



REPORT

Judge issues injunctions against SF 496

As you might have heard by now, District Judge Stephen H. Locher, United States District Court for the Southern District of Iowa, entered preliminary injunctions, in part, against the Iowa Department of Education and other defendants relating to **SF 496**.

Under the Court's December 29, 2023, order, "Defendants are hereby ENJOINED from enforcing or acting in furtherance of the provisions of Senate File 496 that: (i) require the removal of books from school libraries that are not "age-appropriate"; and (ii) prohibit any "program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six."

However, the "Court DENIES IN PART the Motion for Preliminary Injunction filed by the GLBT Youth Plaintiffs as it relates to the provision of Senate File 496 that requires school districts to notify parents if a student requests an accommodation relating to gender identity. This provision of the law remains in effect and fully enforceable."

As such, at present, SF 496's book ban language and K-6 program and survey language, as it relates to gender identity and sexual orientation, are not enforceable. This does not impact other survey language requirements in SF 496, such as restrictions on other forms of surveys, but instead is specific to K-6 surveys and instruction relating to gender identity and sexual orientation. As noted by the Court, SF 496's requirement to notify parents concerning student requests for an accommodation relating to gender identity ARE STILL IN EFFECT.

SAI encourages you to work with your district's legal counsel on next steps relating to SF 496.



'It's been SAId: Conversations on Leadership' podcast

Join Executive Director Lisa Remy as she talks with Government Relations Director Dave Daughton.

- In this episode, Dave shares
- Why education advocacy is important
 - How administrators can effectively communicate the needs of their schools to policymakers and legislators
 - Key strategies for building community support and involvement in advocating for public education
 - Advice on how administrators should interact with elected officials and encouragement for those who may feel hesitant or unsure about engaging in political advocacy due to the complexities or potential ramifications

Listen now or subscribe.



School Law Conference

Thurs., Feb. 15, 9 a.m. to 3 p.m. virtual event

Join Iowa's leading education law attorneys as they cover these timely and relevant legal topics.

Behavior Issues and Legal Implications - Administrators and other educators are struggling with extreme behaviors from both general ed and special ed students. This session will cover processes and legal implications regarding a wide range of student discipline issues. Not only will the impact of federal and administrative law be covered, but we will also touch on many areas of new Iowa legislation from the last few legislative sessions (e.g., room clears, parental notification, threats/violence, escalating discipline policies, etc.).

Federal Laws (Fair Labor Standards Act, IDEA, Title VI of the Civil Rights Act, Title IX, Title I, etc.) and Compliance - Educators may inadvertently discriminate against both employees and students if they aren't educated about key portions of federal law. This can trigger DOJ and OCR involvement. School law attorneys will discuss some of the most common areas of federal law which impact our schools and provide practical recommendations for school administrators to navigate these laws and ensure compliance.

Open Enrollment, Residency and Transportation - New open enrollment laws are causing issues like denial of enrollment, lack of disclosure on IEPs, and questions about district duties relating to transportation. During this segment, school law attorneys will also discuss student residency and enrollment, as well as cover common questions surrounding student guardianship, foster care, and homelessness.

Administrator Contracts and Termination - School law attorneys will provide useful information on probationary vs. non-probationary contracts, administrator evaluations, contracts, termination proceedings, BoEE complaints, and common administrator disciplinary issues. Participants will also receive practical guidance concerning a wide variety of administrator employment issues.

Register today! Please note that all participants are required to register.

SAI Officers

President

Jason Toenges, secondary principal
Union Community School District
j_toenges@union.k12.ia.us

President-elect

Joe Stutting, superintendent
North Scott Community School District
joe.stutting@north-scott.k12.ia.us

Vice President

Jennifer Schutte, elementary principal
Postville Community School District
jschutte@postville.k12.ia.us

Past President

Dan Butler, superintendent
Western Dubuque Community School District
dan.butler@wdbqschools.org

SAI Representative Council

Listed at sai-iowa.org/representative-council.cfm

National Representatives

AASA Governing Board Members

Chris Coffelt, superintendent
Central Decatur & Lamoni CSDs
chris.coffelt@centraldecatur.org

Trevor Miller, superintendent
IKM-Manning & Exira-EHK CSDs
tmiller@ikm-manning.k12.ia.us

Joe Stutting (SAI president-elect, see above)

NAESP State Rep.

Rick Varney, elementary principal
Decorah Community School District
rick.varney@decorah.k12.ia.us

NASSP State Coordinator

Cindy Barwick, middle school principal
Sheldon Community School District
cbarwick@sheldon.k12.ia.us

SAI Staff

Administrative Assistant

Megan Mertes
mmertes@sai-iowa.org

Communications Director

Tracy Harms
tharms@sai-iowa.org

Executive Director

Dr. Lisa Remy
lremy@sai-iowa.org

Finance Director

Debbie Wrenn
dwrenn@sai-iowa.org

Government Relations Director

Dave Daughton
ddaughton@sai-iowa.org

Legal Services Director

Matt Carver, J.D.
mcarver@sai-iowa.org

Professional Learning Director

Dr. Dana Schon
dschon@sai-iowa.org

Program Coordinator

Amy Swanson
aswanson@sai-iowa.org

School Administrators of Iowa

12199 Stratford Drive, Clive, IA 50325-8146
515-267-1115

sai-iowa.org | Follow SAI on X - @sai_iowa



Advocacy and collaboration

The 2024 legislative session will soon necessitate the dedicated attention of education lobbyists and administrators alike. As a superintendent, advocacy was an integral part of my responsibilities. Cultivating relationships with local and state legislators was of the greatest importance in ensuring our district's educational needs received proper consideration. As you have heard SAI Government Relations Director Dave Daughton say many times, relationships are key to any effective advocacy effort. I actively invited legislators into my district and schools, sharing our priorities, offering insights into our requirements, and illustrating the impact of their decisions on our educational institutions.

Quickly I realized the importance of engaging others, like parents, community members and business leaders in advocacy efforts. Why should we seek collaboration with the business community? The answer lies in the mutual benefits and opportunities that arise from such partnerships. Businesses and educational institutions share a reciprocal relationship, and fostering these connections can yield significant advantages for all involved parties — most importantly, our students.

These partnerships extend beyond the classroom, strengthening ties within our communities. Businesses often serve as a vital link between schools and the local community, fostering a sense of shared

responsibility for education and creating opportunities for community involvement in our educational initiatives. David Schuler, AASA executive director, stated in the December *School Administrator*, "Advocacy is a collective responsibility, and a thriving school district leverages the energy, insights, and experiences of its entire community. Relationships are at the heart of any advocacy effort."

Included in SAI's legislative priorities is advocacy for fully funding preschool education. Recognizing this as a joint effort among several educational organizations, we deemed it essential to involve the business community in this conversation. While the focus isn't

solely on childcare, acknowledging that schooling impacts the childcare challenges prevalent in our communities prompted us to take action. Facilitating a meeting with the leadership of the Greater Des Moines Partnership, alongside IASB Executive Director D.T. Magee, allowed us to present our case for fully funding preschool. Our emphasis on how this investment could affect their members was met with a robust conversation. I'm pleased to share that the Greater Des Moines Partnership has included support for blended early learning and increased funding for the Statewide Voluntary Preschool Program as part of its 2024 education priorities. This serves as one example showcasing the invaluable collaboration between schools and the business community in the advocacy realm.

I have had several conversations over the past few months with administrators about how they involve their communities in the advocacy process. There is not a single right answer. Remember to engage in conversations, educate, and invite policymakers into your schools.

SAI's legislative priorities are available on [our website](#). I encourage you to participate in the legislative process whether that is through emails, attending forums, visiting the capitol or whatever strategy works best for you. Our voices can help shape education policy in our state.

"Advocacy is a collective responsibility, and a thriving school district leverages the energy, insights, and experiences of its entire community. Relationships are at the heart of any advocacy effort."

**- AASA Executive Director
David Schuler**

Additional resources



"It's been SAId" podcast with tips from Gov. Relations Director Dave Daughton



AASA's **December School Administrator** issue on federal and state advocacy

In Brief



December Executive Committee highlights

- District Meetings held this fall;
- Membership numbers and review of financials;
- Annual Conference planning and professional learning opportunities;
- Three individuals have expressed interest in the vice president position;
- Open rates for *SAI Report*, *Marshall Memo* and *The Main Idea*.
- Uptick in calls related to vaping;
- IPERS investment performance calculations and outperforming benchmark returns by .15%;
- Legislative networking opportunities; and
- Learning component using Cy Wakeman's *No Ego*.

In Memoriam

Jerry Kjergaard - former asst. superintendent, Sioux City (12-20-23)

Tom Narak - retired West Des Moines superintendent and former SAI Government Relations Director (12-18-23)



Seeking Annual Conference presenters

Planning for SAI Conference 2024 is well underway! A significant part of the conference experience is the

Promising Practices series through which we spotlight success stories and lessons learned in local districts across Iowa. Once again, we are calling for proposals for Promising Practices. We invite you to take a moment to reflect on what's going well, what lessons you've learned, and what would be of value to your colleagues. Then, we ask you to consider sharing your leadership with colleagues through a conference session! Learn more about the process through these [Submission Guidelines](#) and plan to submit a [proposal](#) by January 31, 2024!

Legislative notes

from Dave Daughton, government relations director ✉

Welcome back! We hope you and your staff (and students!) got some much-needed relaxation and recharging time.

January 8 is the first scheduled day of the session. Usually, the first week is pretty slow as far as legislation, with multiple ceremonies and speeches, including the Governor's Condition of the State speech on Tuesday night. We are hoping to get more information regarding her proposals for education before then, but we shall see. The session is scheduled to be completed by April 16, but that is always up in the air. You can access the [complete calendar](#) online.

The Revenue Estimating Conference met in December and adjusted its projections for FY24 and 25. The adjustments to projected state revenues are minimal and are affected by the tax cuts from the last session. We don't know for sure what the total impact will be, but stay tuned. If you want to look at the exact numbers, you can go to [REC Projections](#).

Also, a number of thoughts have been floated regarding the AEAs, most recently in a couple of newspapers with information from the Governor's office. We are hopeful that there will be a conversation about ways to adjust or improve services, and not just "changes."

Take a look at the [SAI Legislative Priorities](#) and review some of what we will be promoting. I would also urge you to review the results of the [Staff Shortage Survey](#) and use that data to help with your advocacy. Both of these documents are available on the SAI website as well.

A reminder that SAI is co-hosting the "Day on the Hill" on February 13 in collaboration with IASB and the AEAs. We have designed learning sessions for educators as well as 20 school district displays/presentations for legislators to view. Find more information and register at [bit.ly/24doth](#).

I am very hopeful that we can have a productive and positive legislative session, and I know that is my priority. Let me know if I can assist you in any way. My email is ddaughton@sai-iowa.org. Have a great new year!

Calendar of events

January

- 17 - SAI Heartland District Meeting
- 23 - Masterminds Group begins - Equity Focus - virtual
- 25 - Masterminds Group begins - topics based on interest and need - virtual
- 25 & 26 - Executive Leaders
- 30 - Day on the Hill Pre-Training: Three Things to Know - virtual

February

- 1 - SAI Mississippi Bend District Meeting
- 7 - Day on the Hill Pre-Training: State of the Budget - virtual
- 12 & 13 - Day on the Hill events
- 15 - School Law Conference - virtual
- 28 & 29 - Four Essential Roles of Leadership® with Evaluator Approval in Avoca

Register and find more information at bit.ly/SAIevents

Iowa Dept. of Ed. deadlines

Use this link to access critical due dates: bit.ly/DEdeadlines

sai REPORT

The *SAI Report* is published for association members and select community and business leaders by School Administrators of Iowa. The views expressed in the *SAI Report* do not necessarily reflect SAI opinion nor does acceptance of advertising imply SAI endorsement.

Your comments and suggestions are welcomed.

Tracy J. Harms, editor



Balancing individual rights and school authority

My youngest son, Rockne, was born three days before I started working at SAI in February 2006. He will be graduating from high school this year, and it just hit me that Rockne is significantly closer in age to many of you than you are to me. Ouch. Wait a second, my oldest grandchild is 2 and some of you are as young as 25 or 26. I am turning 52 this month. Let's just move along. What got me on this subject anyway? Oh yes, a new year. While you consider how aged your association's attorney is getting, why don't we move on to the purpose of this column: how to use scales to balance between individual rights and school authority.

While these decision-making scales may be used in many different contexts, it has been my experience that they are perhaps most useful when administrators are deciding whether they have the authority to perform a student search or what information they should share with parents.

Let's start by considering some scenarios and how you might use scales to determine whether to search students.

STUDENT SEARCHES

Scenario 1 – Your school receives an anonymous online tip from an individual claiming to be a student in another district who shares that her former boyfriend, Trevor, a student in your high school, carries vapes to school, as do his friends, Tanner and Jordan. You do not know the name of this tipster and are unable to question her. On one side of the balancing scale, we have the privacy rights of Trevor, Tanner and Jordan. On the other side of the scale is the potential harm if you do not perform the search. As you likely know by now the legal standard for performing student searches is reasonable suspicion. Does the school have reasonable grounds to suspect that the student possesses something that violates school policy or the law?

Back to the scale. An anonymous tip, allegedly from a student who knows your students, with the possibility of students possessing vapes. Maybe the individual is right, but there just isn't much weight on this side of the scale. Anyone could send such a tip at any time, and the alleged activity, while a violation of state law and school policy, isn't particularly dangerous on any given day. In this scenario, school administrators should remember that they always may ask students whether they possess an item. "Trevor, why did I receive a tip that you have vapes on you today? Do you?" Now, whether you follow through with the questions or not, I would encourage administrators to inform the students and their parents/guardians that they received such a tip online, so the parents/guardians may have a conversation with their student. I wouldn't just sit on the anonymous information, whether it is vaping, drinking or any other illegal activity or medical situation that might be harmful to the student's health and well-being.

Scenario 1A – Same type of anonymous tip as in Scenario 1, except this time the individual alleges that Trevor carries a firearm with him to school.

As you might have guessed, even though the tip is still anonymous, the weight on the side of the scale which considers potential harm to the student and others is now significantly heavier. If I received such a call from an administrator, I would recommend moving ahead with a search and involve law enforcement to assist if they are nearby. The potential harm is just too great if the school takes no action, and the invasion of Trevor's privacy (e.g., looking in bags, lockers, coats, etc.) is relatively minor. Of course, parents/guardians should again be contacted. Albeit, after the search.

Scenario 1B – Let's complicate things a bit. The same type of anonymous tip as in Scenario 1, except instead of a vape or firearm, the alleged possession is cocaine or even a prescription narcotic.

This one is not quite as obvious as the firearm scenario; however, we still need to consider the potential harm if the student possesses cocaine or a prescription narcotic. In this scenario, if the student possesses such potentially harmful drugs it is a reasonable concern that the student or other students in your school could overdose, and the consequences of such an overdose are quite severe. Considering these significant consequences, the scale again tips to the side of preventing this significant harm and performing the search.

Getting the hang of this?

STUDENT CONFIDENTIALITY

As with student searches, school administrators will benefit greatly by pulling out the mental scale when making decisions regarding student confidentiality. This is especially helpful in determining when you may share the identity of a student with another student's parents and guardians, as well as situations in which a student has confided information with the staff and they are determining whether they have a duty to share that information with parents/guardians. We will look at each from multiple angles.

Before tackling a few scenarios, it will help to better understand a few pertinent sections from the Family Educational Rights Privacy Act (FERPA).

34 Code of Federal Regulations § 99.31 Under what conditions is prior consent not required to disclose information?

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by if the disclosure meets one or more of the following conditions:

...

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in § 99.36 (see next page).

(12) The disclosure is to the parent of a student who is not an eligible student or to the student. ["eligible student" is a student at least 18 years old]

34 CFR § 99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

This article is intended only as a reference in regard to the subject matter covered. It is furnished with the understanding that SAI is not engaged in rendering legal advice. If a legal opinion is desired, private legal counsel should be consulted.

...
(c) In making a determination under this section, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.

Note that educators may not only share confidential information in student records with parents but with any party, if "there is an articulable and significant threat to the health or safety of a student or other individuals." (34 CFR §99.36(c)) A significant threat is one in which substantial bodily injury might occur. Under federal law, "substantial bodily injury" means deep cuts and serious burns or abrasions; short-term or nonobvious disfigurement; fractured or dislocated bones, or torn members of the body; significant physical pain; illness; short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or any other significant injury to the body.

So, let's move on to some scenarios.

Scenario 1 – Katie, one of the parents of Ella, a 2nd grade student in your building, contacts the administration and alleges that Trisha, another 2nd grade student, has been bullying Ella and pushed her off of the swing at recess. In this scenario, would you be able to share Ella's identity with Trisha's parents when you contact them about bullying? Unless Ella's provide approval, or you find some reciprocal behavior on Ella's part, my answer would be no. In addition to considering the above information from FERPA, you should balance Ella's privacy rights on one side with the potential of harm to Trisha on the other side of the scale. No information has been provided that might lead one to reasonably believe that school administrators owe a duty of care to Trisha that would call for you to share Ella's identity. The scale leans heavily on the side of Ella's confidentiality in this situation.

Scenario 1a – Same as scenario 1, except that Katie alleges that Trisha inappropriately touched Ella's genitals during recess. As it likely will not come as a surprise to veteran elementary school principals, I have sadly received dozens of calls regarding such situations over the years. So, should school administrators share Ella's identity when they contact Trisha's parents about this allegation? This is where the scale is again of assistance. In this situation, the potential harm to one or both students is far more significant in this scenario and tips the scales to the side of disclosing Ella's identity. Of course, I would communicate with Katie the need to share such information, as a result of the seriousness of the alleged behavior. Some of the factors I would consider include: the possibility that both students were behaving in a sexual manner, which is difficult to determine with such young students; the potential for Ella's parents to be upset at the other student and lash out at that student or their parents; and, the need for Trisha's parents to know so they might ensure these two students are adequately supervised when together outside of school.

Scenario 2 – Emma, an 8th grader in your building has confided with one of your school counselors that she is afraid she is pregnant and may also have a sexually transmitted disease. The counselor has approached you, the building principal, and lets you know that they are struggling with whether to tell the parents. In this situation, the scale relates to student confidentiality and privacy on one side and the right of parents to have information and protect their child on the other. While one can appreciate the counselor wishing to maintain confidentiality, the potential physical and mental harm to the student from an STD or pregnancy is too great in this situation to keep this information from parents. I would encourage school officials to come alongside this student and assist with communicating this information to the parents/guardians. Another layer to protecting the student relates to who might have gotten Emma pregnant or passed along an STD. It would not be a surprise if Emma lied to the counselor about who that individual might be or kept that information private. The parents/guardians might have a better idea of who has been around Emma, and will better be able to protect her with this important information. Finally, in this scenario, it is common for educators to worry in this situation if Emma will face abuse if the information is shared. If educators have definitive information that one or both parents are abusing Emma, then that information should be reported to DHS. Otherwise, the counselor and/or principal might ask questions to ensure Emma feels safe and again remind her that they are happy to be part of the communication process, as well as provide support as needed after the communication.

Well, I thought this would be a short column, so much for that. I hope using these mental scales helps as you make decisions and that all of you have a great 2024.



Find a penny...

When I am out and about, I don't hesitate to pick up coins others have dropped or lost in parking lots and other spaces. Recently, I have spied several pennies, all in the company of at least one of my children. My daughter expressed disgust at my willingness to touch a penny that had clearly been run over several times in the parking lot and "who knows what else." I told her it gave added purpose to my carrying hand sanitizer. My son questioned why I would exert the effort for something with no value. I explained to him that not only did the penny have value (one cent is one cent), it was also a source of good luck; he remained unconvinced. Their responses gave me pause. Was I trying to persuade them? Did I believe what I was telling them? Being judged by these two caused me to question not only my "coin commitment" but also the nature of perspective and the application of both to leadership.

When it comes to picking up coins, I realized I've always done so. The rhyme still plays in my head each time I reach for that copper disc — "Find a penny, pick it up. All day long, you'll have good luck!" Whether it was a lesson learned in childhood (every penny counts) or something else, I don't recall. I simply haven't ever given it much thought until now. It's been an automatic behavior of mine for many years, but why do I keep doing it? The same might be asked of other "pennies" in our leadership practice. When it comes to routine leadership behaviors, why do we continue them?

I am aware of experiencing a bit of a rush any time I see a coin, like a small victory because I've scored something of value — no matter how small. I am also flooded with memories—walking across the school parking lot after a softball/baseball doubleheader with our kids when they were very young and their joy at spying multiple "money spills" to add to their piggy banks or hearing my dad describe the uniqueness of the year of a particular dime he found that day. I realized I have an emotional attachment to the experience, which keeps me on the lookout each time I'm out and about.

The same is true for leadership. What emotional experiences are embedded in our leadership practices that cause us to continue them? For example, do our memories of past discipline practices and our experience with them keep us repeating them? Have we stopped to examine whether such behaviors continue to serve our goals?

Though picking up dropped change has been shared in our family, the values and memories I bring to the experience differ from my kids. In the age of tap-and-go payments and Venmo, coins themselves don't have the same shine they did a decade or more ago. And the reality is that a penny, or even a handful of pennies, doesn't go very far. Absent fond memories like mine, the value of the change alone is insufficient to cause them to act when they see unclaimed coins.

In terms of my leadership, where am I assuming a shared experience means common values and memories? When staff push back or resist taking action, we might seek to understand their values, memories, and any emotional experience they have related to the practice and note the differences from our experience. Returning to the discipline example, consider how our staff perceive our discipline approach and what values and memories influence their perception? How can an awareness of their emotional experiences associated with a practice help inform our leadership so that we can come together in service of students?

I appreciated this purposeful pause because occasionally we need to inventory our habits and routine behaviors to determine if they are adding value to our lives. The start of a new year is a particularly convenient time to reflect intentionally. What "pennies" are you still picking up that benefit you? Which ones no longer serve you? What other "coins" might you consider to help you be more efficient and impactful? Additionally, what other perspectives would be helpful to consider as you reflect on your behaviors and their impact?

Though I appreciate my kids' perspective, I've decided I will continue to keep glancing down as I make my way across parking lots and along sidewalks in the event a coin or two is waiting for me. Happy New Year!

Masterminds: Two groups begin in January

Join a community of school leaders committed to their own growth and development. Through the SAI Masterminds experience, you will engage in study of relevant and timely content; challenge each other's thinking; discuss and address individual participant's questions, situations, and ideas; and celebrate each other's successes. Check out the two different opportunities below that begin this month. To promote discussion and build community, group sizes are limited to 15, so register soon!



Masterminds Group with an Equity Focus

Through this SAI Masterminds experience, you will engage in a study of the book *Fix Injustice not Kids and Other Principles for Transformative Equity Leadership* (a 2023 publication by Paul Gorski and Katy Swalwell), challenge each other's thinking; discuss and address individual participant's questions, situations, and ideas; and celebrate each other's successes. This Masterminds Group meets virtually from 4-5 p.m. on the following six dates: 1/23, 2/6, 2/20, 3/5, 3/19, 4/2. **Register**

Masterminds Group Based on Participant Interest and Need

Possible session topics for this SAI Masterminds experience may include the following (the group will determine topics based on interest and need):

- leading schools in a Volatile, Uncertain, Complex, and Ambiguous time
- change - a new process for transforming our schools
- supporting teachers with burnout
- prioritization
- creative transformative gatherings
- AI