



A MONTHLY JOURNAL
FOR IOWA EDUCATORS

School Leader Update

October 2010

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Iowa SAT scores

Iowa students continue to perform well on the SAT, the college entrance exam administered by the College Board.

With three percent of 2010 graduating seniors taking the exam, the SAT is less predominant in Iowa than the ACT test.

Iowa students who take the SAT perform well, however, with the highest composite scores in the nation for reading, math, and writing.

Iowa students posted SAT mean scores of:

- 603 in critical reading (national score 501);
- 613 in math (national score 516);
- 582 in writing (national score 492).

Leaders work to improve education in Iowa

I have looked out my office window a few times this past week to see if Superman was flying over Iowa. As you can imagine.... no sightings.

The new documentary *Waiting for "Superman"* highlights the plight of five students and their families as they wait for lotteries to get into high performing charter schools in low performing districts.



*Kevin Fangman,
Acting Director*

I imagine there is great devastation when some of the children's numbers are not called. I also imagine that those of us who see the movie in the coming months will leave the theater feeling dejected, angry, and helpless for many students in our country.

The release of this film, in addition to the week-long series "Education Nation" on NBC and MSNBC, has placed a laser-like focus on education in this country unlike anything we have seen for quite some time.

In the past week I have talked to and read about Iowa leaders dedicated to improving their schools. I took the following away from the conversations:

- We can't settle for mediocrity.
- Collective inquiry and study are critical.
- Assessing the impact of instructional practices on student learning is essential.
- If something isn't working; retool or move on.
- Engage in frank discussions with school stakeholders and community leaders around student data and needs.
- And, perhaps most important, leadership is a shared responsibility among capable individuals with a diverse set of skills.

These leaders did not have an "S" on their chests, but I have great confidence they will improve the quality of education for students in Iowa.

- Kevin Fangman, Acting Director

NATIONAL BOARD certification deadline

Now that the new school year has begun, many Iowa teachers and counselors are considering candidacy for National Board Certification, the nation's only advanced teacher certification.

Interested candidates must submit their applications to the National Board for Professional Teaching Standards by December 31, 2010.

To qualify for candidacy, educators must hold a bachelor's degree, possess a valid state teaching license, and have completed three full years of teaching or counseling experience.

National Board Certification can offer license portability and can contribute to Continuing Education Units for educators across the state. Please know in Iowa there is no longer a stipend provided for new teachers and applicants.

Today, there are nearly 700 National Board Certified Teachers in the state.

For more information, or to find a mentor that can walk you through the candidacy process, visit www.nbpts.org or call 1-800-22TEACH.

Five Blue Ribbon Schools named in Iowa

In September, five Iowa public schools were identified by the U.S. Department of Education as 2010 No Child Left Behind-Blue Ribbon Schools.

The schools are:

- Bedford Elementary School, Bedford Community School District, Taylor County
- Kee High School, Eastern Allamakee Community School District, Allamakee County
- Lincoln Elementary School, Cedar Falls Community School District, Blackhawk County
- McKinley Elementary School, Muscatine Community School District, Muscatine County
- West Elementary, Knoxville Community School District, Marion County

The award honors public and private elementary, middle, and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement especially among disadvantaged and minority students. Each year since 1982, the U.S.



Department of Education has sought out schools where students attain and maintain high academic goals, including those that beat the odds.

The Blue Ribbon Schools Program honors public and private schools based on one of two criteria: 1) Schools whose students, regardless of backgrounds, are high performing. These are schools ranked among the state's highest performing schools as measured by their performance on state assessments or in the case of private schools, that score at the highest performance level on tests referenced by national norms in at least the most recent year tested; and 2) Schools with at least 40 percent of their students from disadvantaged backgrounds that improve student performance to high levels as measured by the school's performance on state assessments or nationally-normed tests.

The public schools were nominated by the Iowa Department of Education based on 2008-2009 achievement data.

A total of 304 schools across the country were named 2010 Blue Ribbon Schools. A complete list of 2010 No Child Left Behind-Blue Ribbon Schools is available at <http://www.ed.gov/programs/nclbbrs/awards.html>.

SMARTER Assessment Consortium

Iowa is among 31-states that are part of the SMARTER Balanced Assessment Consortium, which was recently awarded a four-year \$160 million Race to the Top assessment grant by the U.S. Department of Education.

With the funding, the consortium will develop a common assessment system aligned with the Common Core. The assessments will not be available until 2014-2016.

The system will include summative exams; optional formative, or benchmark, exams; and a variety of tools, processes, and practices for teachers to use in planning and implementing informal, ongoing assessment. This will assist teachers in understanding what students are and are not learning on a daily basis so they can adjust instruction accordingly.

Currently, Iowa is an advisory state and has not committed to the consortium-developed assessments. Iowa will continue to use the Iowa Testing Program assessments until a determination is made regarding the SMARTER Balanced Assessments.

The test scores will also be able to be used for improved educator accountability and to help identify professional development needs of teachers and principals. Throughout the year, students will have the option to take formative exams, which provide guidance to teachers about instructional milestones. These formative tests and multiple opportunities to take what are traditionally year-end summative exams will move the testing process away from the traditional one-size-fits-all state exams. The goal is for students who score well on specific learning standards earlier in the school year not to be tested on those standards later on an end-of-the-year test because they've already demonstrated proficiency.

For more information on the SMARTER Balanced Assessment Consortium, please contact Kevin Fangman at (515) 281-3436.

Professional development conference

The 2010 Iowa Association for Health, Physical Education, Recreation, and Dance Annual Professional Development Conference will be held on November 19-21, 2010, at the Davenport West High/YMCA complex.

Speakers from 15 states will present over 60 sessions relevant to health educators, physical educators, coaches, and interested classroom teachers and administrators. Visit <http://www.iowaahperd.org> for details or email ed.thomas@iowa.gov for more information.

Health, physical educators, and coaches

The Iowa Department of Education is updating its listserv for health educators, physical educators, and coaches. Regular updates will include grant opportunities, new items, and other relevant information. To join the listserv, go to Join-physicaleducation@lists.ed.iowa.gov and send the email. If you do not receive a confirmation, contact Ed Thomas at 515-281-3933 or ed.thomas@iowa.gov for assistance.

DEADLINES

Reorganization, dissolution, sharing

If a district is considering a reorganization or dissolution and has set the date for a vote, or if a district has begun the public hearing process for entering into a new whole-grade sharing arrangement or to expand a current whole-grade sharing arrangement, please share that status with Joyce Thomsen at 515-242-5612 or joyce.thomsen@iowa.gov.

For a whole-grade sharing arrangement, provide the names of whole-grade sharing partners or potential partners and grade levels. For a reorganization or dissolution, please share the names of the partner or receiving districts and the date of the planned election.

Calendar waivers

New and Continued Innovative Calendar Waivers for the 2011-2012 School Year are due November 1, 2010.

For more information, please contact Del Hoover at 515-281-8402 or del.hoover@iowa.gov.

SPEECH- LANGUAGE pathology online courses

To assist in the recruitment of teachers into the shortage area of Speech-Language Pathology, the University of Iowa, University of Northern Iowa, and St. Ambrose University in conjunction with the Iowa Department of Education are offering the following on-line speech pathology courses:

Spring 2011

Neuroscience - Iowa

Anatomy of Speech - Iowa

Psychology of Language - Iowa

Phonetics - Northern Iowa

Language Acquisition - Northern
Iowa

Summer 2011

Audiology/Aural Rehabilitation -

St. Ambrose University

Phonetics - Northern Iowa

Anatomy Speech - Iowa

More information about the courses can be found by contacting Frank Forcucci at 515-281-3527 or

frank.forcucci@iowa.gov.

Awaiting foster care placement

Under the McKinney Vento Homeless Assistance Act, the term "homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youth who are "awaiting foster care placement."

This same definition has been adopted verbatim by the Iowa State Board of Education in rule.

The Iowa Legislature has incorporated the definition of homeless child or youth in its statutory definition of "resident" student, addressing in which Iowa school district a student may access a tuition-free elementary and secondary education.

Some questions have arisen concerning the meaning of the phrase "awaiting foster care place-

ment." Pursuant to its authority to interpret education law, the Iowa Department of Education is issuing this Memorandum to provide its definition of "awaiting foster care placement."

We, at the Department, are mindful at the outset that words matter. The phrase in the law is "awaiting foster care placement," *not* "foster care placement." The drafters of the law draw a distinction between children and youth who are in foster care and those who are awaiting such placement. Accordingly, we first emphasize that children and youth who have already been placed in foster care are not considered homeless; children and youth who are awaiting foster care placement are considered homeless. We are also mindful of the breadth and variety of potential placements and settings that are encompassed in the term "foster care." We turn now to interpreting the phrase "awaiting foster care placement."

For purposes of the McKinney Vento Homeless Assistance Act, the Iowa Department of Education's guidance is that children and youth in a temporary placement reasonably anticipated to be less than two weeks to one month in duration are "awaiting foster care," and, therefore, are considered to be homeless.

This gives appropriate weight to each word in the governing statutory text.

Local school officials are encouraged to continue to consult with their district liaison for homeless children and youth as well as their local department of human services personnel.

We are mindful that mid-year school changes can be especially disruptive to a child's education, but each situation must be examined on its own facts. For the reasons explained herein, we cannot accept a "one size fits all" rule for mid-year school changes. Likewise, when other situations arise with circumstances not clearly cov-



Bureau of Accreditation and Improvement Services

Please note the table below that lists the Bureau of Accreditation and Improvement Services consultants and their responsibilities. If you have questions, please contact: Del Hoover, Deputy Administrator, Bureau of Accreditation and Improvement Services, at 515-281-8402 del.hoover@iowa.gov.

Consultant	Contact Information	Assignments
Holly Barnes	Holly.barnes@iowa.gov 515-242-6173	<ul style="list-style-type: none"> Monitors and provides technical assistance for AEA 1 Annual Progress Report (APR) Assistance
Janet Boyd	Janet.boyd@iowa.gov 515-281-3198	<ul style="list-style-type: none"> Monitors and provides technical assistance for Green Hills AEA Charter School Monitoring
Barb Byrd	Barbara.byrd@iowa.gov 515-281-5001	<ul style="list-style-type: none"> Monitors and provides technical assistance for GP & AEA 9 Whole grade sharing contact Feasibilities Studies Coordinator (school district reorganization and whole grade sharing)
Elizabeth Calhoun	Elizabeth.calhoun@iowa.gov 515-281-8170	<ul style="list-style-type: none"> Monitors and provides technical assistance for NW & AEA 8 Competent Private Instruction (CPI, i.e., home schooling) contact
Margaret Jensen Connet	Margaret.jensenconnet@iowa.gov 515-281-3769	<ul style="list-style-type: none"> Monitors and provides Equity/MCGF technical assistance for all AEAs Coordinates LEA focused equity site visits Coordinates AEA focused equity site visits
Vacant	Vacant	<ul style="list-style-type: none"> Senior Year Plus assistance AEA Accreditation AEA Reorganization AEA Technical Assistance
Wilma Gajdel	Wilma.gajdel@iowa.gov 515-281-5332	<ul style="list-style-type: none"> Monitors and provides technical assistance for AEA 267 Open enrollment consultant Exempt School Assistance
Brandie Gean	Brandie.gean@iowa.gov 515-281-4726	<ul style="list-style-type: none"> Monitors and provides technical assistance for AEA 10 Comprehensive School Improvement Plan (CSIP) Assistance
Julie Melcher	Julie.melcher@iowa.gov 515-281-6293	<ul style="list-style-type: none"> Monitors and provides technical assistance for AEA 11 Non-public School Accreditation Specially Accredited Schools

Open enrollment partial-year billing correction

Information regarding partial-year billing for open enrollment provided in the September *School Leader Update* was incorrect. Please refer to the following accurate information concerning partial-year billing:

17.10(6) Partial-year situations. In the event that the pupil who is under open enrollment withdraws from school, moves into the district of attendance, moves out of state, moves to another district in the state of Iowa and elects to attend that district, graduates at midyear, is allowed to return to the district of residence during the school year, or other similar set of circumstances that result in the pupil no longer attending in the receiving district, payment of cost per pupil will be prorated.

Partial-year situations cover both permanent and temporary terminations of open enrollment status as described in subrule 17.8(10). Proration is based on the number of days served within the quarter being prorated. For example, if a student is sent to a PMIC facility for 20 of the 45 days in that quarter, the resident district would pay the school district in which the PMIC facility is located tuition (not Open Enrollment tuition) for 20 days on a per diem basis and will pay the OE receiving district for the remaining 25 days in the quarter on a per diem basis. For an annual OE tuition of \$5,768, assuming 180 days in session, the resident district would normally pay \$1,442 per quarter on a regular education open enrollment out full-time student. In the case of our example, the resident district would pay \$801 in OE tuition to the OE receiving district for that quarter. The amount paid to the PMIC district would depend on the resident district's district cost per pupil (DCPP).

On late transfers that occur after the official count date (October 1), the resident district does not pay tuition, special education weightings, limited English proficient weightings, concurrent enrollment supplementary weightings, or transportation assistance for students that open enroll after count date. In other words, the resident district cannot be billed by the open enrollment receiving district for any costs related to students that open enroll after count date.

For additional information contact Wilma Gajdel at 515-281-5332 or wilma.gajdel@iowa.gov.

Transfer in Iowa web portal assists transfer students

Iowa's Regent universities and community colleges have joined to create a web portal dedicated to assisting students with the transfer process. The site serves as a one-stop resource for students planning their future. The url for the site is www.transferiniowa.org.

Each year, thousands of students transfer from Iowa community colleges to one of the state's three public universities. Transferring from one college to the next can be a big step, but need not be complicated. The website contains resources helpful in educational planning as well as information for students to discuss with their counselor or advisor.

The number one question transfer students ask is — "How will my credits transfer?" Students can learn about how their community college courses transfer to each of the three state public universities

by following the links on the website. The website contains resources explaining statewide articulation agreements and individual program-to-program articulation agreements by community college. These resources are useful for students planning to transfer as well as counselors and advisors. In addition to online resources, it's always a good idea for students to discuss their plans with both a community college and university counselor or adviser. Contact information for the office or person responsible for transfer and articulation at each postsecondary institution is available on the site.

School districts should communicate information about the articulation website to all elementary and secondary school students interested in or potentially interested in attending a community college or Regent university.





FIRE PREVENTION week is October 3-9

“Smoke Alarms: A Sound You Can Live With!” is the official theme for Fire Prevention Week (FPW), October 3-9, 2010.

This year's campaign is designed to educate people about the importance of smoke alarms and encourages everyone to take the steps necessary to update and maintain their home smoke alarm protection.

More information can be found at <http://www.nfpa.org/categoryList.asp?categoryID=2017&URL=Safety%20Information/Fire%20Prevention%20Week%202010&cookie%5Ftest=1>.

Information is also from the Iowa State Fire Marshall at <http://www.dps.state.ia.us/fm/inspection/awareness.shtml>.

In addition, the Iowa Department of Natural Resources (DNR) has fire prevention information at <http://www.iowadnr.gov/forestry/fire.html>.

Smoke Detector Project for all students

During Fire Prevention Week, October 3-9, 2010, the Iowa State Fire Marshall will formally announce the “100 Years – 100%” campaign. This activity, in partnership with the Iowa Department of Education, seeks to check for and install at least two working smoke

detectors in the homes of Iowa school children grades K-6 by the end of the calendar year 2011.



Iowa State Fire Marshal
SMOKE DETECTOR PROJECT
“Smoke Detectors Save Lives”

Here are some steps you can take to potentially help save the life of a child in your school district.

- Go to the home page of the State Fire Marshal Division at <http://www.dps.state.ia.us/fm/index.shtml>.
- Click on Smoke Detector Project link for the forms. Download the Survey Instrument, and review prior to Parent-Teacher conferences.
- Discuss any questions with local fire department personnel.
- Administer the survey instrument during the Parent-Teacher conferences.
- Collect the completed survey instruments, and then coordinate with your local fire department to get them returned to the Fire Service Training Bureau.

Beginning this fall during Parent-Teacher conferences, we are asking for your assistance in gathering information related to the need for smoke detectors. This can be accomplished using a simple survey instrument. Provide this survey instrument to the parents, and then collect them.

This is the first step in this major undertaking. Local fire departments will be working with their school districts to collect these survey instruments, and to provide support and encouragement.

The Fire Service Training Bureau, a unit within the State Fire Marshal's office, will tabulate the need for smoke detectors, and coordinate the purchase and delivery of these life saving devices. Once these smoke detectors are delivered to local fire departments, the firefighters will start contacting parents to set up installation times.

We are encouraging fire departments to work with local civic groups to assist with this endeavor. Firefighters are also being encouraged to provide valuable fire prevention messages during this installation.

We hope you will be joining our team as we place this major effort into action.

For more information, please contact Randal E. Novak, Project Manager, Fire Service Training Bureau (888-469-2374 or novak@dps.state.ia.us) or Gary Schwartz, Finance, Facilities and Operations Services, Iowa Department of Education (515-281-4743 or gary.schwartz@iowa.gov).

Teach Chinese culture through teacher exchange program

The Iowa Department of Education, US Education Without Borders, and the Beijing Oriental International Education Consulting Service Company are providing Iowa school districts the opportunity to offer the teaching of the Mandarin dialect and Chinese culture to their students.

Through a teacher exchange program Chinese teachers spend at least a year in an Iowa middle or high school. The local school district hires the visiting teacher in accordance with all other local policies in terms of salary scale, licensure, and local system requirements.

In addition, Iowa teachers interested in teaching English in the People's Republic of China are encouraged to explore opportunities through the exchange program. Positions are currently available in Shijianzhuan, a sister city of Des Moines, located in Hebei province, a sister province with Iowa.

Districts interested in acquiring a Chinese teacher or Iowa teachers interested in teaching in China may contact cheryl.mullenbach@iowa.gov.

Student Health and Nutrition

Funds used for October/November commodity deliveries

All schools that are in the NSLP (National School Lunch Program) and receive commodity foods will get a break on their second (11B) commodity delivery this 2010-11 school year.

Extra state nutrition funds have allowed the state to help schools with transportation and storage costs for the 11B commodity deliveries.

The amount of \$246,020.46 will be used to help schools defray some of the above mentioned costs. This will vary for each school and will amount to about \$2.25 per case based on the type of storage the commodity was stored under (ex: dry, refrigerated, frozen).

This savings to schools will be a onetime occurrence and will be reflected on the second (11B) commodity warehouse release bill delivered by Keck, Inc. The second (11B) commodity delivery for this school year will start sometime during the week of October 11 and finish around November 12.

For more information, please contact Dean Flaws at dean.flaws@iowa.gov or 515-281-4032.

Free and reduced eligibility verification

Verification is confirmation of eligibility for free and reduced price meals under the National School Lunch Program and School Breakfast Program. Local education agencies (LEAs) must annually verify eligibility of children from a sample of household applications on file on October 1, 2010. The U.S. Department of Agriculture (USDA) requires that a sample of an exact size be selected. For more details on the verification process, including sample size selection, refer to the presentation on the Bureau of Nutrition, Health and Transportation website at http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=1836:iowa-eligibility-application-direct-certification-hawk-i-and-verification-overview-training&catid=440:nutrition-program-learning-tools&Itemid=446. Contact your area consultant for assistance or Jaci Yetmar at 515-281-4758 or jaci.yetmar@iowa.gov.

Unduplicated counts are based on the last operating day in October. The count is reported on the October claim for reimbursement. The directions for taking this count are on the Child Nutrition Program (CNP) 2000 Form Download section. This count is different from the certified enrollment count report due mid-October. Contact your area consultant for assistance or Patti Harding at 515-281-4754 patti.harding@iowa.gov.

Early Childhood Preschool Programs

Enrollment count for SWVPP to generate funding

An eligible child enrolled in the Statewide Voluntary Preschool Program (SWVPP) will be counted and generate 0.6 funding for one district only. *If multiple districts report data for a child, the child will be included in the enrollment count of the district of residence only. The non-resident district will not receive funding for the child.*

For example, a family resides and enrolls their child in the morning SWVPP preschool at School District 1 and also enrolls the same child in the afternoon SWVPP preschool at School District 2; the child will *only* be counted in the district of residence (School District 1). In this example, if the family chooses more access to quality preschool for their child in another district, they have the option to pay tuition for the child's afternoon preschool programming at the School District 2.

Since the School District 2 does not receive SWVPP funding for the child and charges tuition, the district is not considered to be supplanting state funding, because the district (School District 2) will not receive SWVPP state funding for this child.

Districts are encouraged to communicate this message so families are aware that children will not be funded in multiple districts by SWVPP funds. Other available resources of funding may be suggested such as state (Shared Visions or School Ready funds of local Early Childhood Iowa [Empowerment]), federal (Head Start, Early Head Start, or Even Start) or local (scholarships, reduced fees, sliding fee) preschool options .



Preschool data reporting requirements

The Iowa Department of Education (DE) is currently analyzing 2010-2011 data submitted by all Statewide Voluntary Preschool Program (SWVPP) districts via the Early Childhood Application. This information is submitted through the DE Reporting Site or EdInfo by September 15th of each year.

Data provided by districts through this venue addresses assurances delineated in Chapter 16 such as appropriately licensed teacher, a minimum of 10 hours of instruction, collaboration with partners, integration of other preschools and professional development.

Also included in this reporting is confirmation of Head Start Program Performance Standards and National Association for the Education of Young Children Standards and Criteria Accreditation for districts following these two standards. Guidance about reporting can be found on the Data Reporting Requirements webinar and script posted on the http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=940&Itemid=1279.

Preschool grant award for 2010-2011

Data submitted to the Iowa Department of Education (DE) through EASIER and the Early Childhood Application on September 15, 2010, will determine the funding for the new 2010-2011 Preschool Grant Awardees. Newly awarded districts may receive funding based on the number of eligible children enrolled in the Statewide Voluntary Preschool Program (SWVPP) up to 37% of their kindergarten enrollment from 2009.

Agreements between the DE and newly awarded SWVPP districts will be generated and sent to the district superintendent after the DE has analyzed the data. The agreements must be returned to the DE with signatures from the district superintendent, board president and business manager. Following the receipt of signed agreements, the DE will issue checks to the district for one-half Preschool Grant Award. The second and final allocation will be sent in January.

PARENT POWER

Studies of successful schools report that parent involvement is a major factor in their outcomes, including closing the achievement gap between various groups of students.

The publication, Parent Power, provides useful information to parents on how to make education a priority and a legacy for their family.

By adopting the principles explained in the book and taking the steps indicated for each age group, parents will be able to help their child learn at each step of the way and ensure success in school and in life.

The U.S. Department of Education's new publication, Parent Power, is available at the following link: <http://www2.ed.gov/parents/academic/help/parentpower/booklet.pdf>.

Early Childhood Preschool Programs

Preschool program standards webinar

A webinar providing an overview of the Iowa Quality Preschool Program Standards and the verification process will be presented on October 29, 2010 from 1:00 pm to 2:30 pm. Information about accessing the live webinar was emailed to superintendents and contacts for newly awarded districts. A recording and script of this webinar will be placed on the Statewide Voluntary Preschool Program website approximately 10 working days after the original airing. This webinar was originally scheduled for September 24, 2010.

To join the meeting go to <http://iowaec.na4.acrobat.com/r96274269/>.

If you have not attended a Connect Pro meeting before, test your connection by going to http://iowaec.na4.acrobat.com/common/help/en/support/meeting_test.htm.

To get a quick overview go to http://www.adobe.com/go/connectpro_overview

For additional information about the Statewide Voluntary Preschool Program or the Iowa Quality Preschool Program Standards, contact Judy Russell (515-281-4705 or judy.russell@iowa.gov) or Penny Milburn (515-281-7844 or penny.milburn@iowa.gov).

Data and Reporting

Fall data collection reminder

Due to the additional surge or spike in usage during the fall collection period, the Iowa Department of Education has implemented a plan to only make available certain applications during October 5th through October 20th.

All other reports and/or applications will not be accessible during this time period, but will reopen after October 20th.

The applications that will remain open are:

- Project EASIER Fall 2010
- PEACE (Project EASIER And Certified Enrollment)
- Certified Supplementary Weighting
- Certified Enrollment/Nonpublic
- Commodities
- Direct Free Lunch Certification
- State ID
- Security
- Title 1
- CSIP Addendum



Legal Lessons

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

FERPA, student assault, and rules

FERPA Notice

Has your district sent the annual FERPA notice to parents? Here's a link to the notice (remember to customize it): <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html>.

Keep in mind that the information designated as "directory information" can vary from school to school. A district may choose to include little or even *nothing* as directory information for its elementary schools, but a district does need to be more expansive in what it designates at the high school level in order to publish such things as sports rosters, music group rosters, etc.

Liability for Student Assault during Interscholastic Athletic Contest

Remember the old joke about going to a fight and a hockey game breaking out? Ah, but there's nothing funny about it when a student intentionally assaults another student in the heat of a sports competition. And sometimes schools end up in court. Case in point:

In a 2004 boys high school basketball game, Student A from District A strikes Student B from School B in the head with his elbow. Student A is whistled for a technical and ejected from the game. About 18 months later, Student B and his family sue Student A and District A, claiming that District A knew that Student A was an aggressive player and failed to take adequate steps to prevent injury to Student B. Trial court found District A to not be liable. Student A appealed. (The court ordered Student A personally to pay \$23,000 damages to Student B and his family, but this item is limited to the school's liability.) The Iowa Court of Appeals agreed that School A was not at fault. Further appeal was filed with the Iowa Supreme Court.

On September 10, 2010, the Supreme Court agreed that School A is not responsible for the injuries to Student B. But the Court stated that a school could be held liable under the following circumstances:

- If a coach encourages his/her players to injure an opposing team's player(s);
- If the immediate circumstances (including any past history between the players) alert the coach that misconduct is foreseeable;
- If the general character of the player alerts the coach that misconduct is foreseeable.

These are all questions of fact. Schools will not be held responsible for actions of their students that are unforeseeable and that arise suddenly. But if school officials (including coaches) *increase* the chance of another person being injured by exhorting bad behavior or ignoring bad behavior, the school will be held responsible for the consequences. Better to bench a kid to give him/her time to cool down rather than risk harm to others and a nasty headline. Here is a link to the case:

http://www.iowacourts.gov/supreme_court/recent_opinions/20100910/index.asp.

Administrative Rules Update

At its September 16, 2010 meeting, the State Board of Education voted to give public notice of its intent to amend the following chapters of administrative rules:

17, Open Enrollment

This is a clarification in the very narrow area of supplementary weighting for open enrolled-in students who take concurrent enrollment courses

36, Interscholastic Athletics

Clarifies the "all-star" rule, and exempts from the rule any senior in a sport whose season is over

Increases amount allowed under the awards rule to \$50 (currently \$25)

36, Interscholastic Athletics (continued)

Clarifies that appeals from the scholarship rule ("pass all" rule) are not to be filed with either the IHSAA or IGHSAA (whether a failing grade is appropriate is solely within the jurisdiction of the school to determine)

Removes the requirement that cooperative sharing program teams compete only under the name of the host school

Legal Lessons continued

41, Special Education

Clarifies that enforcement actions taken by the DE are mandatory, not permissive

44, School Buses

Requiring tow hooks on buses of 14,501 pounds or greater; this is a technical correction to a rule that inadvertently stated that two hooks were required on buses of 14,500 pounds or greater (it'll make sense to your transportation people)

103, Corporal Punishment and Physical Restraint

Any allegation made under this chapter that also falls under chapter 102 (allegations of abuse of a student by a school staff member or volunteer) must also be investigated by the Level One investigator

The summaries above are not intended to be exhaustive. Full information may be found on the DE's Website at http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=75&Itemid=2349.

Appeal Decisions from State Board

Also at its September meeting, the State Board issued final decisions in two building closing appeals. In both cases, the action of the local school board in closing an elementary school were upheld by the State Board. These were the first appeals of their type since "the Barker rules" (formerly codified at 281—IAC chapter 19) were held to be void by the Iowa Supreme Court in *Wallace v. Iowa State Board of Education*, 770 N.W.2d 344 (Iowa 2009). The Court went on to state that the proper review is now for "abuse of discretion."

Under this standard of review, parents who file an appeal must show that the local board's decision was completely lacking in rationality. As long as substantial, credible reasons existed to justify closing the building, it does not matter that the local board did not come to the *best* decision. The State Board simply does not have authority to substitute its judgment for that of the local board.

Thus, the decisions made by the Prairie Valley and Newton CSD boards were upheld. Summaries of these decisions appear on the DE's Website at http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=2033&catid=831&Itemid=2474.

Students and Schools and Custody Disputes

A federal district court in Iowa has ruled that a school district did not violate a non-custodial parent's rights by refusing to allow her access to her children during school hours. When the parents, whose three children are in an Iowa school district, divorced, joint legal custody was awarded, with primary physical custody and care to the father, subject to the mother's visitation rights.

A general schedule of visitation was provided for in the order specifying times when the mother could exercise her visitation rights during select holidays and school breaks. The order provided for additional visitation only "as mutually agreed to by and between the parties so as not to interfere with the health, education, and welfare of the parties' minor children."

After the mother was denied access to her children while in school on several occasions, the school's attorney advised school administrators as follows: "(1) pursuant to the divorce decree, if [mom] wished to exercise visitation rights beyond the vacation and holiday schedule set forth in the decree, such visitation must be mutually agreed to by [dad]; and (2) if [mom] showed up at school unannounced, [dad] would need to be contacted and agree to the visitation before [mom] could see the children."

The mother was informed of the schools' policy to require the father's consent to any visitation sought by her during school hours. Both parents wisely were encouraged by the district to "determine what are mutually agreeable visitation periods" and to "advise the school to the extent the visitation is to occur during the school day." The mother then sued the district.

The federal district court found that the school attorney's advice to the school administrators was not unreasonable, and granted summary judgment in favor of the district. Other key items to note are as follows:

Not even custodial parents can come to school at any time or for any reason.

There is a vast difference between access to the student and access to information about the student. Even a noncustodial parent with restricted (or no) visitation rights has rights under FERPA to access to the educational records of his/her child.

PIO changes at DE

Elaine Watkins-Miller is leaving the Iowa Department of Education to work for the West Des Moines Community Schools. Her last day is Friday, October 1.

Until a permanent replacement is selected, Special Assistant to the Director's Office Phil Roeder will assume the Public Information Officer duties.

He may be reached starting October 4 at 515-281-5651 or phil.roeder@iowa.gov.

Calendar

- October 1 • Board Resolutions to Study Reorganization Due
- October 1 • Whole Grade Sharing Count Date for First Semester Tuition
- October 15 • EASIER/Certified Enrollment Certification Deadline
- October 15 • LEA and AEA Supplementary Weighting Due
- October 15 • Nonpublic Certified Enrollment Count Due
- October 15 • Nonpublic Textbook Services Request
- October 15 • Notification by district to SBRC of incurring negative unspent balance due
- October 29 • EASIER/Certified Inter-District Resolution Deadline
- November 1 • Innovative Calendar Waiver Application (New and Continued)
- November 1 • School Board Officers Report
- November 1 • Special education Student Weighting Calculated
- November 1 • Whole Grade Share—last day for public notice of board intent

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

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