



Missouri Association of Rural Education

Spring 2010

“23 years of Service to Missouri Rural Schools”

Our goal is to work in cooperation with all other education organization, but our programs and effort will be designed to meet the specific needs of schools in rural Missouri.

Please copy and share this newsletter with board members and other school staff.

Ray V. Patrick
Executive Director
201 South Holden Street
Suite 202
Warrensburg, MO 64093
Phone (660) 747-8050
Fax (660) 747-8160
rpatrick@moare.com
Website: www.moare.com

MARE Calendar 2009-2010

May 3, 2010
Board Meeting
Jefferson City
10:00 a.m.

July 31, 2010
Board Meeting
Resort at Port Arrowhead

Oct 4, 2010
Board Meeting
Jefferson City
10:00 a.m.

Dec 6, 2010
Board Meeting
Jefferson City
10:00 a.m.

Executive Director's Report

Ray V. Patrick, EdD

Congratulations are in order to the MARE membership and the MARE Board of Directors for another outstanding year that the MARE organization is completing. Membership stands at an all time high of 383 school districts, 14 individuals, and 61 associates. As I complete my tenth year as the executive director, I want to especially thank the executive board for their leadership and support each have provided to the organization.

Another school year is almost in the record books, and what a challenge it has been as districts continue to struggle with funding issues and the implementation of new programs as the federal government continues to increase their role in the daily activities. MARE became one of the co-sponsors, at the national level, of the Formula Fairness Campaign. Two questions are asked when considering the importance of this campaign. Is the education of a disadvantaged child in an urban school worth more than the education of a disadvantaged child in a rural school? Should a disadvantaged child in a wealthy suburb count more in a federal funding formula than a disadvantaged child in a high-poverty rural community? To learn more about these formula injustices, go to www.formulafairness.com.

The 2010 MARE Conference was once again a great success. The general session speakers and breakout presenters were outstanding. There was only a slight drop in the attendance, and after reviewing some of the challenges of putting a conference together, the executive board has approved adjustments to the 2011 conference. Conference activities will begin on Thursday afternoon **February 24** and conclude before noon on Saturday **February 26**. This will allow some flexibility on program offerings as well as working around local district activities. Once again the Resort of Port Arrowhead will be the conference hotel.

I want to extend a special invitation for your attendance at the National Rural Education Association Convention. The 2010 convention will be held at the Chateau on the Lake in Branson, Missouri. The dates for this convention are **October 15-17**. This will be a great opportunity to learn about some of the techniques and successes that colleagues from across America use in their rural school districts, and even have a good time while you are there.

On behalf of the MARE Executive Board, we want to thank you for your continued support of the MARE Association. To those that are retiring at the end of this school year, we wish you the best. To those that may be changing positions/locations, we offer congratulations. We want you to know that MARE will continue to work to recognize the needs and concerns unique to rural education. **MARE is US – working together.** Have a great summer!

Missouri Association of Rural Education

Officers and Board of Directors 2009-2010

Officers

- President Austin Sutton
- Vice President: Vicki Sandberg
- Secretary Philip C. Dorth
- Treasurer Mary Lue Potthast

Regional Board Members

- Region A: Vicki Sandberg (Stockton R-I)
- Region B: Michael Brown (Grandview R-II)
- Region C: Tim Crawley (Taneyville R-II)
- Region D: Eric Cooley (Stoutland R-II)
- Region E: James 'Butch' Williams (Delta C-7)
- Region F: Mary Beth Scherer (Concordia R-II)
- Region G: Kevin Sandlin (Doniphan R-I)
- Region H: Larry Flanagan (Elsberry R-II)
- Region I: John Brinkley (Linn Co. R-I)
- Region J: Jim Shultz (North Andrew R-IV)

School Board Representatives

- John Poston (North St. Francois Co. R-I)
- Austin Sutton (Taneyville R-II)

Higher Education/K-8 School Representatives

- (Position open)
- Chris Welch (K-8 Assn.)

Advisory Members

- Larry J. Hart (L.J. Hart & Company)
- Kristi Smalley (MO Distance Learning)

Executive

- Ray V. Patrick Executive Director
- Geanine Bloch Assistant Director
- Philip Dorth Associate Director

MARE Board Training Schedule

Location	Date	Time(s)
Dexter R-XI	April 29, 2010	6:00 p.m. - 10:00 p.m.
1031 Brown Pilot Lane	April 30, 2010	6:00 p.m. - 10:00 p.m.
Dexter MO	May 1, 2010	8:00 a.m.-4:00 p.m.
El Dorado R-II	June 3, 2010	6:00 p.m. - 10:00 p.m.
901 South Grand Ave	June 4, 2010	6:00 p.m. - 10:00 p.m.
El Dorado Springs, MO	June 5, 2010	8:00 a.m.-4:00 p.m.
Shelby Co. R-IV	May 25, 2010	6:00 p.m. - 10:00 p.m.
4154 Hwy 36	June 1, 2010	6:00 p.m. - 10:00 p.m.
Shelbina, MO	June 8, 2010	6:00 p.m. - 10:00 p.m.
	June 15, 2010	6:00 p.m. - 10:00 p.m.
Princeton	May 27, 2010	6:00 p.m.-10:00 p.m.
1008 E. Coleman	June 3, 2010	6:00 p.m.-10:00 p.m.
Princeton, MO 64673	June 10, 2010	6:00 p.m.-10:00 p.m.
	June 17, 2010	6:00 p.m.-10:00 p.m.
Lake Ozark	July 30, 2010	8:15 a.m. - 4:15 p.m.
Resort at Port Arrowhead	July 31, 2010	8:15 a.m. - 4:15 p.m.

(Reminder) Certificates are issued following completion of 16 hours of board training with the board trainers. Video instruction for certification, no longer an option.

Let FTJ Simplify Your Life

**403(b) and 457 Plan Administration
and Compliance Services**

HELP

We Make It Easy by Providing:

- The Plan Document
- Information Sharing Agreements
- Enrollment Forms
- Common Remitting (Optional)
- Coordination Among Vendors
- Education for Employees
- IRS Code Compliance
- Complete Third-Party Administration

For More Information Please Contact:

Terence O'Malley
Director of 403(b) Administration & Compliance
816-968-0612 tomalley@ftj.com



Forrest T. Jones & Co., Inc
3130 Broadway, Kansas City, MO 64111

Arming Your District Against OCR:**Proactive Measures Your District Can Take Now***By: Alefia E. Mithaiwala**Thomas A. Mickes**Mickes Goldman O'Toole, LLC*

On February 1, 2010, Mickes Goldman O'Toole celebrated its two year anniversary. And in the past two years alone, the firm's special education department has handled approximately sixty OCR complaints against districts across the state of Missouri, each alleging discrimination on the basis of disability. In addition, the firm continues to handle numerous OCR complaints with respect to other protected classes, including race and gender.

The substance of the disability related complaints has run the gamut, from a parent's allegation of disability discrimination because the district in question refused to continue its daily practice of microwaving frozen pizza for her son, to the more typical allegations of failure to implement a student's Individualized Education Program ("IEP") or Section 504 Plan, or failure to identify and/or evaluate a student under the Individuals with Disabilities Education Act ("IDEA") and/or Section 504 of the Rehabilitation Act of 1973 ("Section 504").

The majority of the disability related OCR complaints filed against the firm's school district clients have resulted in "insufficient findings", which is essentially OCR's way of stating that the district in question did nothing wrong. Still, a significant number of the complaints have unfortunately resulted in negative findings. In those instances, the district in question is asked to sign a "Resolution Agreement" to remedy the deficiencies. OCR has also recently begun offering "302 Agreements" in which the District may affirmatively request a resolution agreement prior to the conclusion of OCR's investigation.

In almost every Resolution Agreement or 302 Agreement this firm has been involved with, OCR has requested that the district change some aspect of an existing policy or procedure, make assurances that the district will actually *follow* its written policy and/or procedure, and/or train its staff regarding the policy and procedure.

The difference between policy and procedure (also called "regulation") is often confused by school district patrons and even school district staff. Such confusion can cause difficulty when responding to an OCR complaint or attempting to close an OCR complaint via a Resolution Agreement. A policy should represent a general statement of a school board's position regarding a specific issue. Policies

(Continued on page 8)

**MICKES GOLDMAN
O'TOOLE, LLC**
ATTORNEYS AT LAW

**Proudly Serving Missouri School Districts
with Experienced Education Attorneys**

555 Maryville University Dr., Suite 240
St. Louis, MO 63141
Phone: 314.878.5600
Fax: 314.878.5607

221 West Lexington, Suite 114
Independence, MO 64050
Phone: 816.874.8000
Fax: 816.874.8925

Toll Free: 1.866.287.8678

www.mickesgoldman.com

Hard Times – Saving Money and Managing Personnel

by

Celynda L. Brasher

Tueth, Keeney, Cooper, Mohan, & Jackstadt, P.C.

What can school districts do to save money and what rules apply when the savings involve personnel decisions? These questions have echoed through administrative offices and board of education meeting rooms across Missouri over the past several months. By the time this article appears, the April 15th deadline for non-renewing probationary teachers will have passed. Additionally, many districts will have finalized agreements with employee bargaining groups or salary and welfare committees. However, there are some basic principles that will assist school districts in preparing for the 2010-2011 school year and thereafter. These principles are discussed below.

Non-renewals for financial reasons – Generally, probationary teachers who are non-renewed are entitled to a statement of reasons only if requested by the teacher. However, if a probationary teacher is non-renewed due to the financial condition of the district, a decrease in pupil enrollment, or the reorganization of the district, the notice of non-renewal must state which of these three reasons apply. Nevertheless, a probationary teacher who has been non-renewed for one of these three reasons is not entitled to be recalled if, for example, financial conditions improve or enrollment increases. This provides the district with a greater degree of flexibility in meeting district needs than when an employee has been placed on an unrequested leave of absence during the term of a contract.

Unrequested leaves of absence – Boards of education may place teachers on unrequested leaves of absence (or RIF) during the term of the teacher's contract due to the financial condition of the district, a decrease in pupil enrollment, or the reorganization of the district. This applies to tenured teachers and probationary teachers; however, for probationary teachers, the term "unrequested leave of absence" or "RIF" applies only if the loss of employment occurs before a contract expires. The terms do not apply if the probationary teacher has been non-renewed. This is an important distinction because, as noted above, probationary teachers who have been non-renewed for the three reasons listed above do not have recall rights. However, teachers who have been placed on unrequested leaves of absence have recall rights for a period of three years after the unrequested leave of absence begins. Therefore, it is important to non-renew probationary teachers, rather than placing them on unrequested leave of absence, when possible.

Additionally, tenured and probationary teachers who are placed on unrequested leaves of absence are entitled to a certain level of due process. Probationary teachers who are non-renewed are not entitled to appear before the Board, and hearings regarding non-renewals should not be granted. However, teachers who have been selected for unrequested leaves of absence are entitled to receive the following: (1) a written statement of the basis for the decision to place the teacher on a leave of absence; (2) a description of the manner in which the decision was reached; (3) the information relied on by the decision-makers; and (4) an opportunity to respond before an impartial board.

Finally, although the governing statute uses the term "teacher," at least one federal court interpreting Missouri law has found that it also permits school districts to place other employees who are under contract on unrequested leaves of absence for the three reasons that apply to teachers. This would include non-certificated profession employee, support staff directors, and others under contract. However, this issue can be avoided in substantial part by not using contracts for non-certificated employees.

Contingency language for contracts – One of the most difficult issues facing school districts is trying to establish compensation for the next school year in the face of uncertain funding. Many districts simply increase employee compensation during a school year, if additional moneys are received. Some districts even make the increase retroactive to the beginning of the school year. However, few districts are aware that the Missouri Constitution prohibits increasing a public employee's salary during the term of an employment contract once the contract has been signed by the parties and performed in whole or in part – unless the employee is required to perform new or additional duties. This means that during uncertain times, school districts must take a conservative approach to setting salaries for contract employees before the new school year begins and that school districts are not really free to increase salaries for employees under contract if financial conditions improve.

Of course, many school districts have improperly increased employee compensation without adverse result, but there is always the possibility that a school district will be held accountable for practices that do not comply with the law. Additionally, school districts can often resolve this problem in one of two ways. The district can make final decisions regarding compensation on or before June 30 of each year, and reissue contracts with the final amount designated in the new contracts. In the alternative, school boards can adopt contingency language that is attached to the contracts or incorporated by board resolution.

Contingency language

To comply with state constitutional requirements, contingency language must identify a financial event that will occur by a date certain, which if it occurs, will result in an objectively identifiable increase in compensation to the contract employee. All of the terms must be readily capable of identification and understanding at the time the language is adopted. It is a simple formula: If A financial event occurs by B date, then C (employee compensation) will increase in a specific manner. For example, a school district could adopt language similar to the following: If fund balances are at 20% or greater on August 15, 2010, the Board of Education may vote, in its judgment and at its sole discretion, to increase the base on the teachers' salary schedule by \$500.00.

It is important to note that the suggested language is completely objective – anyone could walk in off the street and be able to determine whether the criteria have been met. At the same time, the language is permissive – not mandatory. The Board still has the discretion not to increase compensation. This is important, because other financial conditions could mandate that an increase in compensation not be given. For example, if

(Continued on page 5)

(Continued from page 4)

fund balances were increased by a one-time payment from the government or a judgment in favor of the district that could not sustain a permanent increase in overall compensation, the Board should be able to protect the financial integrity of the district.

Adopting salary schedules and revising school calendars

Of course, the more common financial problem during hard times is the need to freeze – or perhaps even to reduce – compensation established in accordance with salary schedules. Missouri law permits school boards to establish the salary schedule applicable to all teachers in the district and to determine the length of the school year, so long as these decisions are made on or before May 15th for the next school year. However, once these decisions have been made, they must be communicated in writing to the teachers within thirty (30) days after the decision was made. This means that – absent a binding collective bargaining agreement to the contrary – a board of education may freeze or even reduce the salary schedule so long as the proper notice is given.

Consistent with this law, a board would also have the authority to reduce the number of contract days for the school calendar and reduce salaries commensurately – or the board could even increase the number of contract days and retain the same salary schedule. Of course, with collective bargaining, all of this may be subject to discussion with employee groups. However, as discussed more fully below, the board retains the legal authority to make final decisions regarding salaries and the length of the school calendar, unless it has been surrendered through negotiations. When considering these options concerning the calendar and salary schedule, it is important to remember that (1) any action taken must be stated in clear, unequivocal language, and (2) one or more board policies pertaining to movement on the salary schedule may have to be suspended for a specific period of time if salaries are frozen or reduced.

Early separation incentive plans – These plans are sometimes adopted to encourage teachers at the financial top of the salary schedule to separate from school districts. The financial benefit to a school district should be evaluated carefully before such plans are adopted. Additionally, they must be written carefully to avoid violation of the law. For example, a plan may be offered for one year only – which is advisable if a plan is adopted. However, if the plan will continue over several years, employees cannot be required to accept it in their first year of eligibility or thereafter become permanently ineligible. Additionally, benefits may not decrease if an employee does not participate in the plan during the first year of eligibility for a multi-year plan. Such requirements would be inconsistent with the Age Discrimination in Employment Act.

Early separation incentive plans may take a variety of forms. However, it is recommended that payments made pursuant to the plan be made in return for the execution of a separation agreement that releases all existing and potential claims the employee may have against the district and its directors, officers, administrators, and other employees. When such agreements are used, the employees must be able to review the plan and separation agreement for at least forty-five days before the deadline for signing the agreement, and the agreement must be carefully written to comply with the law. Therefore, an early separation incentive plan should be adopted only after careful consideration and with appropriate preparation.

Negotiations and other promises made – Perhaps the most important financial and personnel management decisions affecting the future of individual school districts will be made in the context of employee negotiations, whether formal or informal. Because there has been no legislation to establish the parameters for teacher negotiations, school districts must follow the guidance established in the Independence case. Districts must also remember that the Public Sector Labor Law as it applies to non-certificated employees is still good law. The most important principles regarding public employee negotiations apply equally to certificated and non-certificated employees. Specifically, school districts are required to negotiate with public employees if requested. However, the districts may accept, reject, or modify any proposal. School boards are not required to agree to anything. Additionally, public employees may not strike or engage in other forms of work stoppage. Therefore, although most school districts will reach agreement on at least some conditions of employment, they are not required to agree to any proposals, whether in whole or in part, that would compromise the financial integrity of the school district. There may be increased pressure to accede to specific requests from employees despite or even because of the current economic situation, and the competition among employee bargaining groups may exacerbate that pressure. However, it is important to remember that school districts retain a great deal of flexibility under the law to address financial problems. That flexibility should not be eviscerated during the negotiations process.

Conclusion

The current economic situation has created complex financial and personnel problems for school districts. The options above offer some potential solutions; however, this discussion is necessarily limited in scope. Additionally, any option adopted must be implemented in strict compliance with the law. Therefore, school districts should discuss these issues with their attorneys before making final decisions.

Celynda L. Brasher is a founding shareholder of Tueth, Keeney, Cooper, Mohan & Jackstadt, P.C. She has practiced school and employment law for nineteen years. She has a B.A. in History from Drury University, a B.S. in Nursing from Saint Louis University; and a Juris Doctorate, also from Saint Louis University. She was a public school teacher for eleven years before entering the practice of law.

Mo. Rev. Stat. § 168.126

Mo. Rev. Stat. § 168.124

Fast v. School District of the City of Ladue, 543 F.Supp. 785 (E.D. Mo. 1982).

Mo. Const. Art. III, 39(3).

Barry v. Blue Springs R-IV School District, 557 F. Supp. 249 (W.D. Mo. 1983).

Mo. Rev. Stat. § 168.110.

Independence-National Educ. Association v. Independence School District, 223 S.W.3d 131 (Mo. 2007).

Mo. Rev. Stat. § 105.500 – 105.530.

Ten Legal Tips for Support Staff Employment

By Duane Martin, *Guin Martin & Mundorf, LLC*

The employment relationship between Missouri public school districts and support staff employees presents many legal issues that must be carefully considered. In the current financial times, it is important for administrators and boards of education to review policies, procedures, practices and employment documents to ensure that the relationship with support staff employees is legally appropriate and that the board has retained the flexibility to make employment decisions that are in the best interests of the district's students. The following issues are among the legal issues that should be considered:

Appoint, Do Not Contract

Schools are not required by law to contract with support staff employees. If the Board contracts with support staff employees, it creates a property interest in the job under the Constitution and other legal obligations as provided in the language of the contract. Because the employee may have a property interest in continued employment, the employee will have greater procedural rights if the district decides to terminate the employee or change the terms of the employment. Contracts may substantially limit a district's flexibility in reducing the workforce if necessitated by changing economic conditions. If the Board feels that support staff members must be provided contracts, such contracts should be drafted carefully to provide for district-friendly termination clauses and to retain flexibility for reducing support staff as necessary.

Review Board Policies and Regulations regarding Reductions in Force of Support Staff Members

Many school districts have policies, procedures, or regulations for reductions in force of support staff members. These policies and procedures/regulations often include employee rights for recall and reinstatement of benefits upon return from the involuntary leave of absence. For example, MCE Regulation 4741 provides that "[s]upport staff placed on unrequested leave of absence because of a reduction in force (RIF) shall receive consideration for other District jobs for which they qualify," and "[d]uring the leave period the employee shall retain his/her seniority and accumulated sick leave for consideration and use upon recall." If support staff positions are reduced, the district should make clear to an employee whether their employment is being terminated or if they are being placed on an involuntary leave of absence pursuant to RIF policies. The Board should generally choose termination instead of a reduction in force. The terminated employee can still be reemployed but does not have the procedural rights that accompany a RIF.

Carefully Consider Salary Schedules

Although not legally required, some school districts adopt annual salary schedules for support staff members. Such schedules can be a valuable tool for ensuring pay equity among staff members. They can also lead to an expectation of entitlement and that pay increases are not tied to merit in performance.

GUIN MARTIN MUNDORF
LLC

Attorneys at Law

Kansas City St. Louis Collinsville, IL

Introducing a law firm
dedicated exclusively to the representation of
public school districts.

Contact:
Duane Martin or Shellie Guin

Kansas City Office:
9237 Ward Parkway, Ste. 240
Kansas City, MO 64114
816.333.1700
Fax 816.886.3860
www.gmmschoollaw.com

The choice of a lawyer is an important decision and should not be based
solely upon advertisements.

(Continued on page 7)

Continued from page 6)

Adopt Sound Hiring Process

For most school districts, the hiring process for support staff members is not as well-defined as it is for certificated staff members. Each district should ensure that appropriate background checks are performed on all employees. Applications for employment should include detailed questions regarding criminal history and provide a release permitting the disclosure of employment information to and from former and future employers.

Adopt and Follow System of Evaluation

School districts are not required by law to adopt a system of evaluation for support staff members but it is legally advisable to do so. Most board policies require evaluation of performance of support staff members periodically, usually on an annual basis. Employment decisions should be based on well-documented evaluation of performance to provide a sound defense to legal challenges.

Do Not Appoint Support Staff Members to Extra Duties

Typically, support staff members such as secretaries, bookkeepers, custodians, bus drivers, cooks and aides are non-exempt employees who are subject to overtime or compensatory time. If these employees are given extra duty assignments, the time spent performing extra duties must be accounted for in determining the hours worked by the employee for purposes of overtime or compensatory time. Given the potential costs associated with such an arrangement, it is generally advisable not to assign extra duties to full-time support staff personnel.

Remember, Not All Certificated Staff Members Are “Teachers”

It is important to remember that certificated personnel are not necessarily “teachers” under the Teacher Tenure Act and should not be treated as such. Staff members who hold positions that are not regularly required to be certified under laws relating to the certification of teachers are support staff members. For example, staff members in the Parents as Teachers program, or preschool teachers in programs where fees are charged, are not “teachers” under the Act. As such, staff members in these positions need not be issued a teacher’s contract and do not accumulate tenure.

Develop Updated and Accurate Job Descriptions

Accurate and up to date job descriptions for support staff members are critical. Job descriptions can be essential in making legally defensible hiring and firing decisions. They are used to determine essential functions of the job

under the Americans with Disabilities Act (ADA), fitness for duty determinations and Fair Labor Standards Act (FLSA) compliance. Job descriptions should be reviewed at least annually to ensure they are up to date and accurately describe the essential functions of the job.

Establish Comprehensive Training Program and Handbooks

Support staff members often do not receive appropriate training regarding district policies and procedures or handbook information. School districts are legally required to annually train all employees, not just certificated staff, in a variety of areas. Furthermore, support staff members often do not receive staff handbooks that are applicable to them. Districts need to consider establishing a comprehensive training program and handbooks for support staff employees.

Understand the Termination Process

The termination process for support staff members is commonly misunderstood. If support staff members have contracts, they are entitled to due process prior to termination of their employment. Under some board policies, only the Board can make the decision to terminate an employee and the Superintendent may only recommend termination. Prior to exiting an employee, the District must understand the termination process required by law and Board policy for that particular employee.

Custodial Workshops

Sponsored by MARE, Presented by New System

These workshops are being conducted in different regions throughout the state of Missouri to facilitate participation by any public school district. During the two day workshops a custodian can learn the basics of school cleaning, brush up on new techniques or learn the latest on “Green Cleaning” to utilize modern technologies in the cleaning industry.

Host School	Training Dates
Maryville R-II	June 3 & 4
Hayti R-II	June 22 & 23
New Franklin R-I	July 6 & 7

More information and registration form are available on MARE’s website: www.moare.com.

Continued from page 3)

should be board approved. In contrast, this firm strongly recommends that procedures **should not be** board approved. This approach allows school districts the flexibility to modify their procedures on an as-needed basis, and often in response to a quickly changing area of school law.

Another issue that has arisen lately is that districts have multiple policies and procedures that address the same issue, but are internally inconsistent. For example, many districts are utilizing a private company's written Section 504 Procedures. Some of those same districts are also using policies and procedures drafted by one of several policy service agencies. The firm has discovered that, at times, the set of 504 procedures may be inconsistent or incompatible with the applicable policy and/or procedure issued by a policy service agency.

Also, OCR has regularly required districts to modify their Notice of Non-Discrimination and post the notice in more prominent locations, such as student and personnel handbooks and district websites. OCR has a Sample Notice posted on its website at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. The firm encourages school districts to utilize the Sample Notice without variation and review posting sites to ensure that the notice is clearly visible and accessible.

In summary, school districts should take the following proactive measures now, in order to put the district in the best possible position if an OCR complaint *is* filed. Taking the following proactive measures may even prevent some complaints from ever reaching OCR's door.

Annually review your district's policies and procedures to check for the following:

Are my policies and procedures consistent with relevant law?

Are my policies and procedures internally consistent?

Can my district's administrators live with these policies and procedures and do they work for *my* district?

Make sure that the policies and procedures your district utilizes are implemented as written. Too often the firm has seen school districts have a specific policy or procedure "on the books" but, in practice, the districts' administrators do things differently from what the policies or procedures dictate. To this end, staff must be trained on existing policies and procedures and informed when changes are made.

Ensure that your Notice of Non-Discrimination is consistent with OCR's sample notice and that your notice is posted in prominent locations.



Missouri Rural Water Association

You're in charge of your rural school's water supply. The state sent you a letter telling you the bacti samples from your school's water supply weren't taken last month and you need to do public notification.

You know about MAP testing but what the heck's a Bacti Sample?

MRWA can provide you with on-site help...at no charge!

MRWA offers on-site technical assistance to schools on water and wastewater problems at no charge via grant monies from USDA. We also offer:

- DNR Water and Wastewater Certification Hours
- Water leak detection and wastewater troubleshooting
- Training events throughout the state for your water and wastewater system operator
- Acceptance of DNR training vouchers



1-800-232-MRWA (6792) — www.moruralwater.org

Outstanding Rural Board Member
Randy Hatcher
Green City R-I School District

Randy Hatcher has spent the last twenty-two years serving his community and school district as a School Board Member working to improve and support the Green City R-I School District. During his tenure on the board, Mr. Hatcher has been recognized for his outstanding leadership abilities by his peers, by being elected to serve as the board president for twelve of those years.



The words "a true advocate for kids and education as a whole," best describe the dedication that Mr.

Hatcher has provided to not only his many years on the board of education but to the district and community as a whole. During Randy's tenure on the board he has played a significant role in improvements made to the Green City school facilities. He promoted the passage of a school levy to add a new addition to the current school grounds, as well as most recently, a complete, modern renovation of the older high school building. During his time on the board, the district has been able to add top of the line computer labs, a K-12 media center, a vocational agriculture program and an at-risk program.

As a board member one sometimes has to make decisions that are not all that favorable. When listening to appeals of students, families, or faculty regarding poor decisions and/or misfortunes, he is fair, sympathetic, and never condescending or judgmental. Mr. Hatcher always makes his decisions based on what is best for children. He expects and believes in the Green City district and has high expectations for all.

Randy Hatcher has always represented the community of Green City, as a Board of Education member with integrity. He has true pride in the community and the school district always setting high expectations and asking the question, "How will this choice impact student learning?" making him deserving of the honor as Missouri's Outstanding Rural Board Member for 2010.

Outstanding Rural School District
Richland R-I School District
Essex, Missouri

Richland R-I School District "Home of the Rebels," is a small, rural district located in Stoddard County in Southeast Missouri. The school district is comprised of two communities, Gray Ridge and Essex, which had a combined population of 1,761 people in the 2000 census. The two communities and schools are nestled between huge fields belonging to several large farming enterprises, many owned or managed by families of Richland students. The major farm crop, in addition to the farming enterprises, is cotton. Activities at the schools and local churches provide the nucleus for community life in the area. The current student enrollment, for grades K-12, is approximately 305 students.



The philosophy of the Richland School District is driven by the mission statement, which states that the district "is to provide an educational environment to prepare productive and responsible citizens." Technology plays a vital role in making sure the Richland R-I students have access to educational opportunities that meet their diverse needs. The major goal of the district is to provide students with career and vocational skills enabling them to compete in today's competitive job market and live productive, responsible lives.

The Richland School District is a quality district with many things to be proud of: a high standard of academic achievement, an extra-curricular program that involves a large number of students, community support, and good communication, an important element as staff work together to ensure that the school is functioning at full capacity. As one parent writes, "I have always felt very comfortable with sending my children to Richland school knowing they are safe and being equipped with an invaluable education. My children have both been accepted to good universities, and I contribute this to the fine education they received there."

The dedication of the employees of Richland R-I is a key component in the success of the students. Richland is a Reading First school. The district implements the five components of Reading with students receiving intervention services and progress through the program. The after school program, *After School Rebels*, serves the needs of the community. Students are able to stay up to two hours after school in an environment that serves a snack, works on homework, and has learning enrichment activities for all students.

Even though Richland is a small school, college preparatory and college credit classes are offered through Instructional TV. The secondary school has most recently implemented the A+ Software Credit Recovery program and the ACT Prep program. The school's size also affords each student with many opportunities to participate as leaders in extracurricular activities. Several students serve as regional officers and the President of the Beta club is a State Vice-President.

To the many successes and recognition's that Richland School District have received over the years, we could not conclude without noting their Distinction in Performance for three years in a row. To the Richland School District, we offer congratulations to Mr. Michael Kiehne, the Board of Education, the building administrators, staff, students and the community for a job well done and your selection as the Outstanding Rural Missouri School District for 2010.



CLAIM CARE

Incorporated

INTEGRITY • HONESTY • CHARACTER

THIRD PARTY PROGRAM ADMINISTRATION

for

- ◆ **SCHOOL DISTRICT ADMINISTRATIVE CLAIMING (SDAC)**
- ◆ **DIRECT IEP THERAPY**
- ◆ **LOCAL TAX EFFORT BILLBACK — PUBLIC PLACEMENT FUND**
- ◆ **HIGH NEED FUND**

877.327.5308 ph

Paris, Missouri • claim@centurytel.net
Stacy L. Dye, Founder & President



simplifying Mo HealthNet

Mandatory Reporting Refresher

Christopher L. Benne
Attorney at Law
Hendren Andrae, LLC

It seems like Missouri schools and those working in them are constantly asked to provide more of the services and support students once found at home. Sadly, teachers and administrators often learn troubling facts and may even come to suspect abuse when acting in these and their other roles. Sometimes providing the proverbial shoulder for struggling students to lean on is sufficient. When abuse or neglect is suspected, however, you may be required to act.

Missouri law provides a list of mandatory reporters who are required to report actual or suspected child abuse or neglect under certain circumstances to the Children's Division of the Missouri Department of Social Services. This list of mandatory reporters is comprised of multiple professionals who traditionally have a great deal of involvement with children and includes teachers, principals and other school officials ("educators").

While most educators realize they are among those in Missouri who are required to report child abuse or neglect, there is confusion within the profession regarding precisely what constitutes abuse or neglect and when the duty to report is triggered.

Missouri defines abuse and neglect broadly. Under Missouri law, abuse is defined as "any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means." The definition then addresses discipline and provides that "spanking, administered in a reasonable manner, shall not be construed to be abuse." Neglect is the "failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being."

Educators have an obligation to make a report when they have "reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect." Unlike other areas of the law relating to child protection, a report of abuse must be made regardless of whether the person suspected of inflicting the abuse is a person responsible for the child's care, custody and control. Rather, the report must be made concerning abuse inflicted by anyone. Further, the report must be made immediately. When sexual abuse or molestation of any child under the age of eighteen is at issue, Missouri law expressly requires that the report be made within twenty-four hours of the discovery.

Outstanding Rural Middle School Teacher **Jeremy Sidebottom**

Morgan Co. R-II School District

When students come to school in the Morgan Co. R-II Middle School, who is the one teacher they always seem to rave about? Morgan County Middle School instructor Jeremy Sidebottom. Jeremy is so highly respected among his sixth grade students, that the students enthusiastically share their excitement of what they are learning in World History.



Jeremy's colleagues describe him as an "excellent educator," "dedicated to his job," "wanting to see his students succeed," "true asset to our learning environment," "positive and up beat and a pleasure to work with." He is always implementing new and exciting activities for the students in his classes. His lessons always meet the state requirements, but he incorporates many different mediums. Some of these activities have included an archeological dig, TV and radio broadcasting, a court-room trial where Santa is put on trial, building castles and developing his World History Jeopardy game. The Jeopardy game, using a smart board, helps students study for his tests.

Mr. Sidebottom is also the Student Council sponsor for the Middle School. Jeremy has implemented the Adopt-A-Highway program where members pick up trash for two miles of highway in front of the school through town. With Jeremy's support, the Student Council members have helped to organize Middle School dances each year for the entire Middle School student body.

Coming to school eager to teach, one who works really hard in creating fun and an exciting place, shows in the success and excitement for learning of his students, makes it appropriate to congratulate Jeremy Sidebottom as Missouri's Outstanding Rural Middle School Teacher for 2010.

Most districts likely have a policy requiring their staff to report suspected abuse to school administrators or another specified person within the district. Regardless, Missouri law itself specifies that those required to report in an official capacity as a staff member of a school facility must notify the person in charge, or their designated agent, immediately. The person in charge then becomes responsible for making or causing the report to be made. Nothing, however, prevents any other person from reporting abuse or neglect. It is important to note that while mandatory reporters may also report their suspicion to any law enforcement agency or juvenile office, a report to them does not relieve the mandatory reporter of their duty to report or cause a report to be made to the Children's Division.

It is also important to understand that failure to report when required could have serious legal repercussions. When confronted with a report of potential abuse or neglect, it may be wise to contact legal counsel to ensure that the district and the children within it are afforded the greatest protection possible.

**Outstanding Rural District Administrator
Dr. Lucy Lyon**

Aurora R-VIII School District

In education, administrators possess either people skills or great academic knowledge. Rarely do we see someone who is outstanding in both. Dr. Lucy Lyon has worked diligently to bring cutting edge educational philosophies and practices the Aurora R-VIII School District. As result, the students of the Aurora School District are becoming stronger learners. The result of this be students that possess a better skill set when they enter the work force.



to a will

A Missouri educator and educational leader for the past 27 years, Dr. Lyon has served the students in both the Aurora R-VIII and Crane R-III School Districts. She is highly regarded in her community and throughout Southwest Missouri. Dr. Lyon, possessing a sense of humor and common sense, is a passionate educator who works tirelessly on behalf of children. Lucy believes in the process of RTI and encourages staff to use formative assessments to identify what the students know and teach material to those behind BEFORE ever teaching the new material in the classroom. Lucy sees potential in all students and expects the staff to put in the extra time to work with these students. The theme she often shares is, "Work smarter, not harder". One of her colleagues shares that Dr. Lyon's primary strength as an administrator was derived from her empathy for children. Over and over, she always considered if her actions "were good for the kids" before implementing programs or making decisions. Although she has a good understanding of local politics, she never wavered in making the tough decisions and doing what was right for her kids. It is her mix of an unsurpassed work ethic with a healthy dose of humor, compassion, enthusiasm, dedication to children, hard work and positive personal attributes that makes Dr. Lucy Lyon deserving of recognition as Missouri's Outstanding Rural District Administrator for 2010.

**Outstanding Rural Secondary Student
Katherine Kerbs**

Bronaugh R-VII School District

A student of high standards, an achiever in academics, extra curricular activities, school organizations and especially in life is Katherine Kerbs, a senior at Bronaugh High School in Bronaugh, Missouri. She has attended Bronaugh since kindergarten. Katherine is best described as one whose character shines amongst the best.



Katherine is the daughter of Larry and Nancy Kerbs. She is the second generation to attend the Bronaugh school district and the third to reside on the family farm. At this rural school, she has found many opportunities to develop her interests, and her leadership skills. Katherine's leadership positions include drum major of the Bronaugh Marching Band, president of the Bronaugh FCCLA Chapter, vice-president of the FBLA Chapter, vice-president of the National Honor Society, and vice-president of the Senior Class. She was a varsity cheerleader for three years and continues to be an active member of the local 4-H Club. As an active member in 4-H, Katherine has accomplished many goals on the local, state and national level. She was able to attend National congress as a result of her year-end report awards. She also enjoys raising Duroc pigs with her dad and brother for the county fair. Community service is a large part of Katherine's life. For four years, she has volunteered as an assistant at the local elections held in Bronaugh. She has assisted in Vacation Bible School, Salvation Army Shopping Spree, and the Moss House (a shelter for battered women). Through her concern about pollution, she got the idea a few years ago to encourage recycling in the local community. Working with the county recycling center, Katherine promoted them coming to the small towns in Vernon County. To promote the idea, she set up containers at the school for recycling and took the responsibility to collect the items herself. Currently ranked second in her class with a grade point average of 3.99 on a 4.00 scale, Katherine is making plans for the next phase in her life. Katherine plans to attend Cottey College and William Jewell College where she plans to study to become a child advocate attorney. Katherine Kerbs, a very caring person, a great ability to communicate, outstanding leadership abilities, and her dedication to her school and community makes her most deserving as the Outstanding Missouri Rural Secondary Student for 2010.

BUILDING A TEAM

When choosing Septagon Construction as your professional construction manager, you will be choosing a building partner that will focus on providing both value and peace of mind to every project.

To find out more,
call Dennis Paul at 660-827-2112,
ext. 139 or
Tom Howard at 573-826-0640



SEPTAGON
CONSTRUCTION



www.septagon.com
Committed to Building Service

The Missouri Educators **UNIFIED** Health Plan

The largest statewide health plan **FOR** school districts — **BY** school districts.

MISSOURI EDUCATORS
UNIFIED HEALTH PLAN, INC.



"UNIFIED FOR STRENGTH,
STABILITY & SERVICE"

- Statewide Protection with Regional Representation
- Service and Education with District Controls
- Multiple Plan Options with Quality Benefits
- Strength in Numbers for Plan Efficiency
- Stability and Predictability of One Large Plan
- Affordable Plans and Personal Service for Retirees



We want our district to make good long-term decisions .



We want affordable and predictable rates – with quality benefits.



We need a broad network that works for our area.

MEUHP Statewide Representatives

President	Jim Ruse	Gallatin R-V
Vice President	Jerry Noble	Kennett 39
Secretary/Treasurer	Ken Cook	Malden R-I
Region	Chairman	Vice Chairman
Northwest	Jim Ruse Gallatin R-V	Keith Kelley Jefferson C-123
Northeast	Dianna Hoenes Marion R-II	Don Wilburn Adair R-II
West Central	Dr. Marcus Stucker Orrick R-XI	Terry Mayfield Rich Hill R-IV
Central	Chris Felmlee Van-Far R-1	Marty Albertson Moniteau Co R-I
Southeast	Anthony Hartsfield Pemiscott R-III	James Williams Delta C-7
South Central	Dr. Jeff Lindsey Van Buren R-I	Blane Keel Clearwater R-I
Southwest	Wayne Stewart Glenwood R-VIII	Dr. John Jungmann Monett R-I



Plan Administrator:
Forrest T. Jones & Company, Inc.
Mark Iglehart, Assistant Vice President
(800) 821-7303 ext. 1298



16401 Swingley Ridge Road • Suite 210 • St. Louis, Missouri • 63017-0740
(800) 264-4477 • www.ljhartco.com

Creative Financing Ideas for Local Governments, Schools, Counties, Cities

OUR SERVICES

- Debt Repayment Plans
- Cash Flow Analyses
- Investment Assistance
- Construction Fund Reinvestment
- Form C Calculations
- Missouri School Foundation Formula Expertise
- Bonding Capacity
- Lease Financings
- Credit Enhancement
- Developing Election Strategies
- Refunding Analyses
- School Bus Lease Financing



SOCS Express

SAVE MONEY ON YOUR WEBSITE!

SOCS Express is specifically designed for small schools—those with enrollment of 300 or less. Because small schools have the same needs as larger schools, SOCS Express offers the same easy-to-use system and the same great service you'd expect from SOCS. Choose from two of our most popular web page designs plus your site will go live faster!

Our lowest price ever!

Right now, we're offering SOCS Express for as little as \$100 per month. So be the hero of your school's website and get the ease and flexibility of this simple, web-based content management system ... and save money too!



Contact Stacey Musil
800.850.8397, x6991 or staceym@fes.org

www.SOCS-hero.org

A Call for the Return of Local Control of Public Schools

Jim Thomeczek

Thomeczek and Brink, LLC

In January 2009, the National Disability Rights Network published a fifty-plus page report entitled: *School Is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools*. Curtis Decker, the Executive Director of the NDRN introduced the report with the following sentence: "Whenever we open a newspaper, turn on the television, or go on the Internet these days, we hear about another child dying or being injured in school while being restrained or secluded." Mr. Decker uses such terms as "more than an isolated issue," "disturbing trend," "epidemic," "failure of the education system," "pervasive problem," and "crisis." I strongly urge you to read this report, as well as the April 14, 2009 report by the Congressional Research Services entitled: *The Use of Seclusion and Restraint in Public Schools: The Legal Issues*, and the May 19, 2009 testimony of Gregory D. Kutz before the House Committee on Education and Labor, contained in a GAO publication entitled: "SECLUSIONS AND RESTRAINTS Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers." Educators should be troubled by the reports.

Unfortunately, the report did not uncover the story of a teacher assistant whom I will call "Mary." Mary works for a school district in Missouri. On a spring afternoon, Mary returned to school with one of her students after a community based instruction experience. The rest of the class was enjoying birthday cake. Mary and the student went to the table where the cake was. As she bent over to slice the cake, the student punched Mary on the side of the head, knocking her down. The student proceeded to kick Mary in the face several times, crushing orbital bones on both sides of her face and causing other facial and dental injuries.

The report did not talk about another teacher whom I will call "Ann." Ann's arms and legs are bruised; the result of her working with a first grade student whose intermittent explosive disorder mystifies the professionals who work with the student. Strategies that work one day, seem to set the student off the next.

Now, there has been proposed legislation at the federal level to address the use of restraints and seclusion. See H.R. 4247 and S. 2860.

In *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968), the United States Supreme Court stated: "By and large, public education in our Nation is committed to the control of state and local authorities." This principle was reaffirmed in *Goss v. Lopez*, 419 U.S. 565, 590 (1975). More recently, Mr. Justice Breyer's dissenting opinion in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701, 848-849 (2007) stated:

[G]iving some degree of weight to a local school board's knowledge, expertise, and concerns in these particular matters is not inconsistent with rigorous judicial scrutiny. It simply recognizes that judges are not well suited to act as school administrators. Indeed, in the context of school desegregation, this Court has repeatedly stressed the importance of acknowledging that local school boards better understand their own communities and have a better knowledge of what in practice will best meet the educational needs of their pupils. See *Milliken*, 418 U.S., at 741-42, 94 S.Ct. 3112 ("No single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process"). See also *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1, 49-50, 93 S.Ct. 1278, 36 L.Ed.2d 16 (1973) (extolling local control for "the opportunity it offers for participation in the decisionmaking process that determines how ... local tax dollars will be spent. Each locality is free to tailor local programs to local needs. Pluralism also affords some opportunity for experimentation, innovation, and a healthy competition for educational excellence"); *Epperson v. Arkansas*, 393 U.S. 97, 104, 89 S.Ct. 266, 21 L.Ed.2d 228 (1968) ("Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint... By and large, public education in our Nation is committed to the control of state and local authorities"); *Brown v. Board of Education*, 349 U.S. 294, 299, 75 S.Ct. 753, 99 L.Ed. 1083 (1955) (*Brown II*) ("Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles"). Unfortunately, there is a disturbing trend, to borrow Mr. Decker's phrasing, away from the local autonomy deemed "essential . . . to quality of the educational process." Logic dictates that the social and educational needs of students vary from school district to school district across Missouri. The Missouri Association of Rural Educators, by its very being, underscores this variance. Nevertheless, school districts across this country have to deal with policy making and federal intrusion from "inside the Beltway." The Supreme Court observed that when Congress passed the Education for All Handicapped Children Act, now referred to as the Individuals with Disabilities Education Act, "Congress' intention was not that the Act displace the primacy of States in the field of education, but that States receive funds to assist them in extending their educational systems to the handicapped. Therefore, once a court determines that the requirements of the Act have been met, questions of methodology are for resolution by the States." *Board of Educ. of Hendrick Hudson Central School Dist., Westchester County v. Rowley*, 458 U.S. 176, 208 (1982). Unfortunately, administrative implementation of the IDEA and subsequent reauthorizations of the IDEA have resulted in increasingly intrusive mandates imposed on local boards of education. Congress is able to impose a "national will," however parochially conceived, on school districts in Missouri through its use of the Spending Clause in the United States Constitution. School districts come to realize that federal "aid," which come with strings – some would argue steel cables – attached, is like crack cocaine. It is not a rare occurrence for school districts to question whether the federal dollars cover the costs of the new requirements that come with the money. However, in these financial times, States and school districts would be hard pressed to explain why it is that they are passing up millions of federal dollars.

We should all take a few minutes and read Mr. Justice Thomas' opinion in *Safford Unified School Dist. No. 1 v. Redding*, ___ U.S. ___ 129 S.Ct. 2633 (2009), concurring in the judgment in part and dissenting in part. There, he stated:

[I]nstitutional judgments, like those concerning the selection of the best methods for restraining students from assaulting one another, abusing drugs and alcohol, and committing other crimes, involve a host of policy choices that must be made by locally elected representatives, rather than by federal judges interpreting the basic charter of Government for the entire country.

In the early years of public schooling, courts applied the doctrine of *in loco parentis* to transfer to teachers the authority of a parent to command obedience, to control stubbornness, to quicken diligence, and to reform bad habits. So empowered, schoolteachers and administrators had almost complete discretion to establish and enforce the rules they believed were necessary to maintain control over their classrooms. The perils of judicial policymaking inherent in applying Fourth Amendment protections to public schools counsel in favor of a return to the understanding that existed in this Nation's first public schools, which gave teachers discretion to craft the rules needed to carry out the disciplinary responsibilities delegated to them by parents.

Id. at 2655-2656 (internal quotations and citations omitted).

Courts are not as troubled with the use of restraint and seclusion as Congress seems to be, as this passage from a recent Tenth Circuit decision points out:

We are sympathetic to Ms. Couture's concern over the repeated use of the timeout rooms, which (at least in retrospect) did not seem to ameliorate her son's behavior. But we cannot find that there was a Fourth Amendment violation. The educators were confronted with an almost impossible behavioral problem, which was only eventually ameliorated with medication. M.C.'s behavior was disruptive and dangerous. He repeatedly cursed at the teachers and students. App. 596. At times, he threatened the physical safety of the teachers, punching them and kicking them in the shins. App. 597; see also Dist. Ct. Op. at 19. He also threatened the other children with statements such as: "I'm going to throw hot oil on you and kill you." The other first grade students in the class were undoubtedly frightened. App. 596. And the educators were faced with this challenge while simultaneously trying to control and teach the other students in the special education

(Continued on page 15)

Outstanding Rural Secondary Teacher**Brenda Smith**

Norborne R-VIII School District



Brenda Smith has been educating young people for the last 29 in the Norborne High School. Ms. Smith's teaching experiences have been focused in the area of vocational agriculture. During this time, Ms. Smith has consistently demonstrated the dedication necessary to make her classes and the Future Farmers of America organization not only the best they can be, but an exemplary model for other teachers to emulate.

When Brenda started in 1981, she was among the first women in the field of agriculture education. Growing up on a farm in the Jamesport area, Brenda has taken her love of agriculture and teaching and conveyed her knowledge and enthusiasm to her students. Due to the nature of an agriculture program, the successful high school agriculture teacher serves by not

only representing his or her school but also representing his or her community. Because of Brenda Smith's superior knowledge and involvement in agriculture, she has helped build a stronger Norborne community.

You will find Ms. Smith's office and room decorated with countless awards, trophies, and plaques recognizing the many successes of her students. She started a wall of fame where she displays the students that have achieved National Recognition. Some of her student successes include sending 67 students to the Washington D.C. Leadership Conference, participated in the WLC program for fourteen years, has had 43 students receive their American FFA Degree, of which one was an American Star Farmer Finalist. Brenda has sent over 100 contest teams to state with three teams competing at the National FFA level. Eighty-five students have been awarded the State FFA Degree with two of these students being recognized as the Star State Farmer of Missouri.

One of her major accomplishments was starting the Agriculture Food Science Technology Lab and the "Step Back in Time" activity designed to show the students how things were prepared years ago. Activities included kettle corn making, cook cracklings, hand churn ice crème, rendering lard, making lye soap to name a few.

Brenda Smith exemplifies all that is right and good about rural education. A compassionate, caring, and a consummate professional, a true visionary makes her Missouri's Outstanding Rural Secondary Teacher for 2010.

Outstanding Rural Elementary Teacher**Cathy Woody**

Crest Ridge R-VII School District

Cathy Woody is a teacher that wants to make a difference for students. Cathy has been a second grade elementary teacher in the Crest Ridge Elementary School for the past 12 years. It is evident that Cathy became a teacher because she seeks to put the interest of her students first. She creates a classroom in a way that treats all students with respect, developing a friendship in finding a way for every child to succeed.

Mrs. Woody is described as one that is well prepared for each day; coming in early in the morning and staying late after school to ensure that each lesson is what the children need. Throughout her years in the district, she has embraced the many technological changes that have come about as well as changes in methodology with enthusiasm.

Cathy has willingly taken on many duties and extra project positions in the school. In each of these responsibilities, she gives of her time unselfishly to improve the academic success of all students. Always willing to volunteer for behind-the-scenes tasks that need to be accomplished. Some of the professional development committees Cathy is involved in include the Student Intervention Team, and Career Ladder Committees. During her career, she has welcomed several student teachers into her classroom and was instrumental in developing the local University's Professional Development School (PDS) students into the school district.

Mrs. Woody's wealth of experience, her sense of humor her willingness to take on new opportunities and exhibiting the qualities of an excellent teacher, sets her apart and makes it appropriate that we congratulate Cathy Woody as Missouri's Outstanding Rural Elementary Teacher for 2010.



(Continued from page 14)

class. Temporarily removing M.C., given the threat he often posed to the emotional, psychological, and physical safety of the students and teachers, was eminently reasonable.

The educators' response was particularly reasonable given that the timeouts were expressly prescribed by M.C.'s IEP as a mechanism to teach him behavioral control. The IEP, which was developed by educational specialists in consultation with M.C.'s mother, and to which she agreed in writing, sets forth educational and behavioral methods that M.C.'s classroom teachers were required to follow. . . . While the timeouts were not as effective as the teachers hoped, their continued employment of timeouts over a two-month period was reasonable. If we do not allow teachers to rely on a plan specifically approved by the student's parents and which they are statutorily required to follow, we will put teachers in an impossible position-exposed to litigation no matter what they do.

Couture v. Board of Educ. of Albuquerque Public Schools, 535 F.3d 1243, 1251-1252 (10th Cir. 2008).

Our Eighth Circuit reached a similar conclusion earlier this year: [W]e conclude the district court properly dismissed C.N.'s Fourth Amendment claim. We first consider C.N.'s allegations relating to the use of restraints and seclusion. Assuming C.N. was seized within the meaning of the Fourth Amendment when Van Der Heiden employed those methods, we agree with the district court that any such seizures were not unreasonable. We have held that an authorized professional's treatment of a disabled person within the state's care is reasonable if his or her actions are "not a *substantial departure* from accepted professional judgment, practice, or standards." *Heidemann v. Rother*, 84 F.3d 1021, 1030 (8th Cir.1996). Here, C.N.'s IEP authorized the use of restraints and seclusion and we agree with the district court that the IEP "set the standard for accepted practice." And although J.N. contends she objected to the use of those methods, she did not request a hearing to challenge those methods while C.N. attended school in the District. Because C.N.'s IEP authorized such methods, Van Der Heiden's use of those and similar methods like the thinking desk, even if overzealous at times and not recommended by Ardhoff, was not a substantial departure from accepted judgment, practice or standards and was not unreasonable in the constitutional sense.

C.N. v. Willmar Public Schools, Independent School Dist. No. 347, 591 F.3d 624, 633 (8th Cir. 2010).

Given the holdings in the two federal court of appeals decisions above, it is interesting to note that the legislation currently pending before Congress would prohibit incorporating the use of seclusion and restraints into a child's IEP! "The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student." H.R. 4247.

On December 8, 2009, Secretary of Education Arne Duncan wrote Representative George Miller, the Chairman of the House Committee on Education and Labor, expressing his appreciation for Congressman Miller's efforts to limit the use of physical restraint and seclusion in schools that receive federal funds. The next day, Representative Miller and Representative Cathy McMorris Rodgers introduced H.R. 4247. A similar bill, S. 2860, was introduced in the Senate by Christopher Dodd. The legislation would apply to schools that receive federal funding.

H.R. 4247 was approved by the House of Representatives on March 3, 2010, by a vote of 262 to 153. The Senate Bill was sent to the Senate Committee on Health, Education, Labor, and Pensions.

The purpose of this article is not to discount the investigations noted at the beginning of the article. Rather, it serves to question the increasing intrusion of national politics into local school districts. As regulation and control of public schools moves away from local control, it becomes increasingly politicized. The polarized rancor in Washington distorts and over generalizes well-intended legislation. Special interest groups promote special provisions. For example, the pending legislation would give Protection and Advocacy groups the authority to investigate allegations of abuse in the school setting.

School districts and States need to work to return control of the public schools to local boards of education.

**SALES
LEASING**



**SERVICE
PARTS**

**Your small and midsize bus dealer
for school and commercial buses**

**New and Pre-owned Vehicles in
stock for quick and timely deliveries**



**Install and Service
air conditioning systems**

**Sell, Service & Install:
Wheelchair/Scooter Lifts
Mobility Equipment
Seat modifications**

**ST. LOUIS, MO
(I-44 & Hwy. 141)
Toll-Free 866-327-1600**

**PLEASE INCLUDE US ON
YOUR VENDOR BID LIST**

**BREESE, IL
Toll-Free 877-526-4131**

www.southernbusandmobility.com

**Outstanding Rural Building Administrator
Cara Easter**
Green Ridge R-VIII School District

Cara Easter has dedicated the last thirty years to the education of America's youth as a classroom teacher, elementary counselor and now as the Director of Special Services for the Green Ridge School District. Mrs. Easter has been described as one that is organized, efficient, extremely competent and has an excellent rapport with people.



As the Director of Special Services, a position of many "hats", Cara has to listen to numerous concerns on a weekly basis from parents, students and faculty. One characteristic an effective administrator must have is the ability to support his or her staff while still maintaining clear expectations and high standards. This is one characteristic that Mrs. Easter not only possesses, but is gifted with. She always maintains a positive attitude through interactions with the district staff. She portrays the message that she is behind them. Through Cara's actions, she shows the staff that nothing but the best is expected and she is there to help reach that potential.

Another important characteristic is the ability to influence students in positive ways. As an elementary counselor, her training seems to have prepared her to deal with interactions with the students. One describes Cara as patient and kind when the situation allows, but direct and corrective when needed, a very effective approach to get the appropriate behavior out of the students.

A colleague shares that Mrs. Easter is always an outstanding asset to committees because her input and approach is always common sense. "You can count on Cara for a well thought out decision that is legally, morally, and ethically based."

Cara Easter's primary goal has always been to provide the environment that will allow students and teachers to achieve their maximum potential. Cara's work ethic and dedication makes her deserving of Missouri's Outstanding Rural Building Administrator for 2010.

**Outstanding Rural Support Staff Member
Jackie Wessel**
Green Ridge R-VIII School District

The English language does not contain enough glowing phrases and adjectives to describe the impact that Jackie Wessel brings to the support staff in the Green Ridge School District. For the past seven years, Jackie has served as the Superintendent's Secretary and District Bookkeeper. She performs her duties with a very positive attitude, and always has a smile for everyone.



Behind every successful school district is the individual that takes pride in his/her ability to produce accurate financial reports in a timely manner. Jackie has been described as one of the most knowledgeable and efficient bookkeepers in the west central area. As a result, Mrs. Wessel was instrumental in the formation of a 'bookkeepers club,' where all the bookkeepers in the area meet monthly to discuss changes in accounting practices. Bookkeepers look to her for help and advise when challenged with difficult accounting problems.

Jackie is truly dedicated to her profession, but as a team player, she never says no to any requests for her help around the school, especially if it is of benefit to the students. She enjoys working with the students and they enjoy working with her. Along with her regular duties, Jackie has agreed to be the I-TV facilitator, she has coached cheerleading at both the Junior High and Senior High level, and currently serves on various school committees. Most recently, Jackie accepted the challenge of learning and taking on the task of data entry into the MOSIS system, which might best be described as sometimes difficult and time consuming.

Jackie Wessel's thoroughness and exceptional performance shines through in all her work. From keeping teachers posted of their accounts to everyday tasks, Jackie is a professional, conscientious and precise in all activities, making it fitting for her selection Missouri's Outstanding Rural Support Staff member for 2010.

MARE Associate Membership

<i>Companies/Organizations</i>	<i>Contact</i>	<i>Phone Number</i>
ABC Systems, Inc.	George Baker	(573) 348-5600
ACT, Inc	Rick Bryant	(847) 634-2560
Allied Bus Sales	Jeff Futrell	(800) 890462-0173
American Boiler Services, Inc.	Mike Hemphill, Dean Phillips	St. Louis (800) 235-5377 – Kansas City (888) 440-0382
American Trust Group Holding	S.L. Baker, Ray Shoaf	(573) 374-9991
Blendedschools.net	Jed O. Friedrichsen	(573) 999-5425
Budget Plus Software	Leland Foster	(816) 847-6610
Capstone Insurors, Inc.	Kevin Krueger/JR Collins	(800) 201-3249
Center for Distance/Independent Study	Kristi D Smalley	(573) 882-4054
Central State Bus Sales	Jeff Reitz	(636) 343-6050
Claim Care Inc.	Stacy L. Dye	(660) 327-5308
Constellation NewEnergy Gas Division, LLC	Larry D. Kilpatrick	(800) 829-3900
Control Technology & Solutions	Scott Ririe, Gina Bicknese	636) 230-0843
Dake Wells Architects	Brandon Dake, Andrew Wells	(417) 831-9904
Dickinson Hussman Architects	Pamel Erb	(314) 727-8500
E.P.M., Inc.	B.J. Trout	(573) 642-6550
ERateProgram, LLC	Richard Senturia	(314) 854-1328
Forrest T. Jones & Company	Terence O'Malley	(816) 968-0612
Forrest T. Jones & Company	Gary Hawkins	(660) 247-3967
Forrest T. Jones & Company	Kenneth Wilson	(417) 429-3957
Forrest T. Jones & Company (LTC)	Mark Iglehart, Harvey Day	(800) 821-7303
Foundation for Educational Services, Inc. (SOCS)	Stacey Musil	(800) 850-8397
Fry and Associates	Dan Helberg, Margie Fry	(800) 444-9787
George K. Baum & Company	Greg Brickner, Dick Bartow	(800) 821-7195
Guin, Martin & Mundorf, LLC	Duane Martin, Shellie Guin, Barney Mundorf	Kansas City (816) 333-1700
Insurance Benefits Consultants, LLC	Jay Boice	(417) 455-6000
Inter-State Studio, Inc	Roger Kimball	(660) 826-1764
Jack Ball Architects PC	Chris Ball, Jessica Pearson	(417) 866-1904
KLC Video Security	Patrick A Craven	(903) 792-7262
Lindenwood University	John Feely	(636) 949-4937
L.J. Hart and Company	Larry J. Hart, Roger Adamson	(800) 264-4477
McKinstry Co., LLC	Jon M. McCoy	(913) 515-0711
Medical Marketing Group, Inc	Mike Harbert	(314) 954-6524
Mickes Goldman O'Toole, LLC	Tom Mickes, Teri Goldman	(314) 878-5600
Midwest Bus Sales	Jack Woolfe	(913) 422-1000
Midwest Digital Systems	Nathan Dowling	(816) 439-4979
Midwest Transit Equipment	Ken Pearce, Stephen Ball	(800) 933-2412
Mike Keith Insurance	Jeanie Cunningham	(660) 885-5581
Missouri Consultants for Education	Bill Ray	(816) 322-0870
Missouri Energy Center	Bernard Thompson	(573) 751-7466
Missouri Retired Teachers Assn.	Jim Kreider	(877) 366-6782
Missouri Rural Water Association	John Hoagland	(417) 876-7258
M.U.S.I.C. / Arthur J. Gallagher & Co.	Gary VanMeter	(636) 916-3433
National City Insurance Group	Kerry Hoffman/Lonnie Thompson	(314) 835-1050
National Financial Brokerage	Gerald W. Littell	(573) 289-4211
Naught-Naught Insurance Agency	Bruce Gentry	(573) 874-3102
New System	David Thompson	(314) 420-5742
Polsinelli Shughart, P.C.	Chris Benne	(573) 636-8135
Region VIII Educational Service Center (TIPS)	David Mabe, Kim Thompson	(866) 839-8477
Sam A Winn & Associates Architects	Sam A. Winn, Terry Holder	(417) 882-7821
Septagon Construction Company	R. Thomas Howard, Dennis Paul	(800) 773-5995
Sitton Construction Group	Doug Sitton	(314) 412-5677
Software Technology, Inc	Dan Snodgrass, Ruby McCullough	(800) 844-0884
Southern Bus & Mobility, Inc.	Tom Gerbes	(866) 327-1600
Thomeczek Law Firm, LLC	James G Thomeczek	(314) 997-7733
Tueeth Keeney Copper Mohan Jackstadt	Pete Yelkovic	(314) 880-3600/(816) 448-3730
Vanderford & Associates, Inc.	John M. Vanderford	(816) 873-3072
VIRCO Inc.	Luke Bligh	(314) 518-5973
Wells Fargo Public Finance		(314) 566-9353/(416) 425-7789



Improving Learning
Environments With
Innovative Solutions

Improving Their
Academic Success



Complete Facility Solutions Including

*Facility Modernization / HVAC Renovation / Guaranteed Energy Savings
Energy Management / Web Based Controls / Design-Build Construction*

15933 Clayton Road #110 / St. Louis, Missouri 63011
p 636.230.0843 / f 636.230.5886
www.thectsgroup.com

NOW

is the Best Time to Buy or Lease a Bus



***We Have New and Late Model Used Buses to Fit Every Budget!
Excellent Leasing & Financing Options Available.***



*For More Information
Toll-Free: (866) 366-7173
www.midwesttransit.com*

Missouri Association of Rural Education
201 South Holden Street, Suite 202
Warrensburg, Missouri 64093-3400

NON-PROFIT
Permit No. 1
PAID
Centerview, MO

Our purpose is to LISTEN to the NEEDS of rural Educators and then help them meet those NEEDS as efficiently as possible. Through this type of SHARING and COOPERATION we can improve the OPPORTUNITIES for the CHILDREN of rural Missouri.

Disclaimer – The view expressed in the articles printed in this publication do not necessarily reflect the opinions held by the MARE organization, or the Board of Directors. Please direct any comments and/or suggestions to the Executive Director at (660) 747-8050 or email: rpatrick@moare.com

Superintendency Search

The MARE organization is available to all school districts throughout Missouri to facilitate superintendency searches. MARE prides itself in being able to help school districts locate and employ leaders in a very cost competitive manner.

School districts interested in more information about the superintendency search services should forward inquires to:

MARE Superintendency Searches

MARE
201 South Holden
Suite 202
Warrensburg, MO 64093

Phone: (660) 747-8050
Fax: (660) 747-8160
rpatrick@moare.com

Yes!!!! I want to be a member of MARE
(Prices effective July 1, 2009)

- _____ K-12 School Districts — \$300 yearly
- _____ K-8 School Districts — \$200 yearly
- _____ Not for Profit Corps & Institutions — \$125 yearly
- _____ For Profit Corps (Associate Members) — \$275 yearly
- _____ Individual Member from Non-Member Institutions — \$30 yearly
- _____ Student Membership — \$2.50 yearly
- _____ Newsletter sent to district board members — \$25 yearly

_____ School District Six Digit School Code
Name: _____ Title: _____

School/Organization: _____

Address: _____

City/State/Zip: _____

Email Address: _____

Mail to: MARE, 201 South Holden St, Suite 202,
Warrensburg, MO 64093 or fax: (660) 747-8160