



# School Leader Update

Iowa Department of Education

May 2007

Resources for Iowa School Leaders

**NOTICE:** A separate issue of the School Leader Update with legislative results will be sent the week of May 14, 2007.

## NEWS FROM THE DE

### **Iowa's Submission for Growth Model Pilot**

The Iowa Department of Education (DE) has received notification from the U.S. Department of Education (USDE) that Iowa's application to be a growth model pilot for *No Child Left Behind* accountability purposes is one of five additional pilots being considered for approval.

As a result of a peer review process undertaken in March and April, Iowa was asked to resubmit its growth model pilot application to the USDE by May 1 with final notification from USDE due on or about June 1. The DE has applied for a growth model for reporting adequate yearly progress (AYP) of students.

The growth model submitted by the DE would allow Iowa districts to follow individual students who are currently below proficiency to document growth. If the student has adequate yearly growth (AYG), the student would be added to a school/district proficient student count. The DE and Iowa Testing Program are working together to ensure that individual student growth calculations are accurate.

Once a final decision is reached by USDE on Iowa's growth model pilot, we will send out more detailed information. If Iowa's growth model is approved, it will be used for the 2006-2007 school year AYP results.

On a related note, the Iowa Testing Program recently sent a letter to district superintendents inviting them to try out a new beta version of an online program that tracks growth of students from a school district-level perspective. The program, eITP, provides district-level growth data for both Iowa Test of Basic Skills and Iowa Test of Educational Development results.

For more information on Iowa's growth model pilot, contact Pamela Pfitzenmaier at [pam.pfitzenmaier@iowa.gov](mailto:pam.pfitzenmaier@iowa.gov) or 515-281-3333. For more information on eIPT, contact [eITP@uiowa.edu](mailto:eITP@uiowa.edu).

### **Microsoft Settlement's Impact on Iowa Schools Unknown**

The Iowa Department of Education (DE) has received a number of inquiries about the recent settlement of a class action antitrust case against Microsoft Corp. and its impact on Iowa school districts.

The state of Iowa recently settled a \$180 million class action case against the software company and Iowa consumers can receive cash rebates for Microsoft software purchased between May 18, 1994, and June 30, 2006. It has been reported that the software company will apply 50 percent of any unclaimed refunds to a special fund that will go to rural disadvantaged school districts in order to purchase technology hardware and software.

At this time, however, specific details about the terms of the settlement have not been provided to the DE. It is anticipated that not all districts will receive funding and that an application process will be required to request funds. The earliest funds would be available is fall. When any new information is received, the DE will forward to district superintendents.

### **School Safety Information Available on DE Website**

Providing safe and secure learning environments is important to school leaders in Iowa. The recent event at Virginia Tech University has once again heightened people's awareness of the issue of school safety at all levels.

The Iowa Department of Education (DE) encourages schools to regularly review and practice their crisis intervention plans. Schools should practice these plans along with first responders, including law enforcement,

emergency management, and Homeland Security. In addition, schools should renew their contact with second responders, including mental health providers and medical providers.

Schools should also reassess and reevaluate their safety needs to determine if any gaps are present.

The DE has many school safety resources available. Currently there is a link from the DE homepage (<http://www.iowa.gov/educate/>, under "Latest News") to a full array of information in a variety of formats. The information includes:

- The Iowa Department of Education's *Safe Schools Leadership Manual*
- Online broadcasts of three Iowa Communications Network (ICN) sessions on school safety. Session topics include building partnerships with law enforcement, risk factors for school buildings, legal issues, engaging parents, and more.
- A podcast on school safety by Iowa Department of Education Director Judy Jeffrey.
- Links to other websites, including Iowa Homeland Security and the U.S. Department of Education.

### **School Leader Update Reader Survey**

Help us provide the information *you* need! In order to better serve the readers of the *School Leader Update*, the Iowa Department of Education is seeking your input. Below is a link to a brief online survey about the *School Leader Update*. The survey provides you the opportunity to tell us how you use the publication, what you find useful, and what changes you would like to see. Please take 10 minutes to give us feedback about how we can provide the information you are seeking. *School Leader Update* survey:

<http://www.zoomerang.com/survey.zgi?p=WEB226EJBHJ5QZ>

### **Governor's Volunteer Award Applications**

The Governor's Volunteer Award program is an opportunity for you to recognize volunteers in your school, college, or community for outstanding service or contributions during a formal ceremony by the Governor to be held in several locations throughout the state this fall. Click on the following web link to download forms to nominate great volunteers in your area: <http://www.iowa.gov/educate/content/view/925/1092/>. **The deadline to apply is Friday, May 25, 2007.** Absolutely no applications can be accepted after this date.

Throughout Iowa's history, contributions from volunteers have helped make our cities, our towns, our schools, and our state a much better place in which to live, work, and raise a family. The Governor's Volunteer Award program was established in 1982 to honor and recognize the commitment, service, and time that hundreds of volunteers contribute each year.

If you have questions about the Governor's Volunteer Award program, contact, Angie Hutton ([Angie.Hutton@iowa.gov](mailto:Angie.Hutton@iowa.gov), 515-281-5313) or Joe Herrity ([Joe.Herrity@iowa.gov](mailto:Joe.Herrity@iowa.gov), 515-281-3290).

## LEGISLATIVE UPDATE

Contact Jeff Berger at [jeff.berger@iowa.gov](mailto:jeff.berger@iowa.gov) or 515-281-3399 for questions regarding legislation or the legislative process.

### **A Significant Year for Education**

At the time of this writing, the session is not quite finished. This has been a significant year for education policy and funding, and with significant movement comes the need for time to develop appropriate clarification, technical assistance, and support related to the implementation of statute and the requirements that accompany additional funding resources. The Iowa Department of Education will be moving as quickly as possible to develop clarifications to the field related to all enacted legislation, but that will take some time. It is expected that the field will begin to see clarifications on various pieces of legislation beginning in mid-May and continuing through the summer.

### **Bills Signed By Governor Impacting Education:**

- [HF 158](#) - Mandatory Lead Screening by the age of 6
- [HF 317](#) - School Budget Review Committee/State Board authority for fiscal Phase II visits
- [HF 468](#) - School district Project Easier software study

- [HF 611](#) - Changes to Human Growth and Development curricula
- [HF 615](#) - Changes to Board of Educational Examiners membership
- [HF 618](#) - High school students ability to work elections
- [SF 61](#) - Antibullying and Antiharassment Policy: The Iowa Department of Education (DE) is updating its sample policy related to this issue as well as its guidance. More information will be forthcoming.
- [SF 109](#) - 4 percent allowable growth for FY09
- [SF 128](#) - \$1.00 cigarette tax hike
- [SF 277](#) - Educator Quality: While most of the changes proposed by the DE are still in this bill, this version includes all other amendments and is significantly changed from the original draft.

### **Education Bills Passed by Legislature and Likely to be Signed by Governor:**

- [HF 396](#) - Adjustments to Community Empowerment statute
- [HF 714](#) - Limited Iowa Communications Network (ICN) course supplemental weighting. Partially included in [SF 588](#) - Education Appropriations.
- [HF 731](#) - Spanish Reading Recovery Program - Included in [SF 588](#) - Education Appropriations
- [HF 804](#) - Core content standards and Model Core Curriculum expansion. Partially included in [SF 588](#) - Education Appropriations
- [HF 808](#) - Changes to 28E contract provisions
- [HF 877](#) - Voluntary access to statewide quality 4-year-old preschool programming
- [HF 906](#) - Dental Screening by the age of 6
- [SF 81](#) - Student Advancement Policy Pilots. Included in [SF 588](#) - Education Appropriations
- [SF 452](#) - Farm to School Food Program - Included in [SF 601](#) - Standing Appropriations
- [SF 447](#) - District sharing incentives (whole-grade, reorganization, and operational)

### **Appropriations Bills**

- [HF 907](#) - Healthy Iowans Tobacco Trust Fund Appropriation
- [HF 909](#) - Department of Human Services Appropriation
- [HF 911](#) - Rebuild Iowa Infrastructure and Facilities Appropriation
- [SF 403](#) - Supplemental Appropriation for FY07
- [SF 562](#) - Economic Development Appropriation
- [SF 588](#) - Education Appropriation
- [SF 601](#) - Standing Appropriation (Includes Salary Bill)

Many other bills did not make the first or second funnel date or simply not move ahead due to lack of support. Use the Iowa Department of Education's website (<https://www.edinfo.state.ia.us/web/legisupdate.asp>) and scan to the "not moving" category to see which bills are likely done for this session. Information regarding these bills can be found at the above website.

## SCHOOL IMPROVEMENT

### **Volunteer for a Site Visit Team**

Iowa educators are encouraged to volunteer to participate on the Iowa Department of Education school improvement site visits scheduled for the 2007-2008 school year. Serving on a site visit team has many benefits. It helps participants understand accreditation expectations, the preparation process, and allows educators to obtain in-depth information and examples from other districts. The site visit schedule and participation information will be available at the following website by May 15<sup>th</sup>: <http://www.iowa.gov/educate/>. For more information, contact Elizabeth Calhoun at [elizabeth.Calhoun@iowa.gov](mailto:elizabeth.Calhoun@iowa.gov) or 515-281-8170.

### **Annual Progress Report Deadline**

The deadline for submission of the Annual Progress Report (APR) is Sept. 15, 2007. The secure website will be available July 1, 2007 for updating. The ITBS/ITED test data will be available on Aug. 1, 2007 for public school districts. Further information for nonpublic schools will be forthcoming. The completed electronic APR

will be available to the public via the Iowa Department of Education's website to distribute to stakeholders who may not have Internet access. Technical assistance can be accessed at [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=298&Itemid=368](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=298&Itemid=368). For additional information, contact Holly Barnes at [holly.barnes@iowa.gov](mailto:holly.barnes@iowa.gov) or 515-242-6173.

## National Assessment of Educational Progress Update

The National Assessment of Educational Progress (NAEP) 2007 Assessment was completed on March 9, 2007. One week later than originally scheduled due to adverse weather conditions. The hard work of the staff members of the 280 selected schools assisted to make the assessments relatively trouble-free. Thank you to those staff members. Please watch for NAEP state results in grades four and eight, reading and mathematics, this fall. Writing results for grade eight and twelve will follow, probably sometime next summer.

The NAEP Assessments to be administered during the 2007-2008 school year, including the topic areas that will be assessed, are:

Assessment	Grade Level	Administration Dates
Field Tests in Reading, Mathematics, and Science	Grades 4, 8, and 12	Jan. 28-March 7, 2008
Arts	Grade 8	Jan. 28-March 7, 2008
Long-term Trend in Reading and Mathematics	Ages 9, 13, and 17	Oct. 8, 2007-May 23, 2008
Science ICT/HOT pilot	Grades 4, 8, and 12	Fall 2007
Grade 12 Incentive Pilot	Grade 12	Fall 2007

The sample of schools selected in even years is generally much smaller than the sample selected in odd years because even years do not include state level results. Districts selected for participation will be contacted in May 2007. For additional information check the Iowa NAEP webpage <http://www.iowa.gov/educate/content/view/677/647/> or contact Dianne Chadwick at [dianne.chadwick@iowa.gov](mailto:dianne.chadwick@iowa.gov) or 515-281-3718

## CSIP Updates for School Districts and Nonpublic Schools

School districts and nonpublic schools that received a school improvement site visit during the 2006-2007 school year are required to revise and recertify their Comprehensive School Improvement Plan (CSIP) by Sept. 15, 2007. CSIP revisions are also required for any or all of the following actions (in accordance to Chapter 12):

- Grade level changes (as in cases of reorganizations)
- Funding stream changes

Special guidance regarding CSIP updates for public schools that certified in the 2006-2007 CSIP year prior to Feb. 1, 2007: As a result of legislation, an additional requirement and assurance have been added and must be addressed in the plan:

- A requirement regarding the completing of core curriculum; and
- An assurance regarding the administrator-mentoring plan.

To address these requirements, the following steps will need to be completed:

- Make a request with the Iowa Department of Education's School Improvement Consultant assigned to the district's area education agency (AEA) to "uncertify" the district's CSIP (See contact information below);
- Complete and update the new requirement regarding the completing of core curriculum;
- Review and update the assurances section; and
- Recertify the CSIP.

Contact the district's School Improvement Consultant for any additional concerns at:

AEA	School Improvement Consultant
1	Holly Barnes 515-242-6173 <a href="mailto:holly.barnes@iowa.gov">holly.barnes@iowa.gov</a>
267	Wilma Gajdel 515-281-5332 <a href="mailto:wilma.gajdel@iowa.gov">wilma.gajdel@iowa.gov</a>
Northwest	Beth Calhoun 515-281-8170 <a href="mailto:elizabeth.calhoun@iowa.gov">elizabeth.calhoun@iowa.gov</a>
8	Lois Irwin 515-281-8582 <a href="mailto:lois.irwin@iowa.gov">lois.irwin@iowa.gov</a>
9	Tom Cooley 515-242-5132 <a href="mailto:tom.cooley@iowa.gov">tom.cooley@iowa.gov</a>
10	Debbie Boring 515-281-3198 <a href="mailto:debbie.boring@iowa.gov">debbie.boring@iowa.gov</a>
11	Julie Melcher 515-281-6293 <a href="mailto:julie.melcher@iowa.gov">julie.melcher@iowa.gov</a>
13 and 14	Launi Dane 515-281-4726 <a href="mailto:launi.dane@iowa.gov">launi.dane@iowa.gov</a>
15 and 16	Barbara Byrd 515-281-5001 <a href="mailto:barb.byrd@iowa.gov">barb.byrd@iowa.gov</a>

## QUALITY TEACHING

### DE Offers Two Additional Teacher Development Academies

The Iowa Department of Education will be offering two additional teacher development academies this summer and will continue to offer sessions through the 2007-2008 school year. Application deadlines for both academies are May 25. Information about the academies follows.

**Title:** *Concept Oriented Reading Instruction*

**Description:** This offering is in response to the interest in quality professional development to address the needs of readers in middle and high schools. Concept Oriented Reading Instruction (CORI) is a research-based classroom instructional model emphasizing reading engagement, reading comprehension, and conceptual learning in science or other content areas designed for all students, including struggling readers.

**Dates:** CORI training will be held in one region June 25-28 and another region on July 30- Aug. 3 with five follow-up sessions throughout the school year. Locations for the training sessions will be determined later based on geographical location and number of participants.

**Deadline:** Each district interested in participating will need to submit an application. Application forms that provide detailed information about the expectations for participation will be available on the DE website <http://www.iowa.gov/educate/content/view/295/901/>. Applications will be due to the DE on or before 4:30p.m, May 25, 2007. Please contact Deb Squires at [deb.squires@iowa.gov](mailto:deb.squires@iowa.gov) or 515-281-6235.

**Title:** *Cognitively Guided Instruction*

**Description:** The Cognitively Guided Instruction (CGI) Academy is for primary-level elementary school teams that include teachers and principals. CGI is a teacher professional development program based on more than 20 years of research by Thomas Carpenter, Megan Franke, Linda Levi, Susan Empson, and Victoria Jacobs.

**Dates:** The CGI Academy will be provided regionally with specific locations for the regional sessions determined by the geographic location of teams and the number of participations. It is anticipated that one of the regional sequences will begin in late June, while the other regional sequence will begin in August. Each regional sequence includes two follow-up days during the school year. Specific dates for each regional sequence will be announced as soon as trainer availability is confirmed.

**Deadline:** Each building interested in participating will need to submit an application. Application forms that provide detailed information about the expectations for participation will be available at the Iowa Department of Education (DE) website <http://www.iowa.gov/educate/content/view/295/901/>. Applications are due to the DE on or before 4:30 p.m. on May 25, 2007. Please contact Judith Spitzli at [judith.spitzli@iowa.gov](mailto:judith.spitzli@iowa.gov) or 515-281-3874.

### **Summer Second Chance Reading Academy Full**

The Second Chance Reading (SCR) academy sponsored by the Iowa Department of Education starting this summer is full. However, to assist with future planning, middle or high schools interested in participating in an SCR academy in the near future should contact Deb Hansen at [deb.hansen@iowa.gov](mailto:deb.hansen@iowa.gov) or 515-281-6131.

### **Instruction at the Core of Improved Student Learning**

The Iowa Department of Education is offering a follow-up session to the April presentation by school improvement expert Dr. Richard Elmore. The session will be held June 7, 2007 from 9:00 a.m. to 4:00 p.m. at the West Des Moines Sheraton.

The follow-up information will emphasize effective instructional practices, including information on adolescent literacy, as well as best practices in mathematics and science for middle school and high schools students. Participants will acquire tools for leading teams in selecting and supporting evidence-based instructional practices.

There is no registration fee for this session. To register contact Linda Choate at [Linda.choate@iowa.gov](mailto:Linda.choate@iowa.gov).

## LEGAL LESSONS

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

### **Update on Academic Eligibility Rule Survey**

The State Board of Education heard the results of a survey that was sent to all public and accredited nonpublic high schools in Iowa at its meeting on April 19. The survey was sent to all public and nonpublic high schools in Iowa, and had a return rate of about 45 percent. Here is a link to what was given to State Board members: <http://www.iowa.gov/educate/content/view/923/104/> (click on Tab K). The Board took no action at its April 19 meeting other than the following:

1. State Board of Education President Gene Vincent appointed a subcommittee of himself, State Board members Mary Jean Montgomery, Charlie Edwards, and Rosie Hussey, along with Carol Greta as *ex officio* member, to determine what, if any, refinements should be made to the rule. During discussion, Board members indicated that any possible refinements would focus on the period of ineligibility and not on the standard of "pass all."
2. The subcommittee agreed to report back to the full Board no later than January, thus giving the Board time to implement any suggested amendment by the 2008-2009 school year.

This column will include further updates as they occur.

### **Gender Balance on Appointed School Committees**

There is a requirement in the Iowa Code (section 69.16A) that "all appointive boards, commissions, committees, and councils" established by the Code be gender balanced unless otherwise provided by law." What this means for school districts is that, unless an exception exists under the law, the local vocational education council (appointed under section 258.9) and any advisory committee for each family support program of a district (appointed under section 256A.5) must have an equal number of male and female members if the total number is even, and no more than one extra male or one extra female if the total number is odd.

An exception exists for the School Improvement Advisory Committee (SIAC), which is appointed under section 280.12. That particular statute states, "To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability." There is not the strict requirement of "half and half" for even-numbered SIACs or "half plus one" for odd-numbered SIACs. *However*, a gender imbalance greater than half plus one or two may not meet the standard of "to the extent possible." Local boards would be well-advised to continue to pay close attention to gender balancing of SIACs.

## **Students Who Owe Money to the School**

Collecting money owed from students for school lunch or unpaid fees or fines can be a frustrating experience. Both school districts and nonpublic schools need to be aware that the law prohibits certain debt collection practices. According to Iowa Code chapter 537 (the Consumer Credit Code), a school or school district is prohibited from doing any of the following:

1. Posting a list of names of students who owe money – even if the amount is not listed.
2. Communicating to anyone except the student and student's family that money is owed. This does not prohibit a school from hiring an attorney or agent to collect the debt. Nor does it prohibit a school, once judgment is obtained, from legally collecting on the judgment by garnishing wages or seizing bank accounts of the debtor.
3. Sending a note home with a student if anything on the outside of the envelope indicates that the letter is about money owed to the school.
4. Withholding grade reports or diplomas until money is paid in full, or prohibit a student from participating in commencement exercises.

Although the question arose in the context of school lunch, the above information applies to any debt owed to a school or school district. Protect yourselves and know what chapter 537 does and does not allow. There are large fines associated with violating chapter 537. The one legal option is to sue the responsible party (usually a parent or guardian) in small claims court.

## **Fees – What May a District Charge?**

Based on the number of calls on this subject, it's time to review the subject of fees and waivers. Parents sometimes need a reminder that "tuition-free" school does not mean that schools cannot charge certain *fees*. Indeed, the law authorizes districts to charge seven (7) types of fees, as follows:

1. Textbook Rental Fees. Iowa Code section 301.1 states that a district is authorized to rent textbooks to its pupils "at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund." That statute defines "textbooks" to include "books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials, which convey information to the student or otherwise contribute to the learning process, or electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media."
2. Eye Protective Devices. Every student and teacher must wear "industrial quality eye-protective devices" in certain vocational or industrial arts courses. Iowa Code section 280.10 is the authority for requiring payment for the devices.
3. Ear Protective Devices. Similar to above, but the statutory authority is in Iowa Code section 280.11.
4. Summer School Courses. Note that the Iowa Legislature states that, "...fees may be charged covering instructional costs for a summer school or drivers education program." Iowa Code section 282.6 [emphasis added]. Therefore, charges for summer school courses or driver education courses are not tuition, and may be charged. However, because these are "fees," the waiver provisions must apply.
5. Driver Education Courses. See #4 above. In addition, note that a waiver must be provided to all eligible students even if the district provides driver education through a private provider such as AutoPilots or DriveTech. Iowa Code section 321.178(1) requires every public school district in Iowa to "offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education." This means that driver education must be made available to students who reside in the district but who are not regularly enrolled, such as students attending a

nonpublic school or students who receive competent private instruction (home schooling). The waiver applies to them, too.

6. Discretionary Transportation. Elementary students who reside more than two miles and secondary students who reside more than three miles from their attendance centers are entitled to free transportation. A district does not have to provide transportation to resident students who are not entitled to free transportation. However, if a district does offer such discretionary transportation, it may charge a fee, which may not exceed its actual costs. Iowa Code section 285.1(1)(d).
7. School Supplies. Not all supplies may truly be called “school supplies.” If an item is essential to the instruction of a class, the item is part of tuition and must be supplied for free. For instance, a district may NOT charge a fee for art supplies for art class and chemicals for science class because these are items necessary or essential to the instruction of those classes. On the other hand, if a student voluntarily desired to “upgrade” his materials in a project in a woodworking course (for example, go from pine to cherry wood), the student would have to pay for the upgrade. The district must provide the basic pine for the instruction, but the student pays for voluntarily choosing a better quality of wood. Expendable worksheets are part of instruction and must be provided for free.

A fee may be charged for paper, pencils, or pens purchased by the district and used by students because, while “clearly important to the education process,” they are “not essential to the teacher’s presentation of a course.” OAG #79-12-22. These supplies may be sold to students at cost or rented for a reasonable fee.

And where there are fees charged, of course, there must be waivers. Chapter 18 of the Iowa Department of Education’s (DE) rules requires that all students be afforded equal access to course offerings and related activities to meet their needs and interests. Accordingly, the rules in that chapter govern fee waivers. There must be a board policy that shall include provisions for granting a waiver (also called a full waiver), partial waiver, or temporary waiver of student fees upon application by the student.

- a. Full Waiver. A student shall be granted a waiver of all fees if:
  1. The student or student’s family meets the financial eligibility criteria for free meals offered under the Child Nutrition Program;
  2. The student or student’s family meets financial eligibility criteria for participation in the Family Investment Program (FIP);
  3. The student or student’s family is eligible for transportation assistance under open enrollment provided under 281—subrule 17.9(3); or
  4. The student is in foster care. Period. This is an automatic qualifier, and is not contingent on the financial health of the student or student’s family.

**NOTE: Supplemental Security Income (SSI) eligibility is no longer a qualifier because a student may qualify for SSI without regard to financial circumstances.**
- b. Partial waiver. A school district shall grant a student either a partial waiver of all student fees if the student or the student’s family meets the financial eligibility criteria for *reduced* price meals offered under the Child Nutrition Program. A partial waiver shall be based on a sliding scale related to an ability to pay.
- c. Temporary waiver. At the discretion of the school district, a student may be granted a temporary waiver of a fee or fees [note that it does not have to be *all* fees] in the event of a temporary financial difficulty in the student’s immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver shall be one year. **Discretion means just that; this is not a mandatory waiver.**

Finally, there are some do’s and don’t’s to pay attention to:

- **DO NOT** require all students to purchase an activity ticket. A district may charge for the activity ticket, but its purchase is voluntary. Because it’s a voluntary purchase, waivers do not apply.
- **DO** have all required board policies in place. These policies must address the charging and collecting of fees for course offerings and related activities (the seven allowable fees); discretionary transportation (if a district provides discretionary transportation, say so in policy and address the fees in policy); and provisions for full, partial, and temporary waivers (with income guidelines). These policies must be given to students or



families at the time of registration or enrollment. For students or families whose primary language is other than English, the school shall provide a copy of the materials in the student's native language or arrange for translation of the materials within a reasonable time.

- **DO NOT** use or allow a booster club or parent teacher organizations, etc., to charge a fee that the district is not allowed to charge directly. For instance, a district may not charge students a fee to participate in interscholastic athletics. Therefore, a booster club may not charge any type of assessment to students to participate in interscholastic athletics. These clubs may charge voluntary membership dues (which must be truly voluntary – no one can be forced to join the club or organization), may accept donations, and may sell tangible items as fund-raisers.
- **DO NOT** charge a student a fee to *participate* in an extracurricular activity. There is dispute in the education legal community regarding whether a student may be charged the “school supply” fee for towel usage, transportation, etc. All districts should consult their local attorney about this. If a supply or transportation fee is charged, it is subject to full or partial waiver. But there is no dispute over the fact that a student is NOT to be charged a fee for the privilege of participating in an extracurricular activity.

### **Recent Good Conduct Appeal Decision**

In March of this year, the State Board of Education upheld a good conduct decision against a student for the student's third violation of the good conduct policy in that school. Here is a link to the summary, which includes a link to the full decision: <https://www.edinfo.state.ia.us/web/appeals.asp?book=24&decision=186>.

The case serves as a good reminder of certain basic principles regarding good conduct cases, as follows:

1. A consequence of suspension for one entire school year from extracurricular activities is not too severe a consequence for a third offense.
2. A school's good conduct policy may punish conduct that is not criminal in nature. Here, the student drank beer at his home in the presence of and with the consent of a parent. While this removes the consumption of beer from the criminal code, it is still a violation of a good conduct policy. (Other common examples are buying or using tobacco products, or consuming alcohol in countries where the legal age is as young as 16.)
3. The standard of proof under a good conduct policy is “some evidence,” not a “preponderance of the evidence” and certainly not “beyond a reasonable doubt.” As long as a local board finds that there was “some evidence” to show that the student violated the board's good conduct policy, that finding will be upheld.
4. A mere presence rule is still valid, as long as the mere presence policy gives a student a reasonable chance to leave a venue where alcohol is being illegally consumed.

### **Special Education Appeal Decision Summary**

The parents of a young girl diagnosed with Pervasive Developmental Disabilities – Not Otherwise Specified (PDD-NOS) challenged both her educational placement and provisions of her behavioral intervention plan. They argued that her placement in a functional skills classroom with “typical” integration into general education was not a placement in the least restrictive environment and that the Individual Education Plan (IEP) team failed to consider supplemental aids and services to support a more inclusive program. The parents also asserted that behavioral interventions were intrusive, excessive, and unsupported by functional assessments. They claimed that the use of time-out and restraint were inconsistent with her IEP and with Individuals with Disabilities Education Act's (IDEA) requirement of positive behavioral support.

The Administrative Law Judge (ALJ) ruled in favor of the parents and determined that the IEP team relied upon a standard for inclusion that required her to perform “on par” with at least two non-disabled peers in a general education classroom to “count” as inclusion. Reliance on that standard resulted in insufficient consideration of supplemental aids and services to support inclusive placements, as required by state and federal law. The ALJ also found that the behavioral support plan was not implemented in a manner consistent with applicable research or appropriate educational practices, was not adequately monitored, and was inconsistent with the positive behavioral supports mandated by the IDEA. The hand-over-hand intervention initially designed to address escape-based non-compliance “evolved” into restraint.

The IEP team then proposed to replace the hand-over-hand with time-out, which was implemented for hour-long durations. The student was provided one-to-one instruction in an isolated “office,” and “lost” integration time as a result of behavior problems in the functional skills classroom or the “office.” The IEP team was directed to

reconvene to develop a new IEP and behavior support plan with assistance from area education agency (AEA) experts and an outside consultant with expertise in autism or challenging behavior.

If you have questions about this decision, please contact DeeAnn Wilson ([Deeann.Wilson@iowa.gov](mailto:Deeann.Wilson@iowa.gov) or 515-281-5766) or Thomas Mayes ([Thomas.Mayes@iowa.gov](mailto:Thomas.Mayes@iowa.gov) or 515-242-5614).

### **Posting Grades: Legal or Not?**

The director of the Family Policy Compliance Office (FPCO), a federal office that enforces the Family Educational Rights and Privacy Act (FERPA), sent a letter to a college\* that had asked about posting grades by student ID [in this case, the college used the last four digits of the students' social security numbers (SSN)]. A full copy of the letter appears at: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/library/hunter.html>. While posting under the last four digits of the students' SSNs was not approved, the letter goes on to state:

"We note that FERPA does not prevent an educational agency or institution from posting the grades of students without written consent when it is not done in a personally identifiable manner. Thus, while FERPA precludes a school from posting grades by social security numbers, student ID numbers, or by names because these types of information are personally identifiable or easily traceable to the students, nothing in FERPA would preclude a school from assigning individual numbers to students for the purpose of posting grades as long as those numbers are known only to the student and the school officials who assigned them. [Emphasis added.]"

Thus, test scores and grades may be posted if the identifier used by the school is known only to the student and teacher. (Having a teacher try to keep track of these identifiers may be more trouble than it's worth, but such a system is possible.)

As for having students grade each other's tests; this is allowable. You may recall that the United States Supreme Court did not ban this practice (but the Court made it clear that it did not like this idea) because the grades on those papers are not an "education record" until the grades are recorded in the teacher's grade book. That case is Falvo v. Owasso Indep. School District No. 1-011, 534 US 426, 122 SCt 934 (2002).

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\*Postsecondary institutions are also subject to FERPA and governed by FPCO. Therefore, the advice letter is equally applicable to K-12 schools.

## DATA AND REPORTING

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### **Certified Enrollment for 2007-2008**

The Iowa Department of Education would like school leaders to know that the 2007-2008 certified enrollment collection in October will be completed in the same way it was done in 2006-2007. The deadline for certified enrollment is October 15, 2007.

Project EASIER enrollments will be displayed on the certified enrollment form. If there are discrepancies and the Project EASIER data is incorrect, corrections should be made and a new file submitted. However, corrections to Project EASIER data do not have to be made by the Oct. 15 certified enrollment due date.

For more information, please contact Gary Kirchhoff at 515-281-6278 or [gary.kirchhoff@iowa.gov](mailto:gary.kirchhoff@iowa.gov).

## NEWS FROM OTHER AGENCIES

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### **Readiness and Emergency Management for Schools (REMS) grant available**

The U.S. Department of Education's Office of Safe and Drug-Free Schools (OSDFS) is offering a new grant through the Readiness and Emergency Management for Schools (REMS) program.

The REMS grant program supports efforts by local education agencies to improve and strengthen their school emergency management plans, including training school personnel and students in emergency response procedures; communicating emergency plans and procedures with parents; and coordinating with local law enforcement, public safety, public health, and mental health agencies.

The estimated average size of awards is \$100,000 for small districts (1-20 school facilities); \$250,000 for medium-sized districts (21-75 school facilities); and \$500,000 for large districts (76 or more school facilities). It is estimated that 73 awards may be granted. The application deadline is May 21, 2007.

More information can be found at <http://www.ed.gov/programs/dvpemergencyresponse/index.html> or by contacting Tara Hill, U.S. Department of Education, OSDFS, at [tara.hill@ed.gov](mailto:tara.hill@ed.gov) or 202-708-9431.

## CALENDAR

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### Deadlines and Dates to Remember

May 21, 2007	Deadline to submit an application for the Readiness and Emergency Management for Schools (REMS) grant
May 25, 2007	Deadline for Governor's Volunteer Award program  Application deadline for the <i>Concept Oriented Reading Instruction</i> and <i>Cognitively Guided Instruction</i> teacher development academies.
May 29, 2007	Due date for submitting complete Request for Proposal applications for the Early Reading First Grants
June 7, 2007	First follow-up event for the Instruction at the Core seminar series located at the Sheraton in West Des Moines (see "Instruction at the Core" in the March issue of the <i>School Leader Update</i> for details)

### Check out our online calendar

School leaders have many deadlines and events to remember. Let the Iowa Department of Education's [online calendar](#) help. You can view events by month, week, day, as a list, or as a table. Seeking upcoming deadlines? On the right-hand side of the calendar page under "Event Type," choose "Deadlines" for a full listing. Need a reminder? Check the event and click on the "Remind Me By E-mail" tab near the top of the page. For a full listing of features, go to the right-end side of the calendar page and click on "[Need Help Using the 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.