



A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

# School Leader Update

April 2010

## DROPOUT rates released

Iowa's dropout rate remains one of the lowest in the nation.

Iowa's grade 9-12 dropout rate for the class of 2009 is 3.15 percent, which is a very slight increase of 0.3 percent from last year.

This is due, in part, to the fact that Iowa is tracking students through a state identification system.

Iowa still does very well nationally for its low number of dropouts. The national average in 2007 (latest information) is nearly 9 percent.

For more information, please visit

[www.iowa.gov/educate/index.php?option=com\\_docman&task=cat\\_view&gid=516&Itemid=55](http://www.iowa.gov/educate/index.php?option=com_docman&task=cat_view&gid=516&Itemid=55)



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## Iowa's NAEP reading scores a call to action

First for the good news. Iowa's 8th grade students who took the 2009 National Assessment of Educational Progress (NAEP) tests in reading once again scored above the national average. Iowa's average score was 265, compared to the national average score of 262. Iowa's 4th grade students were on par with the national average. Iowa's score was 221, compared to the national average score of 220.

However, the average scale score for the sample group of Iowa 4th graders in reading was 221, down from the average score of 225 in 2007. The average score for Iowa 8th graders was 265, down from the average score of 267 in 2007. While Iowa continues to outpace the national average score for 8th graders, its score for 4th graders and its overall static year-to-year growth on NAEP is a continued call to action for the implementation of the Iowa Core.



Judy Jeffrey, Director

The blueprint that guides the NAEP assessment was reviewed in the development of the Iowa Core, along with national research, other state standards, and international standards.

The work that schools are currently undertaking to implement the Iowa Core is essential to help ensure Iowa students learn the skills and concepts needed for continued achievement. Teachers and districts must become aggressive in making sure that students are being given the opportunities through effective teaching and supports to achieve the knowledge and skills defined within the Iowa Core and thus achieve at higher levels when taking NAEP. I certainly understand that districts and schools that were selected to take the NAEP tests do not know the results for their students. At the same time, however, we do know that if students possess the skills that are tested, they do well on standardized tests, regardless of the test title or selected samples.

At a time when our students are facing a world of change, I encourage you to continue your efforts to help our communities understand the need to raise our student expectations, provide the support needed to continue to improve teaching and learning, and engage all of our students in learning experiences that prepare them for the future.

- Judy Jeffrey

# Nominate a teacher for Iowa's top honor today!

The nomination deadline for the 2011 Teacher of the Year is April 15.



Anyone, including school administrators, colleagues, students, parents, college faculty, and associations, may nominate teachers for the award.

Winners are chosen by a committee that includes representatives of the Iowa Department of Education (DE), the Iowa State Education Association, the School Administrators of Iowa, the Parent Teachers Association, the past Iowa Teacher of the Year, and representatives from higher education institutions.

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

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

Please visit [www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=686](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=686) to obtain a nomination form.

For more information, contact Deborah Humpal at 515-281-3980 or [deborah.humpal@iowa.gov](mailto:deborah.humpal@iowa.gov).

## DE partners with Master Builders of Iowa

The Iowa Department of Education (DE) received a \$100,000 Construction Program of Study Funding Award from the Master Builders of Iowa (MBI) recently to help establish standards and model programs of study that will guide Iowa students seeking a career in the construction industry.

"Industry participation is key to the success of today's career and technical education programs," said DE Director Judy Jeffrey. "Keeping pace with advancements in technology and industry practices can only be accomplished through close partnerships with industry experts. MBI's support of this project is a model of the industry-education partnership that is so valuable in our efforts to prepare students for Iowa's future workforce."

The DE and MBI are partnering with local schools and community colleges to help students begin their education in construction technology while still in high school and then continue on to a community college or postsecondary program.

"Our members see the need for private industry to be part of the solution in the budget crisis the state is in at this time," said MBI President and CEO Scott Norvell. "We do not want our vital training and feeder programs to suffer at a time when they are necessary in preparing a skilled workforce to rebuild Iowa." MBI has more than 2,100 members statewide.

The funds will be used to help education and construction industry representatives develop statewide standards for commercial construction education and provide information to students on how they can advance their career in construction. In addition, funding will assist teams of local school district, community college, construction industry representatives in creating model programs of study, or a proposed sequence of courses, that are connected to careers in the construction industry.

For more information on career and technical education in Iowa, please visit [http://www.iowa.gov/educate/index.php?option=com\\_content&view=article&id=1246&Itemid=2132](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=1246&Itemid=2132).



## 8th Grade Plan information available

Updated information, a new question and answer document, and reporting documents for the 8th Grade Plan are now available under the School-based Programs & Services button in the PK-12 section of the Iowa Department of Education website ([www.iowa.gov/educate](http://www.iowa.gov/educate)).

Districts/schools using the Guideways of IHaveAPlanIowa™ do not have to file a report as the system will produce an automated report.

Districts/schools using IHaveAPlanIowa™, but not the Guideways and districts/schools using other systems must file a report using the posted spreadsheets by June 15.

For assistance with reporting, contact Sandra Dop ([sandra.dop@iowa.gov](mailto:sandra.dop@iowa.gov)). Please forward this information to the 8th Grade Plan coordinator for your district.

In 2008, the Iowa Legislature amended Iowa Code section 279.61 to require that students complete a career and educational planning process called the 8th Grade Plan. Each Iowa school will cooperate with students to create an electronic portfolio and add state components to the portfolio using the state designated career information system. These state components include assessments and surveys, career research, course plan building, education linkages, and financial aid and career development activities that will assist them in their future.

For more information, please visit [http://www.iowa.gov/educate/index.php?option=com\\_content&view=article&id=1657&Itemid=2467](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=1657&Itemid=2467).

## Tips for textbook adoption committees

Curriculum coordinators/committees have a unique opportunity to influence education through textbook adoption practices. They are vital to ensuring compliance with legal obligations today, but also being proactive about the future. It is recommended that textbook adoption committees:

- Include accessibility as a factor in decision-making rubrics.
- Include a broad range of educators on the curriculum committee, including special education.
- Include Assistive Technology Specialists in determining the level of accessibility and the supports that may be necessary.
- Request sample materials prior to purchase to determine the degree of accessibility (not all digital materials are accessible).
- Include language in purchasing agreements with publishers to ensure a NIMAS (National Instructional Materials Accessibility Standard) file is shared with the National Instructional Materials Access Center (required).
- Include language in publisher contracts that promote the purchase of alternate format accessible materials for use by any student regardless of eligibility.

For more information, please go to the TrueAIM website (<http://trueaim.iowa.gov/>) under "About TrueAIM" and scroll down to the Curriculum Coordinator Brochure or contact Steve Maurer at [steve.maurer@iowa.gov](mailto:steve.maurer@iowa.gov) or 515-281-3576.



## RECOGNIZE YOUR VOLUNTEERS

The Governor's Volunteer Awards program is an opportunity for school administrators to recognize individual volunteers or groups of volunteers in your school or community for outstanding service or contributions in a formal ceremony by the Governor.

Nomination forms are due at the Iowa Department of Education no later than April 16, 2010.

Please note that absolutely no applications can be accepted after this date. Individuals and organizations that are chosen for this award have a special opportunity to receive the recognition that they so richly deserve.

Instructions and application forms can be found at: [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=925&Itemid=1](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=925&Itemid=1).

For more information, contact [joe.herrity@iowa.gov](mailto:joe.herrity@iowa.gov).





## E-RATE LETTERS of agency

Districts, nonpublic schools, and area education agencies (AEAs) that receive videoconferencing and/or data circuits through the Iowa Communications Network (ICN) are required to complete E-Rate letters of agency every three years for the Iowa Department of Education.

If your district, nonpublic school, or AEA currently receives video or data service from the ICN, you are required to complete the form that will cover the E-Rate funding requests for the 2011-2012 through 2013-2014 school years.

Both the form and a list of agencies that should submit the form may be found at [http://www.iptv.org/iowa\\_database/erate/](http://www.iptv.org/iowa_database/erate/).

The completed form should be faxed to Kathy Borlin at 515-242-6025 no later than May 14, 2010.

Questions about completion of the form should be directed to Pamela Jacobs (pam.jacobs@iowa.gov or 515-975-0071) or Kathy Borlin (kathy.borlin@iowa.gov or 515-281-4714).

## History Teacher of the Year nominations

The deadline to nominate a teacher for the Preserve America History Teacher of the Year Award has been extended to April 15, 2010.

The award recognizes outstanding American history teachers and the crucial importance of American history education. Winners are selected from each state, and from those finalists, a national honoree is recognized as the Preserve America History Teacher of the Year.

This year, the award is open to middle and high schools (grades 7-12) American history teachers. Nominees must have at least three years of classroom experience in teaching American history and demonstrate evidence of creativity and imagination in the classroom.

Submit nominations at [http://www.gilderlehrman.org/education/htoy\\_overview.php](http://www.gilderlehrman.org/education/htoy_overview.php). Contact Cheryl Mullenbach at 515-494-5610 or [cheryl.mullenbach@iowa.gov](mailto:cheryl.mullenbach@iowa.gov) for additional information.



## Investing in Innovation (i3) information

The Iowa Department of Education has posted information on its website regarding the Investing in Innovation (i3) Fund.

The purpose of the Investing in Innovation (i3) Fund is to provide competitive grants to applicants with a record of improving student achievement and attainment in order to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement or student growth: closing achievement gaps; decreasing dropout rates; increasing high school graduation rates, or increasing college enrollment and completion rates.

Funding is provided under the American Recovery and Reinvestment Act.

For more information, please visit <http://ed.gov/programs/innovation/factsheet.html> or <http://bit.ly/9LG9Qi>.

## Equality, youth, and competition

Across America, young people are thinking and talking about equality. Over the past 50 years, young people involved in the civil rights movement have made steady progress in their quest for a just society.

The Iowa Civil Rights Commission and the National Campaign to Restore Civil Rights (NCRCRW) invites Iowa youth to share their perspective.

People ages 14-18 can participate in the NCRCRW contest by submitting an original written or visual entry (i.e., a drawing, photograph or cartoon) responding to the following question: "What does equality mean to you?" The deadline is April 12, 2010. For more information, please visit [www.rollbackcampaign.org/contest2010/](http://www.rollbackcampaign.org/contest2010/).

## Grant supports energy efficient projects

The Iowa Office of Energy Independence (OEI) is accepting proposals under the State Energy Program (SEP), Building Energy Smart (BEST) program, and the American Recovery and Reinvestment Act of 2009 (ARRA). Interested entities may now go online at [www.iowagrants.gov](http://www.iowagrants.gov) to apply for this grant funding opportunity. A total of \$4 million in grants is available under the program, with a maximum award of \$1 million per project.

Eligible applicants are limited to school districts, cities, counties, other local government agencies, and non-profit entities with the ability to issue tax exempt debt, interested in implementing energy efficiency improvements, and renewable energy in or on applicable buildings.

The OEI will host two webinar informational sessions on April 8 and 15, 2010, from 2:00 – 4:00 p.m. to provide guidance concerning the state's grant application website. Those interested may register at <https://www1.gotomeeting.com/register/461493065> for the April 8 session. For the April 15 session, please visit <https://www1.gotomeeting.com/register/683089473>. Program funding is available on a first-come, first-serve basis.

The BEST program provides financing, technical assistance, and program management to install energy efficient and renewable energy projects.

For more information and to review the RFP application, please visit [www.energy.iowa.gov](http://www.energy.iowa.gov).

## Annual school library survey coming

The Iowa Department of Education (DE) and the area education agency (AEA) media directors are announcing the eighth annual survey of Iowa school library programs.

The 2009-2010 School Library Survey is aligned with the DE's school library program guidelines and with the information that is needed for school improvement visits.

The School Library Survey requests information about use of the library, including hours, collection, services, expenditures, staffing and staff activities, technology, and partnerships with public libraries and AEAs.

Instructions with each school's login and password will be mailed directly to school teacher librarians. The survey is to be completed electronically and will be available on April 15 at [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=959](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=959).

School building teacher librarians should complete and return the survey no later than June 30, 2010. All schools are asked to submit this information. If a building does not have a teacher librarian, please make sure another staff person completes the survey. It is important that information is submitted for each school building in the state.

For more information, contact your local AEA media specialist or Mary Cameron at 515-281-3927 or [mary.cameron@iowa.gov](mailto:mary.cameron@iowa.gov).



## NEW SENIOR YEAR plus guidance

A new guidance memo has been posted on the Iowa Department of Education (DE) website for proficiency requirements for students taking Career and Technical Education (CTE) courses.

The document called *Memo Regarding Alternative measures of Proficiency and CTE Courses for AY 2010-2011* is found on the Senior Year Plus section of the [DE's website](http://www.iowa.gov/educate).

The full text of the Senior Year Plus Guide for Educators and Educational Administrators can be accessed at the DE website at [www.iowa.gov/educate](http://www.iowa.gov/educate).

For more information, contact Jeremy Varner at [jeremy.varner@iowa.gov](mailto:jeremy.varner@iowa.gov) or 515-281-3866.



***Coming in May!***

## Iowa Transcript Center

### What is It?

The Iowa Transcript Center is a statewide electronic student record and transcript exchange system free to public school districts, colleges, and universities.

### What Does it Mean to Me?

The Iowa Transcript Center will provide you with a common hub for exchanging student records with other Iowa school districts.

- Send electronic transcripts for *many* students to a single institution
- Send an electronic transcript for *a single* student to many institutions

***Stay tuned for more information!***

**[www.transcriptcenter.com/iowa](http://www.transcriptcenter.com/iowa)**

## Data & Reporting

### Notice: 2010 Iowa Youth Survey

The Iowa Youth Survey is the most frequently used source of data regarding Iowa's youth. In response to requests of more current data for grant writing and community needs assessments, the Iowa Youth Survey (IYS) is now being conducted on a two-year cycle.

The next IYS is scheduled to be administered in September and October 2010.

For additional information, please see the attached letter from the Iowa Department of Public Health.

For questions, please contact Linda McGinnis, Department of Public Health, at [lmcginni@idph.state.ia.us](mailto:lmcginni@idph.state.ia.us).

## Student Health and Nutrition

### HealthierUS School Challenge update

The Iowa Governor's Council on Physical Fitness and Nutrition is encouraging schools to work toward the HealthierUS School Challenge (HUSCC) criteria as part of the Governor's Challenge.

The HUSCC recognizes elementary and secondary schools for promoting nutrition and physical education through healthy reimbursable meals, a la carte, vending and school store food sales, nutrition education, and physical activity.



In addition to being acknowledged by the Iowa Governor's Council, the U.S. Department of Agriculture's Food and Nutrition Service recently announced that school food service programs will receive monetary incentives for each award level (\$500 for Bronze, \$1,000 for Silver, \$1,500 for Gold, and \$2,000 for Gold of Distinction).

The nutrition criteria for the HUSCC competitive foods closely resemble the Healthy Kids Act Nutritional Content Standards, which become effective July 1, 2010.

As schools prepare to implement Healthy Kids Act changes, a school-wide effort could allow them to also achieve one of the HUSCC awards.

For more information, visit <http://www.fns.usda.gov/tn/healthierus/index.html> or contact Patti Delger at [patti.delger@iowa.gov](mailto:patti.delger@iowa.gov).



# Early Childhood Preschool Programs

## Preschool: Use of categorical funds

All funds provided to awarded districts for the Statewide Voluntary Preschool Program for Four-Year-Old Children are categorical funds and must be used specifically for the preschool program. Chapter 98, "Financial Management of Categorical Funding," of Iowa Administrative Code addresses the use of categorical funding. The following is guidance for mandatory carryforward of categorical funds and the specific use of funding for the statewide voluntary preschool program.

*98.2(3) Mandatory carryforward.* Any portion of categorical funding provided by the state that is not expended by the end of the fiscal year in which received by or for which it was allocated to the school district or area education agency, shall be carried forward as a reserved fund balance and added to the subsequent year's budget for that purpose. The funding can only be expended for the purposes permitted for that categorical funding.



*281—98.13(256C, 257) Statewide voluntary four-year-old preschool program.* The statewide voluntary four-year-old preschool program is a program for a specific category of students. Funding for the program is for the purpose of providing a high-quality early learning environment for four-year-old children whose families choose to access such programs.

*98.13(1) Appropriate uses of categorical funding.* Because the program is specifically instructional, expenditures generally are limited to the functions of instruction, student support services and staff support services, but include expenditures required in 281—chapter 16.

*98.13(2) Inappropriate uses of categorical funding.* Inappropriate uses of the statewide voluntary four-year-old preschool program funding include, but are not limited to, indirect costs or use charges, capital expenditures other than equipment, facility acquisition, debt service, operational or maintenance costs or administrative costs that supplant, or any other expenditures not directly related to providing the statewide voluntary four-year-old preschool program or that supplant existing public funding for preschool programming.

For more information, please refer to the website at [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=940&Itemid=1279](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=940&Itemid=1279) or contact Judy Russell at [Judy.Russell@iowa.gov](mailto:Judy.Russell@iowa.gov) or 515-281-4705.



## 2011 APPLICATION information

With the recent conclusion of the legislative session, the Iowa Department of Education will email school district superintendents in the next few weeks information about the 2010-2011 Statewide Voluntary Preschool Program for Four-Year-Old Children application process.

Please continue to refer to the website for updated information at

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

Districts may contact early childhood consultants at their area education agency for further preschool program information.

Contact information may be found on the Iowa Department of Education website for the Statewide Voluntary Preschool Program for Four-Year-Old Children under — "Contacts in Your Area."

For more information, please contact Judy Russell at 515-281-4705 or [judy.russell@iowa.gov](mailto:judy.russell@iowa.gov).

# Early Childhood Preschool Programs



## DATA SYSTEM update reminder

Districts that received initial Statewide Voluntary Preschool grant awards in 2007-2008 and 2008-2009 need to provide and approve updated information on the Early Childhood Application at the Iowa Department of Education (DE) Secure Reporting website.

Districts address the 2009-2010 school year including information on preschool program contact, district assurances, preschool sessions, and session program standards.

After selecting the district and the appropriate funding year (from the drop-down menu on the upper left corner), districts enter and approve all information.

For more information, please contact Judy Russell at 515-281-4705 or [judy.russell@iowa.gov](mailto:judy.russell@iowa.gov).

## IQPPS tip of the month

Districts awarded Statewide Voluntary Preschool Program funds in 2009-2010 and implementing Iowa Quality Preschool Program Standards (IQPPS) will receive a verification visit between October and May of 2010-2011. The verification visit includes IQPPS sessions for the Statewide Voluntary Preschool Program and early childhood programs serving preschool children on Individualized Education Plans (IEPs). In the late spring of 2010, districts will provide the DE with information for the 2010-2011 school year on all Statewide Voluntary Preschool Program sessions at district and community partner sites, Early Childhood Special Education (ECSE), and early childhood sessions (such as community-based preschools, child care, district tuition programs, etc.) serving three or four-year-old children on IEPs.

If the IQPPS verification visit occurs during the same year as the Comprehensive School Improvement Visit, they will occur simultaneously.

Districts and their partners preparing for the IQPPS verification visit in 2010-2011



should already be preparing one common program portfolio. Districts and community partners are encouraged to develop common policies, philosophies, and handbooks to jointly address the IQPPS criterion. The

program portfolio checklist can be found on the website under “Program Standards.”

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

Districts may contact early childhood consultants at their area education agency for further information on the IQPPS and the Verification Visit. Contact information may be found on the Iowa Department of Education website for the Statewide Voluntary Preschool Program for Four-Year-Old Children under — “Contacts in Your Area.”

For more information about the Statewide Voluntary Preschool Program for Four-Year-Old Children and the Iowa Quality Preschool Program Standards, please refer to the website at [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=940&Itemid=1279](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=940&Itemid=1279) or contact Judy Russell at [judy.russell@iowa.gov](mailto:judy.russell@iowa.gov) or 515-281-4705.





## Legislative Update

The contact for all legislative items is Konni Cawiezell (konni.cawiezell@iowa.gov or 515-281-3399).

### 2010 legislative session concludes

On one of the first beautiful days of spring, the Iowa Legislature adjourned Sine Die on the 79th day of the 2010 Session. This is one day earlier than the 80 day session leadership self-imposed in order to save money and 20 days earlier than regularly scheduled.

As with every session, the final bill to pass in both chambers was the "Standings" Appropriations bill. House File 2531 appropriated \$2.5 billion for state foundation school aid using a combination of state general fund, the remaining \$48 million in American Recovery and Reinvestment Act (ARRA) stabilization dollars, and \$5.1 million from the state's Underground Storage Tank fund, resulting in school districts receiving over \$150 million in new school aid funding over FY 2010.

The Statewide Voluntary Preschool Program for Four-Year-Old Children fared very well in its fourth and last installment of new money. The Iowa Department of Education (DE) will receive just over \$16 million to fund the remaining qualified districts that apply for preschool grants. The Instructional Support program State Aid did not fare as well. Last year the legislature used \$13.1 million in one-time ARRA dollars to fund the state aid portion, this year the legislature appropriated \$7.5 million.

Many of the appropriation bills are currently being enrolled for Governor Culver's signature. All are subject to line-item vetoes, but school aid is unlikely to change.

Throughout the entire 2010 legislative session education issues remained on the forefront with Race to the Top legislation being first on the governor's desk and the final piece of legislation containing school aid. Overall during this difficult economic recovery where many programs continued to see stagnant or reduced funding, education remained a top priority.

The DE will prepare a legislative recap of all education related legislation in the upcoming weeks for school leaders. If prior to this, you have questions or concerns, please email Konni Cawiezell at [konni.cawiezell@iowa.gov](mailto:konni.cawiezell@iowa.gov).



Adjournment sine die is an adjournment until the next session of the legislature.

#### **sine die**

Pronunciation: \sī-nī-dī(-ē),

Function: *adverb*

Etymology: Latin, without day

Date: 1607

: without any future date being designated (as for resumption)



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# TEACH IOWA

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## Legal Lessons

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

### Fees, prom, and 'Truth' & 'Silence'

#### Unpaid Student Fees, Costs

It's time to discuss the annual dilemma of dealing with students who refuse to pay fines, have negative lunch accounts, do not turn in school property, etc.

- *Lost or damaged property of the district.* A district has authority to assess a fine to cover the replacement cost of lost property or repair cost of damaged property belonging to the district. Rule 281—Iowa Admin. Code 18.4. Because this is not a "fee," there is no waiver involved. If the student or student's family refuses to pay, see #3 below.
- *Theft of property of the district.* First, make certain that the property is not merely lost. If satisfied that it has been stolen, talk to law enforcement. Then, because this is a violation of the school's student code of conduct, consult your local policies regarding punishment.
- *Unpaid fees, fines.* Three words: small claims court. This is the sole legally sound means of dealing with debts owed to the district. A school district may NOT withhold a report card or diploma because of an unpaid debt. Whether a district may condition attendance at prom or participation in graduation because of an unpaid debt is less clear; the district thinking of doing so is strongly urged to talk with its school attorney about this. Bear in mind that any action other than filing a petition in small claims court that makes it clear to the public that a student or student's parent owes a debt to the district may be deemed to be a prohibited practice under Iowa Code chapter 537, the Consumer Credit Code. For instance, if it is well known that only students who have unpaid fees or fines are banned from commencement exercises, this could be seen as a "publication" of the debt.
- *Three more words:* feed the kids. At least, feed the ones in elementary grades whose parents have delinquent meal accounts. It's generally not the student's fault when the parents are delinquent. Even if it's a PB&J sandwich with a piece of fruit, it's nourishment to get them through the day. Adults are not the only persons who perform better when well nourished. Plus, districts don't need the bad publicity that would accompany a story about refusal to feed students – no matter how much they owe, it's not worth the bad publicity.

#### The Four "Ds" of Prom Protocol: Dates, Dress, Decorum, Drug (Testing)

**Dates.** Iowa's civil rights law extends protection to students on the basis of sexual orientation and gender identity in the classroom as well as in all activities offered by a school, both public and nonpublic. This includes prom (and all school dances). What this means is that same sex couples may attend prom as a couple if they are otherwise eligible to attend prom. A school may have a policy that lawfully discriminates, such as limiting prom attendees to current students of the school or recent graduates of the school.

Here are a few examples for illustration:

- Bill and Ted are students at Acme High School. Neither is known to be gay; both have reputations as class clowns. They announce that they plan to attend prom as a couple. Because the protection afforded to gay, lesbian, and bisexual students applies to perceived sexual orientation, school officials cannot ask Bill and Ted if they are gay or bisexual. They get to attend prom as a couple and continue their "excellent adventure."
- Acme High School has a policy that only students currently enrolled in Acme, as well as Acme graduates (if they are the guest of a current student) may attend prom. Alice is a current student of Acme. She may bring as her date any of her classmates or any graduate of Acme High School. But if Alice has a relationship with a girl or boy at Pinnacle High School, Alice must decide whether to forego her prom, attend stag, or ask another Acme student to go with her.
- One of Alice's classmates at Acme High School is Angie. Angie is class president, star athlete, 4.0 student, and top blood donor. Angie dates Brad, who is a student at Pinnacle, and is the top scholar and athlete and all-around best person in the

## Legal Lessons continued

world at his school. The Acme administrators decide to overlook the Acme policy (only Acme students may attend Acme's prom) and allow Angie to bring Brad. Having made an exception for Brangie, the Acme administrators must make an exception for Alice and all other Acme students.

*Dress.* While a school cannot insist that students wear traditionally female or male attire (i.e., girls do not have to wear dresses and boys do not have to wear tuxedos), schools may lawfully have a dress code if enforced even-handedly. The types of rules that will be allowable include such rules as "no exposed navels, no exposed nipples, no exposed um...derrieres, no clothes with obscenities printed on them." In other words, the usual regulations are acceptable. But a boy may wear a dress to prom if the dress would be acceptable on a girl, and a girl may wear acceptable "male" prom-wear. By the way, what a kid wears does not have to be related to sexual orientation or gender identity. Think of it this way: if the male class clown wants to wear a dress, then at his class reunion, he will be the butt of jokes and the administration will be positively talked about as good Joes/Janes who let him make an fool of himself.

*Decorum.* The key here is evenhandedness. Whatever reasonable rules of conduct and decorum a school has must be enforced evenly and consistently. If PDAs (public displays of affection) are not tolerated, then make sure that staff break up the kissing between straight couples as well as same sex couples.

*Drug testing.* Drug testing is regulated by the Iowa Student Search and Seizure Law, Iowa Code chapter 808A. School officials may test a student ONLY upon suspicion that the student is under the influence. Period. There are **no exceptions** that permit a school to conduct (or to ask law enforcement to conduct) drug testing on a suspicionless basis. Here's the kicker: because the law is so clear on this point, school officials that continue to violate the law will be told by EMC that the insurance company will not provide any protection for them when the inevitable lawsuit is filed. The district's taxpayers will not be amused that they must pay the legal fees for this.

### **"Day of Silence" and "Day of Truth"**

Because the Iowa Department of Education (as well as some school administrators) have been asked questions about these observance days, observance of which is geared toward students and is voluntary, school administrators may find the following information useful. By providing the following information, the DE is neither promoting nor criticizing either day.

Thursday, April 15, has been designated as this year's "Day of Truth" by the Alliance Defense Fund (ADF), a legal alliance "dedicated to defending the right to hear and speak the Truth. More specifically, ADF launched this project in 2005 to ensure the free speech rights of Christian students to present an opposing viewpoint to those organizations that promote homosexual behavior in the schools."

Friday, April 16 has been designated by the Gay, Lesbian and Straight Education Network of the United States Student Association as this year's "Day of Silence." The Day of Silence is intended to "bring attention to anti-LGBT (lesbian, gay, bisexual, and transgender) name-calling, bullying, and harassment in schools."

*Students and staff who desire to observe either day may do so if their observance does not create a substantial disruption of the educational environment.* Before barring student participation in either day, check with your school attorney to see if s/he believes that such a move is legally defensible. A district should not approve student or teacher participation in just one of these upcoming days to the exclusion of the other. Observance usually is marked by wearing a t-shirt with a message supportive of either day and the handing out of cards explaining the purpose behind the day.

Students observing the Day of Silence also sometimes carry with them a card to explain to instructors that the student chooses not to speak voluntarily that day. This most likely does not disrupt the educational environment because students previously scheduled to give classroom oral presentations (either solo or as part of a group) are still expected to do so.

Teachers' ability to participate may be regulated by their employers. "Speech" includes wearing apparel, ribbons, and pins, and districts may restrict teacher speech in the classroom and while on duty for the district (such as lunchroom or study hall duty). [Again, the DE is neither encouraging nor discouraging such regulation within schools; we merely note that such regulation is allowed.]

To learn more about Day of Truth, go to <http://www.dayoftruth.org/>; to learn more about Day of Silence, go to <http://www.dayofsilence.org/>



## JEFFREY TALKS innovation on IPTV

Iowa Department of Education Director Judy Jeffrey will be a featured speaker on Iowa Public Television's Iowa Journal, which is looking at innovations in schools that go beyond technology in the classroom.

John Carver, superintendent of Van Meter, will also be a program guest.

The show will air Thursday, April 1 at 8:00 p.m. on IPTV Friday, April 2 at 6:30 p.m.

## Calendar

- |          |  |
|----------|--|
| April 10 | • School Budget Review Committee Hearing Request   |
| April 15 | • Budget Certification   |
| April 15 | • Budget Guarantee – Board Resolutions Due to the Department of Management (DOM)   |
| April 15 | • Instructional Support Program (ISP)/Voter-Approved Physical Plant and Equipment Levy (VPPEL) – Copy of Ballot or Resolution Due to the DOM |
| April 19 | • Spring EASIER Test Site Open   |
|          | • School Budget Review Committee Exhibits Due  |
| May 1    | • Bond Resolution (if any) with the Control County Auditor   |
| May 1    | • Copy of VPPEL Ballot Due to DOM  |
| May 1    | • Special Education Web Based Claims Due   |
| May 1    | • Competent Private Instruction/Homeschooling (Deadline for Conducting Annual Assessment for Homeschooled Students.)                         |
| May 5    | • School Budget Review Committee hearings  |
| May 10   | • Spring BEDS Open   |

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

*It is the policy of the Iowa Department of Education not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, gender, disability, religion, age, political party affiliation, or actual or potential parental, family or marital status in its programs, activities, or employment practices as required by the Iowa Code sections 216.9 and 256.10(2), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C. §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.). If you have questions or grievances related to compliance with this policy by the Iowa Department of Education, please contact the legal counsel for the Iowa Department of Education, Grimes State Office Building, Des Moines, IA 50319-0146, telephone number 515/281-5295; or the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, telephone number 312-730-1560, fax 312/730-1576, e-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)*



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Thomas Newton, MPP, REHS  
Director

Chester J. Culver  
Governor

Patty Judge  
Lt. Governor

## **NOTICE: 2010 IOWA YOUTH SURVEY**

Dear Superintendent:

The Iowa Youth Survey is the most frequently used source of data regarding Iowa's youth. In response to requests of more current data for grant writing and community needs assessments, the Iowa Youth Survey (IYS) is now being conducted on a 2-year cycle.

### **The next IYS is scheduled to be administered in September and October 2010.**

The 2010 Iowa Youth Survey will be taken through online survey software following much the same procedure as in 2008. Dates of administration are September 27-October 29, 2010, and, as always, the invitation to participate includes all public and non-public students in grades 6, 8, and 11. This year's survey administration timeframe has been expanded to 5 weeks to better accommodate computer access.

Following the 2008 IYS, we received vital feedback which we have integrated into the 2010 survey. Trainings will be held in the fall and we plan to make the trainings available via webinar rather than over the ICN as in past years.

**In April, you will receive documents that must be returned to us by April 30, 2010.** The *"Agreement to Participate"* and *"AEA Data Release"* forms may be returned via email with electronic signatures or by fax. Return information will be on the forms. A district contact person must be designated with contact information. All further information regarding the survey will be sent to that person. A copy of the "Passive Parental Consent" form will also be sent for your use. The Spanish version is being updated and will be available upon request.

Moving the online Iowa Youth Survey to a 2-year cycle is a positive step for Iowa and will continue to provide all of us with important current data regarding Iowa youth.

For questions about the 2010 Iowa Youth Survey, please contact Linda McGinnis at the Iowa Department of Public Health at [lmcginni@idph.state.ia.us](mailto:lmcginni@idph.state.ia.us).

Thank you for your interest and participation in the Iowa Youth Survey.

Sincerely,

Kathy Stone  
Director, Division of Behavioral Health