

School Leaders of Iowa January 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>

"The improvement of understanding is for two ends: first, our own increase of knowledge; secondly, to enable us to deliver that knowledge to others."

-- John Locke

1. **New State School Transportation Executive Officer 1**. The Department is pleased to announce that **Max Christensen** has accepted the position of Executive Officer I for school transportation. Max comes to the Department from the Perry Community School District where he has been the Transportation Director. He previously was a school bus driver from the Fort Dodge Community School District and Transportation Director from the Anita Community School District. Max is focused on the continuous improvement of school transportation safety and he "walks the talk" of bus fleet quality. Iowa schools will benefit from his leadership at the state level.

Max will come on board some time in mid-January. Until his arrival, please continue to direct your school bus inspection questions to Verlan Vos (515-281-3382) and Owen Freese (515-281-4802) and school bus permits, training, inspection seals, etc. questions to Pat Ratcliff (515-281-5812).
Contact Person: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us

2. **Annual Progress Report (APR) Requirements 83r and 83m**. Just a reminder that Annual Progress Report (APR) requirements 83r and 83m are the reporting items where the following applies:
 - "Y" means it is the second consecutive year that the school or school district has not meet its annual improvement goals in reading and/or mathematics for two years.
 - "N" means that it is not the second consecutive year that the school or school district has not met its annual improvement goals for reading and/or mathematics for two years. (This "N" is a good thing.)

We will work to restate these items in the future to avoid the "N" confusion. (In the mean time, just make sure to read the text accompanying each requirement and address the N items that need attention.) Direct questions about "N" items and any other APR issues with your Department School Improvement Consultant.

Special Note: These are annual improvement goals in reading and mathematics required under 281--IAC Chapter 12. If these goals are not met for at least two consecutive years, a school or school district describes its corrective steps--pursuant to 281--IAC 12.8(4)(a)(1) and no other action is required at this time. Not meeting annual improvement goals **does not correspond** to the label of a school in need of improvement or sanctions under AYP.

Contact Person: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us

Superintendents' Update

3. **Fall School Transportation Nonpublic Claim: Electronic Data Collection System.** The first semester (2002-03 school year) claim for nonpublic transportation reimbursement is now available on the Department's web site. Each school district uses the same login and password to access the nonpublic transportation claim forms as it uses for BEDS. **Due Date: January 31, 2003.** Use the following link: <https://www.edinfo.state.ia.us/securelogin.asp>
4. **Iowa's Language Library.**

What is it?	The Iowa Department of Education has launched a new service for districts and AEAs to provide a web site with a set of forms in twenty-three languages. These forms are for communicating with parents in your district for whom English is not their native language.
Types of Forms	The web site has 60+ forms and state specific forms available. <ul style="list-style-type: none"> • Administrative forms: enrollment, field trip, bus referrals.... • Health forms: vision, nurse referral, and head injury.... • Federal Regulation forms: 504, ESL program letters... • National Lunch forms: free and reduce lunch applications, school lunch... • State specific forms: Iowa IEP in Spanish, Bosnian, Lao, and Vietnamese
What is the cost?	The service is free to districts/AEAs who enroll. LEAs and AEAs may choose to pay a \$150.00 annual fee to have their logo on the forms instead of the Department of Education. The Department has funded the service.
How can we enroll?	Enrollment information has already been sent to all districts and AEAs this November. Again, enrollment is free and easy to complete.
What if my district has no ESL students?	We are encouraging all districts to enroll. There is no cost. There are some "welcome" forms that all districts should have available. The forms are also in English and have a "fill-in" feature that your present forms might not have.

Contact: Dolores Ratcliff, 515-242-5461, dolores.ratcliff@ed.state.ia.us or
 Dr. Carmen Sosa, 515-281-3805, carmen.sosa@ed.state.ia.us

Legal Lessons

The contact person for each legal lesson is Carol Greta, 515-281-5295, carol.greta@ed.state.ia.us

5. **Student Member on the State Board of Education—REMINDER.** If you have a present sophomore or junior student who meets the eligibility criteria and is interested in applying for the one nonvoting student member position on the State Board of Education, those applications are Department's web site at <http://www.state.ia.us/educate/stateboard/nsm.html>. Eligibility criteria also appear at that address.
6. **Suspended Students and Classroom Work.** When a student is disciplined with an out-of-school suspension, the school must heed the following guidelines:
 - A. Suspensions are not to be counted as unexcused absences, and thus, cannot be counted as a reason to impose additional punishment.
 - B. The suspended student must be given a reasonable amount of time in which to make up missed coursework.
 - C. If the make up work is completed within a reasonable amount of time (the school communicates up front the amount of make up time to the student), reduced credit is NOT a reasonable additional sanction.
 - i. Additional work (again, a reasonable amount) may be assigned to compensate for lost class time.
 - ii. Failure to attend a make up session, to do the make up work (and/or additional work), or to turn in work within a reasonable time may constitute grounds for reduced credit.

D. The student's report card must indicate if his/her grade was reduced for any non-academic reasons.

7. **Iowa Supreme Court Ruling—Good Conduct Rule.** The Iowa Supreme Court rules that a school district is not immune from a lawsuit based upon student punishment under the good conduct rule.

In mid-December, the Iowa Supreme Court issued a ruling that again emphasizes that school districts can not always rely on the "discretionary function" for immunity from negligence lawsuits. In other words, not all "judgment calls" receive immunity from lawsuits. The facts of this case are as follows:

The district's high school band took a school-sponsored trip to Texas during spring semester. Before being allowed to go on the trip, all band students and their parents had to read and sign an agreement that stated that the district's good conduct policy would be in effect during the trip. This agreement also clearly stated that violators of the good conduct policy would be sent home via Greyhound bus after notification of parents. The agreement spelled out the cost of a one-way ticket from San Antonio back to the district, gave departure and arrival times, and total travel time.

Student Tony E. and his father read and signed the agreement, acknowledging that possession of tobacco was a violation of the rules, and knowing that Tony already was a regular cigarette smoker at the tender age of 15. While on the trip, Tony was caught with cigarettes. The first paragraph of the Court's ruling goes on to state: "He was returned home, alone, via Greyhound bus. The youngster survived the 1100-mile journey, but his distraught father sued the school district for negligent endangerment and other alleged wrongs."

Tony's father filed suit in state district court against the district, the superintendent, and the two trip directors. The case proceeded to jury trial, but at the close of all evidence, the district court granted the district's motion for directed verdict on all claims. The trial court ruled that the discretionary function exception shielded the district and the individual defendants from any liability for negligence regarding the decision to send Tony home alone by bus. Tony's father appealed to the Iowa Supreme Court.

The good news is that the Supreme Court upheld the trial court's decision in favor of the district as to the claims of false imprisonment, interference with contract, and intentional infliction of emotional distress. This leaves the claim that the district and its employees breached their duty of care for Tony's safety. (Note that Tony's father never said that the district didn't have a right to discipline Tony for his misbehavior, just in how it carried out its disciplinary function.)

The issue of whether the district and employees should have been granted immunity boiled down to *whether the decision to send Tony home alone on a bus was a judgment call driven by social, economic, or political concerns.* In deciding "no immunity," the Supreme Court made it clear that the judgment call that was not entitled to immunity was not the decision whether to punish Tony, but the decision "to send a 15 year old on a cross-country bus trip unsupervised." Further, the Court stated that the duty of care that districts owe to students overrides any claim that a certain decision was subject to policy considerations.

The Court's ruling sends this part of the case back to the district court for re-trial. It does not enter judgment for the father, at least at this point. On re-trial, the district will have an opportunity to show that it acted with reasonable care toward Tony. The overall lesson to be learned is that many decisions can be attributed to policy, social, or political considerations; when those decisions deal with the *safety of individual students*, the legislature did not intend to grant immunity to school districts accused of breaching their duty of ordinary care for students' safety.