281-8514, [jane.todey@ed.state.ia.us](mailto:jane.todey@ed.state.ia.us)

14. **Chickenpox (Varicella) Vaccination Required for 2003 School Entry.** A new Iowa law requires children entering kindergarten or preschool programs this year with birth dates on or after September 15, 1997 to have the Varicella vaccine or have a reliable history of having had the chickenpox disease. Documentation of the Varicella vaccine or a history of the natural disease as stated by the parent or guardian is required. Schools are expected to comply with the law as soon as possible. The new Varicella rules are in progress and schools are expected to be in complete compliance by January 1, 2004. The Iowa Department of Public Health (IDPH) released detailed information in the attached letter. Contact: Marnell Kretschmer, Immunization Program Manager, IDPH, telephone 515-281-4917.
15. **Advanced Placement Initiative in Iowa.** Because they are dedicated to helping students overcome the additional academic challenges related to low income, over 50 schools in Iowa have been invited to participate in a statewide project: *Advanced Placement (AP) Opportunities for Students from High Poverty Schools in Iowa*. Research has consistently demonstrated that participation in AP is significantly correlated to student success, especially for students who traditionally have not had the academic challenges represented by the AP program.

The Iowa Department of Education and The University of Iowa Belin-Blank Center received \$1,148,000 from the federal Advanced Placement Initiative Program (APIP) to support school improvement over three years. The focus will be on AP opportunities at the high school level, and the kinds of programs at the middle school level that will prepare students for challenging curriculum, and ultimately, for college classes. Dr. Laurie Croft coordinates the program at the Belin-Blank Center.

Eligible schools received invitations for their middle school and high school teachers to participate in the July 2003, Advanced Placement Teacher Training Institute (APTTI). Workshops included 17 different specific AP courses, as well as invaluable "Vertical Teams" for middle school and high school teachers in English and mathematics. Over 20 teachers received tuition grants for graduate-level credit, as well as reimbursement for travel and lodging. Three districts have launched the Vertical Teams process.

Since 2001, the Belin-Blank Center has provided access to Advanced Placement courses for increasing numbers of students around the state via online or ICN opportunities—**at no cost to the students or their schools**—through the Iowa Online AP Academy, coordinated by Dr. Clar Baldus at the Belin-Blank Center.

For more information about the Advanced Placement grant programs, as well as links to sites that offer practical suggestions for school improvements tied to student achievement, visit <http://www.uiowa.edu/~belinctr/programs/apip/index.html>. Contact the Belin-Blank Center (1-800-336-6463 or 319-335-6148) with questions about the Advanced Placement Program.

## Legal Lessons

The contact person for each legal lesson is Carol Greta, 515-281-8661, [carol.greta@ed.state.ia.us](mailto:carol.greta@ed.state.ia.us)

### 16. **Timely Reminders about Registration Issues.**

#### A. **Proof of date of birth.**

While schools have the right to ask for proof of the birth date of a child (to either ensure that the child is 5 on or by 9/15 or that the child is under age 21), nothing in state or federal law gives a school the authority to insist upon the original or a copy of a birth certificate. A school may insist on some type of proof of birth date, but that proof can be an adoption record, statement of a physician, or any reliable document. If a parent/guardian won't produce any type of proof of his/her child's birth date, and if you have some question as to whether the child is of school age, explain to the parent/guardian that you have to have some proof of age before the child may attend school.

#### B. **Payment of fees.**

If a parent/guardian does not qualify for a total or partial fee waiver but simply refuses to pay registration or other fees, the school must still enroll the child. The only remedy available to the school is to sue the parent/guardian in small claims court. The filing fee to the clerk of court is \$50, but that's recoverable by the school in the judgment. In fact, just sending notice to the parent/guardian that you intend to file and that the court costs will be assessed against them may be enough to get them to pay what they owe the school.

#### C. **Foreign exchange students.**

Just a reminder that a district may not include these students in its enrollment count. A district **MUST** charge tuition for students on an F-1 visa, and **MAY** charge tuition for those on a J-1 visa.

#### D. **Proof of residency.**

Whether a district enrolls a student tuition-free depends on whether the student is a "resident" of the district, as defined in Iowa Code § 282.6. This section defines a resident as a student who is physically in the district and who meets any of the following conditions:

- Is in the district for the purpose of making a home and not solely for school purposes.
  - E.g., a student may live with someone other than a parent or guardian and still be a resident of the district if the student is living in the district because of family problems or personal problems unrelated to school.
  - On the other hand, a student who lives with non-parents to play sports for the district or because the student was not doing well academically at his/her former district is living in the district for school purposes. In this case, the district **MUST** charge tuition to enroll the student.
- Guardianship does **NOT** automatically make a student a resident of the district in which the guardian lives. The district must still ascertain why the student is living with the guardian. If it's to go to school in the guardian's district, the district must charge tuition.
- Meets the definition of a "homeless individual."
- Lives in a residential correctional facility, juvenile detention center, or foster care in the district.

Section 282.6 does allow a local board of education the discretion to determine "hardship" cases and to waive tuition in such cases. However, waiving tuition for hardship reasons **DOES NOT** allow the district to include that student in its count. The student is still not a resident of the district, so the district may not receive state aid for the student.

#### E. **Aliens, legal or illegal.**

These children, if living with their families, are residents of the district in which they reside, regardless of their status as aliens and even regardless of whether the family's presence in the U.S. is legal. The U.S. Supreme Court ruled 30+ years ago that a free education must be provided to resident students, even if they are illegal aliens. A district **CANNOT** require any documents regarding these students that it would/could not request from any other family. That is, proof of birth dates and relevant health information may be requested. Proof of citizenship may not be requested.

17. **School Locker Search Case.** In July, the Iowa Supreme Court issued a decision regarding the validity of a student locker search conducted by the Muscatine school district. The name of the case is State v. Jones, indicating that it is a criminal case (the student was charged with possession of marijuana), but the sole issue before the Court centered around the search of the student's locker. While the Court upheld the District's actions, caution is strongly urged because the Court did not mention Iowa Code chapter 808A (the student search law) in its opinion.

**FACTS:** The high school conducted an annual "locker clean-out" just before winter break. The purpose was "to ensure the health and safety of the students and staff and to help maintain the school's supplies." This means that staff was on the lookout for overdue library books, "misplaced" school property, excessive trash, and contraband. All students were given a few days' notice of the date on which the clean-out would occur, and all students were asked to report to their locker at an assigned time.

Roughly 18% of the students did not report to their lockers when asked to do so. For those students, school employees opened their lockers on the day following the assigned clean out. Student Jones was among those who did not voluntarily participate in the clean out. When school employees opened his locker, it contained only a coat. Concerned that the coat might hold "trash, supplies, or contraband," one employee manipulated the coat and discovered a small bag of pot. Jones was charged with the serious misdemeanor of possession of marijuana. He alleged that the search of his locker violated his Fourth Amendment right of freedom from unreasonable search and seizure.

**RULING:** Our Supreme Court borrowed its analysis from two recent Fourth Amendment cases of the U.S. Supreme Court. These cases require that three factors be considered: (1) the nature of the privacy interest at stake, (2) the nature of the intrusion caused by the search, and (3) the nature of the purpose(s) of the search.

- a) **Nature of Privacy Interest.** About half the states who have faced this issue have ruled that a student has no expectation of privacy in a school locker; half have concluded that a student does have an expectation of privacy in the contents of his/her school locker. The Iowa high court labeled a student's locker an "island of privacy in an otherwise public school," and ruled therefore that "a student such as Jones has a measure of privacy in the contents of his locker."
- b) **Nature of the Intrusion.** Using a standard of "reasonableness under the circumstances," the Court concluded that the search was not overly intrusive, and that the underlying purposes of the search were necessary to "maintain a proper educational environment."
- c) **Nature of Purpose of Search.** Important to the Court was the fact that the search took place in a public school where officials have both a duty to educate students and to protect them. The Court concluded that the students, including Jones, who did not comply with the request to be present at their lockers gave the school little choice of how to carry out its duty to protect students.

**BOTTOM LINE:** Schools and school districts should not rely solely on Iowa Code 808A.2(2). That statute states that "[s]chool officials may conduct periodic inspections of all, or a randomly selected number of, school lockers ... ." The Court makes it clear that, despite this statutory language, a student does have an expectation of privacy in the contents of his/her locker. However, the good news for schools and school districts is that this privacy may be "impinged upon for reasonable activities by the school in furtherance of its duty to maintain a proper educational environment." As was the case here, if the purposes of the search are directly related to maintenance of that proper educational environment and if the search is conducted in such a way to meet those purposes and nothing else, the search has a good chance of surviving a Constitutional challenge.

**THEREFORE**, although section 808A.2(2)<sup>1</sup> implies that a school or school district “may conduct periodic inspections of school lockers ... without prior notice,” the Jones case throws this into great doubt. The prudent approach to a mass search of all lockers would now be to give prior notice to students.

**The full case is electronically available at this site:**

<http://www.judicial.state.ia.us/supreme/opinions/20030717/02-0505.asp?printable=True>.

18. **Watch Those Web Sites**. Technology is a marvelous tool, BUT – it presents new challenges also. The items posted on a school’s web site are subject to FERPA (the Federal Educational Rights and Privacy Act) regulations, even items posted by staff other than administrators. To-wit, EXHIBIT A:

The golf coach of a high school in California created a recruitment site that linked to his high school’s home page. The site, well intended to promote his young golfers to potential college recruiters, was loaded with personal information about each student, including information in violation of FERPA, such as GPA, SAT scores, birth dates, and home addresses. (NOTE that this information would not be in violation if included in the school’s definition of “directory information,” assuming the parents did not object.)

While this is not a bad idea at all, it was a violation of FERPA to post the confidential information, which was literally available to anyone to read. The coach had not consulted with school administrators (or parents) before getting his site linked to the school’s home page. Nevertheless, the school was liable for the violation for not patrolling its own site more diligently.

**LESSONS:**

1. Know what’s on your web site.
2. Have a documented mechanism and chain-of-command for posting items or procuring links.
3. Make sure staff knows how the district defines “directory information.”
4. Make sure staff knows that non-directory information is confidential.

The complaint filed with the U.S. Department of Education in this case is still under review. Persons harmed (students and/or their parents) cannot bring a private right of action for damages against a school – that question was settled last year by the U.S. Supreme Court in Doe v. Gonzaga Univ. However, the Federal government could take ALL federal dollars away from any school that is guilty of violating FERPA.

19. **Recent Appeal Decision to the State Board**. It is laudable when a student sets high goals. One student set for himself of goal of graduating with a 4.0 GPA. Unfortunately, during his senior year he earned an A- in one course, making his GPA 3.993, and inspiring him and his parents to appeal to his local board of education. The local board upheld the A-, so the student and his parents appealed to the State Board of Education.

The student argued that it was unfair of the teacher to allocate 5/8 of the total points possible for the semester to the first 9-week period of the semester because it left little room for a student to improve the second 9 weeks. The State Board rejected this argument, finding nothing unfair about the grading policy.

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<sup>1</sup> Iowa Code section 808A.2(2): ‘School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student. The furnishing of a school locker, desk, or other facility or space owned by the school and provided as a courtesy to a student shall not create a protected student area, and shall not give rise to an expectation of privacy on a student’s part with respect to that locker, desk, facility, or space. Allowing students to use a separate lock on a locker, desk, or other facility or space owned by the school and provided to the student shall also not give rise to an expectation of privacy on a student’s part with respect to that locker, desk, facility, or space. However, each year when school begins, the school district shall provide written notice to all students and the students’ parents, guardians, or legal custodians, that school officials may conduct periodic inspections of school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student without prior notice. An inspection under this subsection shall either occur in the presence of the students whose lockers are being inspected or the inspection shall be conducted in the presence of at least one other person.

This student simply performed relatively poorly during the first half of the semester, making it difficult (but not impossible) for him to earn an A for the semester.

While pointing out the importance of a teacher's academic freedom, this decision also notes how an appeal of this nature reached the State Board. This district had a policy that gave any student (or the parent/guardian of a minor student) the right to have a complaint of any nature placed on the local board's agenda. With a local board decision, the student can then appeal to the State Board pursuant to Iowa Code § 290.1.

**LESSONS:**

1. Neither school administrators, a local board, nor the State Board shall re-evaluate a student's grade in the absence of clerical or mechanical (i.e., math) mistake, fraud, incompetence, or bad faith.
2. Districts should evaluate their student policies to see that they are not conferring a right upon students that does not exist otherwise. Case law and statutory law in Iowa did not give this student the right to go before his local board; only the breadth of the local policy created a right that did not otherwise exist. Some boards may want to have an "open door" and knowingly choose to have as broad a policy such as existed in this case, and that's fine. Just be aware that, absent such a policy, this student could not have complained to the local board and demanded that the board either uphold or overturn the superintendent's decision not to change the grade.