



# School Leader Update

A MONTHLY JOURNAL  
FOR IOWA EDUCATORS

April 2015

## Converting standard license for new teacher

To convert to the standard license, teachers need two years of successful experience in an Iowa public school (to include mentoring and induction), or three years in any combination of public, private or out-of-state schools. Teachers must be working in their endorsement area(s) on a valid license. Administrators should not sign the conversion form until the end of the school year. The administrator will need to verify one of the following:

1. Recommend the teacher for the standard license;
2. Recommend a third year of mentoring and induction to meet the standards; or
3. Affirmatively not recommend the teacher for a standard license.

Administrators need to report to the Board of Educational Examiners the status of any teacher on an initial license who is leaving the district by using this [form](#). Questions? Contact Joanne Tubbs at [joanne.tubbs@iowa.gov](mailto:joanne.tubbs@iowa.gov).



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## A journey coming to an end

This role has given me a front-row view of a lot of the wonderful work under way in Iowa's schools.

From Starmont to Sioux City, you've consistently shown me how much you believe in your teachers, your students, your communities — and how much you believe in our state.

No matter our place on the state map or our community context, we all want the best schools and the brightest futures for Iowa's students.

I have reflected on this as I prepare to make the transition from director of the Iowa Department of Education to superintendent of the Cedar Rapids Community School District on July 1.

It has been an exciting, challenging journey working together as an education system. And I believe in what we're trying to accomplish as much today as I did when I first walked into my office at the Grimes Building in Des Moines.

Please know the important work that was getting under way when I came into this job will continue with the same urgency when I leave.

At this point, 165 Iowa school districts are at varying stages of the state's Teacher Leadership and Compensation System, which is all about supporting our teachers to improve in-



**Director Brad Buck**

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# 'Broadband Matters' to educators in April

High-speed broadband is changing the education landscape in Iowa. Broadband advocates are invited to two April 9 events connected to the Iowa Communications Network's Broadband Matters campaign.

ICN's Broadband Matters Legislative Day will be held from 8:30-10:30 a.m. in the Legislative Dining Room at the State Capitol in Des Moines. The other event is a roundtable forum from 1:30-3 p.m. in the Grimes State Office Building in Des Moines and broadcast statewide.

Iowa Department of Education Director Brad Buck will be one of five panelists. Iowans can watch the discussion from six locations throughout the state and may interact with panelists by mentioning @BroadbandIowa on Twitter. Questions will be addressed during the Q&A session. More information can be found at [Broadband Matters](#).

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struction and raise student achievement.

Some districts are in the first year of TLC, while others are gearing up for implementation. And I'm optimistic that every school district in the state will be implementing TLC plans in a few years.

We've also seen impressive progress in our statewide early literacy initiative, which is all about ensuring every student reaches reading proficiency by the end of third grade.

I'm proud that about 91 percent of Iowa's elementary schools are using the statewide data system and assessments that make up our early warning system for identifying struggling readers.

In your communities, you're notifying parents and guardians when students need substantial help in reading. At the state level, we're working hard to provide schools the resources needed to ensure students develop the skills they need to be good readers. This includes getting students high-quality intervention and support, as well as setting up intensive summer reading programs in every school district.

There have been many other great developments in areas such as competency-based education, STEM, and standards and assessment.

It's a good time for all of us to reflect on how implementation is going and how to build on our work. Locally, this may mean reviewing data sets, making adjustments and setting the table for the 2015-16 school year.

It has been a great pleasure to walk with you on this journey as an education system, and I look forward to continuing down this path in a different role in the next school year.

We may have different approaches, and we may be in different places on the path, but we all are headed to the same place: Making sure every door of opportunity is open to all of our students.

Thanks for all you do for Iowa's students and schools.



## Want more options in your class scheduling?

Scheduling troubles? Want to expand your course offerings? Need a second-semester option in the fall? Iowa Learning Online is your answer – at no cost to you or your students.



The Iowa Department of Education's Iowa Learning Online enables students to sign up any period of the day for the classes they want or need. It allows your school to offer 44 online core courses. Need second-semester algebra I in the fall? No problem.

Five world languages, personal fitness, biology, calculus. Well, the list goes on. Summer and fall, enrollment is open now. Check out how Iowa Learning Online can give you – and your students – options. Go to [iowalearningonline.org](http://iowalearningonline.org).

## Growing online classes = need for more teachers

As we continue to expand our courses and services available to local school districts, Iowa Learning Online (ILO) is hiring part-time teachers and regional lab facilitators for the 2015-16 school year.

The ILO teaching opportunity fits well with educators who are looking for ways to grow as content experts and leaders in online teaching and learning. We are continuing to hire in all curricular areas, particularly math, health, and Spanish.

Ideally suited for a retiring science teacher, ILO is also hiring part-time regional lab facilitators with an endorsement in chemistry or physics. Regional lab facilitators will assist with various online, video-conference, and face-to-face regional lab activities in conjunction with ILO high school science courses.

The ILO regional lab facilitator may provide demonstrations, presentations, and conduct lab protocols. Responsibilities include lab preparations, monitoring students' lab procedure implementation, learning conversations, and post-lab venue restoration.

Send your resume and letter of interest to [jonnie.becker@iowa.gov](mailto:jonnie.becker@iowa.gov).

## Iowa Financial Literacy Summit scheduled

A great education includes knowing how to make smart, responsible financial decisions. As part of a statewide effort to improve students' financial literacy skills, an Iowa Financial Literacy Summit is scheduled May 5 at the Iowa Events Center in Des Moines.

The summit is open to all Iowans, including middle and high school students, parents, and educators. The event will include speeches from Gov. Terry Branstad, Lt. Gov. Kim Reynolds,

and Jack Kosakowski, chief executive officer of Junior Achievement, an organization dedicated to educating students about workforce readiness, entrepreneurship and financial literacy.

Tickets are available through April 21. To register, go to: <https://www.educateiowa.gov/event/iowa-financial-literacy-summit>.

The summit will be paid for with funding from the Iowa Department of Education, registration fees and generous support from the private sector. Registration for the day is \$50, with room for about 500 attendees. The summit is part of a broader effort to bolster financial literacy awareness and support.



## Register for social studies institute in Des Moines

Registration is under way for the June 29-30 2015 Best Practices in Social Studies Institute at the State Historical Museum of Iowa in Des Moines. The event is free for any k-12 social studies teacher in Iowa.

The institute will include presentations from Iowa teachers as well as Echoes and Reflections, the Medal of Honor Foundation, the National Archives, the Herbert Hoover Library and Museum, the University of Iowa, and the State Historical Museum, to name a few.

Check out the at-a-glance schedule for additional details [here](#). You may register for the institute by going [here](#). License renewal credit will be available for the institute.

## Iowa Youth Survey reports available soon

The 2014 Iowa Youth Survey (IYS) district reports will be available online in late April for all districts that:

- Took the IYS in fall 2014, and
- Had enough students participate to receive a report.

Use the following steps to download your district's report from the Iowa Department of Education's secure site:

1. Have a Portal user with "Download – DE to District" access login to the Iowa Education Portal (<https://portal.ed.iowa.gov>). This is typically the superintendent and anyone s/he gives access.
2. Under EdInfo, click on "Download – DE to District." A new screen will appear with your district's IYS reports since 2010.
3. Click on the name of the file to open it, then save it to your local computer.

Direct questions about accessing reports to Molly Hammer at [molly.hammer@iowa.gov](mailto:molly.hammer@iowa.gov) or 515-242-6241. Questions about the IYS in general may be directed to Pat McGovern at [pat.mcgovern@idph.iowa.gov](mailto:pat.mcgovern@idph.iowa.gov) or 515-281-5444.

## Quality Literacy Instruction event slated

The Iowa Department of Education is announcing a two-day literacy event July 29-30 in Des Moines titled *Quality Literacy Instruction: All Teachers, All Tiers, All Learners*.

The focus will be early literacy and will provide learning opportunities in explicit instruction, effective and efficient teaching.

The event will feature keynote speaker and presenter Dr. Anita Archer and early childhood speaker and presenter Dr. Laura Justice.

Participants will register by team, up to seven members, which should include building/district administrator, Area Education Agency consultant or district trainer, interventionist or literacy coach, special education or Title 1 reading teacher, early childhood teacher, and one or more general educators.

A team registration fee of \$175 will provide each member with two days of learning, the book *Explicit Instruction: Effective and Efficient Teaching* by Archer and Hughes, continental breakfast and boxed lunch each day, and five follow-up webinars throughout the 2015-16 school year.

Use this [link](#) to indicate your interest in the conference. Due to high levels of anticipated interest, team applications will be accepted prior to registration being open in May.

# Save the Date!

## July 29th -30th, 2015



## AP test reimbursement increases for low-income students

The U.S. Department of Education will be increasing its per-exam contribution in May for the 2015 Advanced Placement Test Fee Reimbursement Program.

Each approved advanced placement exam taken by low-income students in May will be covered up to \$41. To keep student costs at a minimum for low-income students, the College Board reduces the cost of exams ordered for low-income students when the school district orders their AP exams and the school district is asked to waive the exam administration fee.

School districts are required to send the AP state invoice to the Iowa Department of Education by June 12. The state invoice must be signed by an authorized administrator ensuring the exams were taken by low-income students.

The state invoice can be sent to: Rosanne Malek, 400 East 14<sup>th</sup> St., Grimes State Office Building, Des Moines, Iowa 50319-0146, or send a fax to 515-242-5988. For more information, contact Malek at 515-281-3199.

## Ensure that college-bound students apply for federal aid

For many students, completing a free application for Federal Student Aid (FAFSA) is a critical step in making the dream of college a reality.



Unfortunately, a large percentage of Iowa students fail to complete a FAFSA each year, thereby missing out on federal and state financial aid opportunities and impeding their likelihood of college enrollment.

Iowa College Aid, in partnership with the U.S. Department of Education on its FAFSA Completion Initiative, is able to provide high schools with student-specific FAFSA completion information, allowing the schools to track student progress and ensure their students complete a FAFSA.

Iowa high schools interested in participating in the Iowa FAFSA Completion Initiative must complete a Data Sharing Agreement with Iowa College Aid. Once the agreement is in place, the initiative process is simple. Find additional information, including the Data Sharing Agreement, on the Iowa College Aid [website](#).

## Instill college culture: Celebrate Iowa College Decision Day

College Decision Day, held on or around May 1, coincides with the date that most students must inform a college of their plans to enroll.

Inspired by the NCAA's National Signing Day, College Decision Day reinforces that excellence in the classroom should be given as much pomp and circumstance as excellence as an athlete.

Iowa College Aid invites all high schools in the state to hold events to instill a college-going culture and recognize students for their postsecondary plans. Online registration, as well as free resources, activities and event ideas are available on the Iowa College Aid [website](#).



# Though Plan Iowa<sup>®</sup> no longer funded, it is still required

The Iowa Department of Education informed districts last July that the Iowa College Student Aid Commission (ICSAC) could no longer fund the I Have a Plan Iowa<sup>®</sup> (IHAPI<sup>®</sup>) system to support districts in complying with [Iowa Code 279.61](#). ICSAC has agreed to pay for IHAPI<sup>®</sup>/Xap through June 30.

Though Iowa Code 279.61 has not been rescinded, reported usage is down 25 percent in 2015. Still, district compliance with 279.61 will continue to be monitored through school improvement visits. Required components completed through IHA-PI<sup>®</sup> are automatically reported to the Department.

The Department 2015 budget included a request to fund the state-designated career system through June 30, 2016. If not approved, districts should contact the vendor Xap directly ([lfranklin@xap.com](mailto:lfranklin@xap.com)) for pricing information. Districts choosing systems other than IHAPI<sup>®</sup> must report manually using the [required Department forms](#).

The [Secondary CTE Task Force](#) is reviewing career guidance options in Iowa, including a college-and-career software information system, for the 2016 legislative session. Additional updates may be found at [ctetaskforceupdates](#). Questions may be directed to [amy.vybiral@iowa.gov](mailto:amy.vybiral@iowa.gov).

## College, career readiness efforts recognized

Iowa Department of Education Director Brad Buck celebrated a group of Iowans who have advanced the goal of getting students to graduate from high school ready for success in college and the workplace.

The Iowa College and Career Readiness honorees were recognized during a State Board of Education meeting. The annual program, organized through a partnership with ACT, recognizes the exemplary efforts of one student, one school, one community college, and one employer in Iowa. Honorees were selected by teams from the Iowa Department of Education and Iowa's community colleges. The honorees are:

- Student Readiness Award: Layla Siddig, a senior at Iowa City West High School, has demonstrated top academic performance and consistent leadership in school activities.
- College and Career Transition Award: Davenport Central High School has demonstrated success at serving students from diverse backgrounds and a commitment to providing meaningful academic experiences and leadership opportunities to all students.
- Career Preparedness Award: Iowa Lakes Community College has demonstrated extensive work to create a seamless school-to-work environment by connecting students' areas of study with employer needs.
- Workplace Success Award: Decker Precision Machining in Peosta has demonstrated a leadership role in addressing a skilled-worker shortage by working with Northeast Iowa Community College to ensure students develop the skills employers need.

## Iowa Teacher of the Year nominations due April 25

Thousands of talented Iowa educators lead and inspire their students, but only one is chosen annually as the state's top teacher. The deadline to nominate the 2016 Iowa Teacher of the Year is April 25.

The award is an opportunity to recognize an exceptional Iowa teacher who is helping to redefine education. Nominations will be accepted from anyone, including students, parents, school administrators, colleagues, college faculty members and associations.

Nomination forms can be found on the Iowa Department of Education's [Teacher of the Year webpage](#).



The Iowa Teacher of the Year award was established in 1958. The annual program is sponsored by the Iowa Department of Education through an appropriation from the Iowa Legislature.

The Teacher of the Year serves as an ambassador to education and as a liaison to primary and secondary schools, higher education and organizations across the state. Clemencia Spizzirri, a middle-school Spanish teacher from the Des Moines Public Schools, was named the 2015 Teacher of the Year.

The 2016 Teacher of the Year will be announced this fall.

## Iowa's top teachers honored

Some of the state's top teachers were honored for their service during an annual luncheon March 10 in Des Moines.

Iowa Department of Education Director Brad Buck, Gov. Terry Branstad, Lt. Gov. Kim Reynolds and other leaders honored 14 finalists and winners of the following teaching awards at the Outstanding Iowa Teachers Recognition Luncheon in Des Moines:

- Iowa Teacher of the Year
- Iowa Presidential Awards for Excellence in Mathematics and Science Teaching
- Gilder Lehrman Iowa History Teacher of the Year

The luncheon was hosted by the Iowa Department of Education and sponsored by the Gilder Lehrman Institute of American History, the National Science Foundation, the White House Office of Science and Technology Policy and the Iowa Department of Education.

[Read more about this.](#)



# Data and Reporting

## If it's spring, it must be SRI data collection time

It's time for Student Reporting In Iowa (SRI) data collection.

Spring's data collection is focused primarily on 1) graduates; 2) attendance; 3) non-fall supplementary weighting for courses; and 4) removals. Spring SRI data are also used for participation rate and full academic year calculations for Adequate Yearly Progress (AYP) and regular education foster care claim.

Make sure your district contact information on winter SRI is up to date so you can receive any further announcements on training, webinars, etc.

### Spring 2015 dates to remember

- April 15: Spring Student Reporting in Iowa test site opens
- May 13: Spring Student Reporting in Iowa test site closes
- May 15: Spring Student Reporting in Iowa site opens
- June 18: Spring Student Reporting in Iowa certification deadline

## An Early Literacy Implementation (ELI) update

For this month, there are three updates: upcoming webinars, summer training opportunities and literacy assessment reviews.

**Upcoming Webinars:** The Iowa Department of Education will host one webinar, *PK-K Assessments and How They Relate: GOLD, IGDIs and FAST*, on April 28 from 11 a.m. to 1 p.m. If you have identified an area in which a webinar is needed, email the Department ELI contacts (below).

Webinars are hosted [here](#).

**Summer Iowa TIER and Early Literacy Screener:** Based on public district and nonpublic school input, summer trainings are being planned. It is anticipated that registration information will be communicated toward the middle or end of April. Look for dates and times in *School Leader Update*, as well as the Iowa Department of Education's [Early Literacy Progression page](#).

**Literacy assessment reviews:** The Iowa Department of Education will be issuing a request for information (RFI) from assessment vendors who wish to have their literacy assessments reviewed for consideration as approved measures meeting the requirements of Iowa Code 279.68 for use in universal screening and progress monitoring. The RFI will be posted [here](#). The outcome of the review will be an updated list of Department-approved universal screening and progress monitoring assessments. The update is expected to be completed by June 12.

Read more about [ELI](#).

For more information, contact Barbara Ohlund at [barbara.ohlund@iowa.gov](mailto:barbara.ohlund@iowa.gov) or Amy Williamson at [amy.williamson@iowa.gov](mailto:amy.williamson@iowa.gov).

## Professional standards are coming for school nutrition

Hiring standards and continued professional development/training will now be required for school nutrition employees.



The final rule, effective July 1, was released by the United States Department of Agriculture (USDA) recently. The purpose of these standards are to ensure all staff have training and tools necessary to plan and provide nutritious and enjoyable school meals.

If you will be hiring a food service director on or after July 1, education and training minimums will apply. Current food service directors will be grandfathered for the hiring minimums.

Continuing education requirements for all new and current school nutrition program staff have also been set. Lower levels have been set for the 2015-16 school year and range from four to eight hours depending on weekly hours worked and position. Click [here](#) to access the hiring requirements and continuing education requirements.

Training received on or after April 1 will count toward meeting the 2015-16 requirement. As a reminder, the Iowa Department of Education's Bureau of Nutrition and Health Services has Summer Short Course training scheduled. Go [here](#) for more information and registration.

## Iowa needs to promote breakfast

[Studies](#) show students who eat breakfast at school have higher math and reading scores, better cognitive speed and memory, and perform better on standardized tests than students who skip breakfast or eat at home.

Yet a [survey of nearly 9,000 Iowa parents](#) shows almost one-third reported their children sometimes or never eat breakfast. This is despite a school breakfast program available to all Iowa students through the U.S. Department of Agriculture and the Iowa Department of Education. Read more about it on the [website](#).



## Nutrition and Health Services continued

### Deadline looms for governor's health awards for students

Every day Iowa students make healthy choices and encourage others to do the same. To recognize the healthy efforts of Iowa youth, Governor Branstad, Lt. Governor Reynolds, and many partners are joining forces.

The Governor's Youth Action Award, a newly developed recognition, will honor the efforts of Iowa students in k-12 grade. The students will submit posters, essays and/or videos highlighting healthy behaviors or sharing ideas to engage others. Iowa Partners: Action for Healthy Kids will select grade-level winners for each category. Individual winners will receive recognition from Governor Branstad and participating schools will be eligible to win a wellness event.



“Through the Healthiest State Initiative, Iowans are taking ownership of their well-being and making healthy decisions and we encourage Iowa's youth to do the same,” Reynolds said.

Award materials are available [here](#). Submissions must be postmarked by April 10 and winners will be notified in early May. For more information, contact Erin Thole at [ethole@midwestdairy.com](mailto:ethole@midwestdairy.com).

### Sign up for *It's a Team Effort!* Workshops

The Iowa Department of Education's Team Nutrition Program is partnering with the Academy of Nutrition and Dietetics Foundation to hold workshops led by registered dietitian nutritionists (RDNs) across the state this fall.



The workshops will provide training for elementary teachers and staff to support a school wellness environment through nutrition education and physical activity.

Workshop objectives:

- Participants will be able to summarize the purpose of the wellness policy and key goals;
- Participants will be able to integrate nutrition and physical activity into the classroom setting; and
- Participants will be able to identify existing school wellness resources.



For more information, including the workshop application, [click here](#) or contact Carrie Scheidel at [carrie.scheidel@iowa.gov](mailto:carrie.scheidel@iowa.gov).

Schools that submit an application will have the opportunity to apply for a \$500 sub-grant to cover substitute teacher pay or be utilized to support local wellness policy implementation.



## Legislative Update

Contact Shan Seivert for all legislative items at [shanlyn.seivert@iowa.gov](mailto:shanlyn.seivert@iowa.gov) or 281-3399.

### On the home stretch...maybe

While one funnel week is in the rear view mirror, the second funnel week is upon us. In fact, it ends this Friday. The requirements are different in that it is the final date for Senate bills to be reported out of House committees and for House bills to be out of Senate committees. Just as the first funnel, the second does not apply to Appropriations bills, Ways and Means bills.

First, you have undoubtedly heard that the Legislature has agreed that the school start date will be Aug. 23. That bill has now gone to the Governor for signing.

I'm also happy to share that all of the Iowa Department of Education's bills passed funnel week. Most survived by passing through both the House and Senate Committees; however, two only passed through the House. One such bill was the At-Risk and Dropout Prevention Funding bill which merged our bill with two other similar versions of the bill creating SF 1236. The bill did pass the Senate subcommittee, but was not put to a vote in the Education Committee, resulting in its failure to survive funnel week. The House version [HF 346](#) was passed out of the Education Committee earlier in the session and passed on the floor with a 97-0 vote.

The other bill that only passed in the House was the Iowa Principal Leadership Institute. [HF 396](#) passed unanimously 23-0 in the House Education Committee, and has been on the calendar for debate since late February. In the Senate, SSB 1050 did not pass subcommittee. The survival of this bill has yet to be determined.

Supplemental State Aid has reached fever pitch and there is no resolution in sight. Both sides have maintained their stance, House Republicans recommending a 1.25 percent increase next year, and have yet to address fiscal year 2017. The Senate Democrats have maintained their proposed 4 percent increase for both school years. There was hope since the March 19 Revenue Estimating Conference (REC) occurred that a decision would be forthcoming. (If you are not familiar with the REC, keep reading.) That hope was short lived as a third conference committee for [SF 171](#) and [SF 172](#) was held on March 24 and neither side showed any signs of a willingness to negotiate and voted down the Republican proposal to set the supplemental school aid rate at 1.25% on a 5-5, party-line vote.

Representative Soderberg, one of the chairs of the committee, said that with the lowered REC revenue estimate, Republicans are now committing 55 percent of new revenues to schools (\$100 million out of \$180 million). Senator Dix said that it is better for schools to agree on a lower rate than to approve a higher rate that is cut during the school year. Senator Gronstal said that in the 1980's, legislators committed more than 60 percent of new revenues to school aid and said that 55 percent is not enough aid. I think it's safe to say that everyone hopes this issue is resolved soon.

If you are not familiar with the REC, it was established in Iowa Code 8.22A during the 1987 state reorganization, as a way to arrive at consensus General Fund revenue estimates to be used by both the Governor and Legislature for the budget pro-

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## Legislative Update continued

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cess. Membership is comprised of the Governor or the Governor's designee, the director of the Legislative Services Agency, and a third person agreed upon by the other two members. The members are responsible for providing periodic estimates of General Fund revenues available for the budgeting process.

The Governor's Antibullying bill passed the Senate Committee [SF 345](#) on a partisan vote of 9-6 and is on the calendar for debate. The Governor's version passed in the House Committee 19-4 and became [HF 490](#). It has been referred to the Appropriations committee. Some of the bills' highlights are to establish a student mentoring pilot program, modify the definition of "electronic," and establish procedures for parental notification. It also grants school officials the authority to investigate and impose school discipline or take action in cases of alleged incidents of harassment or bullying that occur outside of school.

The Governor's Broadband Expansion bill [HF 576](#) passed the Commerce Committee and has been assigned to Ways and Means. In the Senate, [SF 461](#) was referred to Ways and Means and has been assigned to a subcommittee. The bills provide for the coordination and facilitation of broadband access in targeted service areas of the state.

Last month I discussed the two virtual academies, Iowa Connections Academy at the Cumberland-Anita-Massena (CAM) Community School District and the Iowa Virtual Academy at the Clayton Ridge Community School District. In order for CAM and Clayton Ridge to continue with their virtual academies, the legislation needs to be amended to continue beyond June 30 of this year. [HF 204](#) passed the House committee on the floor with 58 votes which would enable the academies to continue to function after the June 30, 2015 sunset date. It was referred to the Senate, where it was assigned to a subcommittee, but failed to move from there. The fate of these two virtual schools is unclear.

The last couple of weeks have been relatively calm after the first funnel and provided a much appreciated breather. Truth be told, I do miss the craziness of session when in full force and even the frenzy of funnel week. There were times when the pace seemed unrealistic, but when the day, week and month concludes, there is a sense of accomplishment that you not only made it through, but learned more than you could have ever imagined and hopefully made a positive difference for Iowa students along the way.

Until next month....



## Legal Lessons

Contact Nicole Proesch for all Legal Lessons items: [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) or 515-281-8661

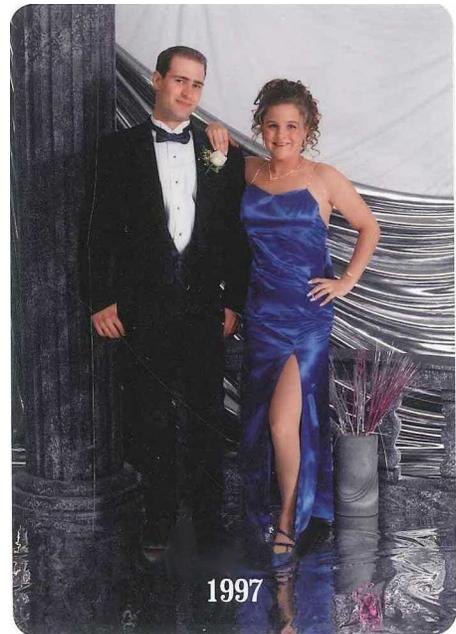
### From prom to privacy

It's that time of year again. Spring is on the horizon and with spring comes prom!

Ah, yes, I remember years ago when I was getting ready to attend my senior prom. I had a sleek, royal blue dress with stone adornments on the straps that a friend's mother made for me. I spent the day getting my hair, nails, and make-up done and I ended up with a pile of ringlets on top of my head. Seriously, I looked like a mop.

I was also fortunate enough to go to prom with a good friend of mine who was a very classy date. Although I don't remember where we ate dinner or the theme of the prom, I do remember we had fun – laughing, dancing, and celebrating – which is what prom is really all about.

Each year I enjoy seeing prom photos, prom dresses, and watching the young couples who are out on prom night at local restaurants. It's fun to see their individuality shine for this milestone event. What a magical night. Here's to a fun, safe event for all!



In this April edition of Legal Lessons, I bring you the Famous Four “D’s” of Prom Protocol, Search and Seizure: The Top 10 Things to Know, a State Board decision upholding a local board’s suspension, and more guidance from U.S. Department of Education’s Privacy and Technical Assistance Center (PTAC) on student privacy.

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

It's that time of year again to revisit the four “Ds” of prom. I realize we revisit this every year, but these are important, so here we go again.

**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 (*however, a bona fide religious school may impose “qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose.” Iowa Code § 216.9*). This includes prom and all school dances. Therefore, same-sex couples may attend prom as a couple if they are otherwise eligible to attend prom. However, a school may limit prom attendees to current students of the school or recent graduates of the school. Here are a few examples for illustration:

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## Legal Lessons continued

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1. Sheldon and Leonard are students at Pasadena 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 Sheldon and Leonard if they are gay or bisexual. They get to attend prom as a couple.
2. Pasadena High School has a policy that only students currently enrolled in Pasadena, as well as Pasadena graduates (if they are the guest of a current student) may attend prom. Penny is a current student of Pasadena. She may bring as her date any of her classmates or any graduate of Pasadena High School. But if Penny has a relationship with a girl or boy at Warner Brothers High School, Penny must decide whether to forego her prom, attend stag, or ask another Pasadena student to go with her.
3. One of Penny's classmates at Pasadena High School is Bernadette. Bernadette is class president, star athlete, 4.0 student, and top blood donor. Bernadette dates Howard, who is a student at Warner Brothers, and is the top scholar and athlete and all-around best person in the world at his school. The Pasadena administrators decide to overlook the Pasadena policy (only Pasadena students may attend Pasadena's prom) and allow Bernadette to bring Howard. Having made an exception for Bernadette and Howard, the Pasadena administrators must make an exception for Penny and all other Pasadena 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 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. What a kid wears does not have to be related to sexual orientation or gender identity.

**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 breaks 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 (see below). If a student shows up to prom and has obvious signs of being under the influence of either alcohol or drugs, then school officials may breathalyze or drug test a student. Absent obvious signs and absent suspicion, you cannot conduct random, suspicionless (without an articulable reason) drug testing as a condition of admission to prom. School who violate will not be protected in a lawsuit.

### Search and Seizure: Top 10 Things to Know

Iowa Code section 808A dictates search and seizure in Iowa schools.

Here are the top 10 things you need to remember:

**1. Reasonable Grounds to Search:** A "school official" may search a student or "protected student area" if: *You have*

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## Legal Lessons continued

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a reason, based upon objective facts, for suspecting that the search will produce evidence that a student has violated or is violating either the law or a school rule or regulation and the search is conducted in a manner which is reasonably related to the objectives of the search and the search is not excessively intrusive in light of the age and gender of the student and the nature of the infraction. This means that you can't search a student based upon reputation alone, nor can you search a student based upon his or her acquaintances, nor can you search any student unless you have facts to reasonably suspect that student of violating a law or a school rule. The search must also be related to the law or rule you suspect the student is violating. For example, if the infraction is possession of a cell phone in class and you have already confiscated the cell phone, there should be no further search. Finally, the search should not be excessively intrusive under the circumstances. For example, asking a high school student to do a strip search to locate a \$100 bill would be excessively intrusive for the age of the student and the nature of the offense. It is strictly prohibited by Iowa law.

**2. School Official:** "School official" means a licensed school employee, and includes unlicensed school employees employed for security or supervision purposes.

**3. Protected Student Area:** "Protected student area" includes, but is not limited to, a student's body, clothing worn or carried by a student, a student's pocketbook, briefcase, duffel bag, book bag, backpack, knapsack, or any other container used by a student for holding or carrying personal belongings of any kind and in the possession or immediate proximity of the student.

**4. No Strip Searches:** A school official shall not conduct a search that involves a strip search or a body cavity search. Chapter 808A does not define "strip search." However, the U.S. Supreme Court has made it clear that a strip search is one that gets down to the layer of clothing that is closest to the skin. *Asking a student to remove or loosen any clothing that touches the student's undergarments is a strip search.*

**5. No Body Cavity Searches:** A school official shall not conduct a search that involves a body cavity search.

**6. No Drug Dogs to Search Students:** A school official shall not use a drug-sniffing animal to search a student's body.

**7. No Opposite Sex Searches:** A school official shall not conduct a search of a student by a school official not of the same sex as the student. If the student is transgender, ask the student to tell you how they identify and have a school official of the identified sex perform the search.

**8. Locker Searches:** School officials may conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the school and provided as a courtesy to a student. Still, schools should provide written notice this may occur at the beginning of the school year. The furnishing of a school locker, desk, or other facility or space owned by the school and provided as a courtesy to a student shall not create a protected student area, and shall not give rise to an expectation of privacy on a student's part with respect to that locker, desk, facility, or space. In *State v. Jones*, 666 N.W.2d 142 (Iowa 2003), the Iowa Supreme Court ruled that students do have a reasonable expectation of privacy with respect to their lockers. Schools cannot rely on 808A regarding random, suspicionless (without an articulable reason) locker searches, but must give students notice before conducting "locker clean-outs."

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## Legal Lessons continued

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**9. Cell Phone Searches:** Do not search the contents of a cell phone – contact law enforcement to search the device. If you happen to observe something on the cell phone screen as you walk by, it's OK because it is in plain view and there is no violation. Just don't start looking through the contents of the phone.

**10. Drug Testing of Students:** A breathalyzer or any other form of a drug test of a student is a search and seizure, and is governed by Iowa Code chapter 808A. A school official may not conduct random, suspicionless (without an articulable reason) drug tests of students; not as a condition of getting into a ballgame, not as a condition of attending a school dance, not for any reason other than the school official has a reasonable suspicion that the student is under the influence of drugs or alcohol.

Here is a link directly to [Iowa Code section 808A](#). If you have questions, you may contact Nicole Proesch at [Nicole.Proesch@iowa.gov](mailto:Nicole.Proesch@iowa.gov) or 515-281-8661 or your district's legal counsel.

### **State Board upholds local board decision on suspension**

In a recent appeal to the State Board of Education, the board upheld the decision of the local school district to suspend a student for the remainder of the 2014-15 school year. The case involved a student who was involved in four separate incidents of vandalism to the school's property. The local board received a recommendation from administration to expel the student but instead opted to suspend the student for the remainder of the school year and serve the student through Four Oaks. The parents appealed on the basis that this was not the preferred educational placement for A.W.

The State Board is required to affirm the decision of the local board unless the local board's decision is "unreasonable and contrary to the best interest of education." *In re Jesse Bachman*, 13 D.o.E. App. Dec. 363 (1996). Thus, the test is *reasonableness*. The Board found that the punishment ordered by the local board was reasonable in light of the circumstances. Thus, the Board upheld the decision of the local board. [Read the full text.](#)  
*In re Suspension of A.W.*, 27 D.o.E. App. Dec. 587 (2015).

### **More guidance from U.S. Department of Education on student privacy**

The U.S. Department of Education's Privacy and Technical Assistance Center (PTAC) has released "Model Terms of Service" Guidance and a video on Protecting Student Privacy While Using Online Educational Services. This guidance addresses privacy issues that may surface as a result of online educational tools that you may be using in your district.

The video is intended to be used as a teacher training tool for k-12 school officials to educate officials on how to better protect student privacy while using these online educational services. This may be a useful tool for school districts to use on professional development days or in-service days.

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## Legal Lessons continued

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[Protecting Student Privacy While Using Online Educational Services: Model Terms of Service](#)

[Protecting Student Privacy While Using Online Educational Services - VIDEO](#)

Other resources are available on PTAC's website at <http://ptac.ed.gov> as well, and you can always reach out to PTAC via email at [privacyta@ed.gov](mailto:privacyta@ed.gov).

### **The Office of Civil Rights Releases Guidance on the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities**

The Office of Civil Rights for the U.S. Department of Education published a fact sheet on March 18 on the risk of measles in schools while still providing civil rights protections to students with disabilities. The fact sheet provides school officials with recommendations and resources from the Centers for Disease Control and Prevention for addressing measles in schools without discriminating against individuals on the basis of disability. OCR also provided a letter from Arne Duncan and a resource sheet for administrators.

[Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities"](#)

[Measles recommendations and resources](#)

[Letter](#)

[Measles Resources Sheet](#)

Additional resources on measles can be found at <http://rems.ed.gov/KeepSchoolsSafeFromDiseases.aspx>.

## State team agrees on how to proceed with science

Members of a state team charged with reviewing Iowa's science standards have agreed that the Next Generation Science Standards will be the basis for their work on a final recommendation to the State Board of Education.

The Next Generation Science Standards is the name of science standards developed by 26 states, including Iowa. Academic standards represent consistent expectations for what students should know and be able to do from kindergarten through high school.

[Read more about the standards.](#)

## Calendar

- April 15 • Board resolution for the budget guarantee due to Department of Management
- April 15 • Copy of ballot question or resolution for new VPPEL (that is not 100% property tax) or ISL to Department of Management
- April 15 • Electronic Budget Certification Date
- April 15 • Budget filed with Control County Auditor

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