



Winter 2009

Missouri Association of Rural Education

"22 years of Service to Missouri Rural Schools"

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

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MARE Calendar **2009-2010**

December 7, 2009
Board Meeting
Jefferson City
10:00 a.m.

March 4, 2010
Board Meeting
Resort at Port Arrowhead
Lake Ozark, MO

March 5 & 6, 2010
Annual MARE Confer-
ence
Resort at Port Arrowhead
Lake Ozark, MO

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

Missouri Association of Rural Education

"Creating a Challenging Learning Environment in Rural Schools"

"23 Years of Service to Missouri Rural Schools"



Annual Conference

March 5 & 6, 2010

The Resort at Port Arrowhead
Lake Ozark, Missouri

Missouri Association of Rural Education

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MARE Board Training Schedule

Location	Date	Time(s)
Tipton R-VI 305 E. Hwy 50 Tipton, MO 65081	February 4, 2010	6:00 p.m. - 10:00 p.m.
	February 5	6:00 p.m. - 10:00 p.m.
	February 6	8:00 a.m. - 4:00 p.m.
Resort at Port Arrowhead <u>Annual MARE Conference</u> 3080 Bagnell Dam Blvd. Lake Ozark, MO 65049	March 5, 2010	8:15 a.m. - 4:15 p.m.
	March 6	8:15 a.m. - 4:15 p.m.

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Made Leaders

Are leaders born that way? Richard Oswald doesn't think so. They're inspired by calamity and trained to encourage others.

By: Richard Oswald

Sometimes leaders rise to the surface like cream in a bucket of fresh milk. That's where I was in '93, fighting for control, riding on a wagon load of sandbags in rising flood water that was nearly waist deep ...and looking for leadership.

When we reached our destination aboard that wagon -- a lonely stretch of levee -- light from regular flashes of lightning exposed the top of the levee -- nearly indistinguishable from the water level.

There were three of us on that wagon, plus the tractor driver who had driven us in there. We started looking for a place to lay the sandbags. One fellow-sandbagger walked to one side of the levee, while another one went the opposite direction. I just stood there with a sand bag in each hand, watching. Soon, a lengthy discussion ensued between the other two about where the proper place for the sandbags might be.

We really needed a leader.

Maybe it was the tiring weight of the sandbags, the imminent presence of the flood, or the lightning crackling in the air. I'll never know for sure. But at that very moment I rose to the challenge like 5% Grade A butterfat.

I dropped my bags squarely on a trickle of water oozing its way toward what little dry ground we had left. "We need to put them here," I said with authority.

Every so often I remember with pride that brief moment of clarity while fire and water danced in the sky. Since then I've wondered what really makes a leader.

When a friend of mine, Robert, suggested I take a leadership course I wasn't sure whether I should be flattered or offended. After all, I'd fought the river and won. What else is there to know?

But as Robert knew, I'd also fought in a political race and lost.

As it turned out, Robert wasn't being judgmental: he was on a membership-committee recruiting mission and had a job to do. That's when I looked into Leadership Northwest Missouri [5] (LNWMO).

LNWMO was started in 1999 as a way to connect potential movers and shakers into a network that might benefit everyone in largely rural Northwest Missouri. It's about networking, community development, and encouraging people according to the teachings of Jim Kouzes and Barry Posner.

Authors Kouzes and Posner say "Leadership is not about personality; it's about behavior." They outline the Five Practices of Exemplary Leadership [6]:

Speak Your Piece: Longer School Year, and Better

President Obama wants a longer school year. Great. But make sure that students spend part of that year learning from and about their communities.

By: Timothy Collins

Jim Parker [4] Jim Parker is a New York artist who has been painting historical scenes from upper New York state for the past several decades. This piece shows a new teacher arriving at an Oneida Co. one room rural school.

President Obama's recent suggestion about lengthening the school year in the United States met with some kneejerk objections. But basically, it is a good idea.

In a global economy where other countries are investing heavily in quality education and where children attend school for up to 250 days a year, compared with the standard of 180 days in the U.S., it seems logical to assume that a longer school year could help children learn more.

That is, it will help them learn more if the conditions in the school and community are right.

A longer school year is hardly an incremental reform, but it does not, in and of itself, represent systemic changes that are desperately needed to improve the quality of education in rural areas. If we're going to lengthen the school year, let's talk about real changes that will not only improve student achievement, but also build rural communities capable of participating effectively in the new green economy.

Did I hear a call for some suggestions?

For starters, let's go back to the idea of rural community schools. As the president suggests, schools need to be safe places where students can find friends and academic help during the evening and weekends.

Schools should be places that encourage students to be interested in their civic duties — to build a better community where government and citizens respect and understand the community's place in the local ecology. Schools need to become active partners in fostering civil political discourse by being models of democratic discussion both at school board meetings and in the classroom.

Rural schools could start by encouraging students to be interested in their individual and community roles in building a better place to live. Schools, working with parents and other community members, need to build empathetic social and environmental relationships that bind communities together with a sense of place.

In other words, meet your state's standards, but use the community as a classroom. Knowledge needed for passing tests is important, but students can acquire that knowledge by doing. Engage students in hands-on projects with community members to build understanding, practical knowledge, and leadership skills. The knowledge and skills of adults can be used as great teaching tools with students while also improving life in the community.

And don't forget to leave time for outdoor play so that students can exercise while being exposed to changing seasons and life in their surroundings. Creative, self-directed play, coupled with formal, guided environmental education, can foster closer relationships with playmates and nature.

Jim Parker [4] The one room school in Russia Four corners around the turn of the last century. There are all sorts of ways schools can help students find a place in what's being called the "green economy." That begins by recognizing that the environment is more than a series of scientific and technical problems to be solved. The environment is a community trust. So why not build the curriculum to educate students to view environmental problems from scientific, technical, and community perspectives. Help students understand how take advantage of green opportunities in their own back yard and in a rapidly changing world. Schools need to work in and for their communities to make them more sustainable.

Schools cannot overemphasize the importance of environmental issues in a world that is becoming more crowded and strapped for resources. A green curriculum helps build knowledge about the community in its local, national, and global environments, something that is essential if we are to move toward sustainability at all levels: personal, family, community, regional, national, and global.

Finally, schools should teach students that they can be self-employed in the green economy — call them "earthpreneurs" — as well as be employed by other companies. Schools need to become active partners in green community economic development.

(Continued on page 6)

“Sexting” and the Schools

By Duane Martin



“Sexting” can be defined as the act of sending pictures of a sexual nature or sexually suggestive text between cell phones. Other electronic media such as social networking sites like Facebook and MySpace may also be used to “sext.” Sexting most frequently occurs between students, but staff and students sometimes engage in sexting one another. According to one nationwide study conducted by the National Campaign to Support Teen and Unplanned Pregnancy, more than 20 percent of teens admit to participating in sexting. Sexting has become a common problem and may lead to a number of legal issues in our schools.

Sexting presents a variety of issues for schools

Sexting can quickly lead to sexual harassment or bullying. It may also lead to crimes such as possession of child pornography or child abuse. In one Ohio case, a female student sent photos to her boyfriend and in turn, the photos were sent to hundreds of other students in her school. The girl was harassed in person and through her MySpace and Facebook accounts. She then committed suicide.

Staff members must safeguard themselves, too. In one Virginia case, an assistant principal was charged with possession of child pornography after investigating a sexting case at his school. In Washington, parents have sued a school district for suspending two girls after finding semi-nude photos of the girls on other students’ cell phones.

Sexting may create student records under FERPA

Sexting can also lead to issues regarding confidentiality of student records. For example, if a sexual explicit text message regarding a student is maintained by the district for purposes of disciplining another student, a “student record” for purposes of FERPA may have been created for both students. If it is a student record of the student to be disciplined, that student’s parents or that student, if he is 18 or older, may have a right to access the photos or consent to disclosure to third parties.

Sexting may violate of Board policies

Sexting, in addition to being a crime, may also be a violation of Board of Education policies. Depending on the exact nature of the misconduct, the student or students may violate Board policies regarding sexual harassment, hazing, use of technology, extortion, recording, or possession of sexually explicit, vulgar or violent material.

School response to sexting incidents

In responding to incidents of sexting, district officials should first determine if a crime is involved such as possession of child pornography. If so, it should be reported to law enforcement immediately. The evidence of the crime should be turned over to law enforcement officials. If it is maintained by the district, it may be a “student record” for purposes of FERPA as described above. District officials must also determine if the misconduct also constitutes a violation of the district’s student code of conduct. If so, it should be disciplined as such. For disciplinary purposes, the actual evidence of the sexting need not be maintained as evidence by the district for the district to discipline the misconduct so long as credible evidence is available, such as the testimony of school officials with first-hand knowledge of the misconduct.

Schools should train staff and students

Aside from appropriately responding to specific incidents of sexting, districts should initiate programs to raise awareness of the issue. These training programs should explain the detrimental consequences for both the victims and the perpetrators of sexting. A comprehensive approach that includes the entire school community, not merely the students, is best. Staff and administration must also be trained as to how to appropriately respond to incidents of sexting.

HEADS-UP ON TAX WITHHOLDINGS ON 403(b) CONTRIBUTIONS

By Dr. Kenneth Wilson

Forrest T. Jones & Company West Central/Central Regional Director

During my visits with area schools I have come across some confusion regarding the tax withholdings on elective 403(b) retirement savings contributions made through a salary reduction agreement.

The confusion centers around what withholding taxes are exempt on employee's elective 403(b) contributions made through a salary reduction agreement. My understanding is that only INCOME TAX is exempt on these contributions. 403(b) employee contributions are a reduction in wages for purposes for federal and state taxable wages. However the contributions are not a reduction in wages subject to Social Security, Medicare, Teacher or Non-Teacher Retirement.

In summary, remember that 403(b) retirement savings contributions made through a salary reduction agreement defer federal and state income tax until the funds are taken out, generally after age 59½. If 403(b) funds are taken out prior to age 59½, there is a 10% federal tax penalty for early withdrawal. Therefore, allowable 403(b) contributions from a salary reduction agreement are exempt from federal and state income tax withholdings. The employee is responsible for all other taxes and retirement contributions, as usual, and these amounts should be appropriately withheld.

The preceding discussion does not represent an accountant's or CPA's opinion regarding this issue, but rather my understanding based on sixteen years experience as a superintendent. **You should always verify any tax related questions with your auditor or accountant/CPA.**

(Continued from page 4)

Increased funding and the move toward standardized testing over the past 30 years or so have been mostly disappointing, hardly meeting the great promises that were made for student achievement. Gains have been marginal for the poor and most minorities, and many rural schools with limited resources have failed to make adequate progress.

Efforts to teach strictly to the test have isolated schools and students from their communities in many ways. We simply haven't done a good enough job teaching students how things work in their own back yards.

Jim Parker [4] The original Ilion High School built in 1929 and burned in the 1960s. Ilion fireman Burton Seymour was killed fighting this fire. The Obama proposal for a longer school year could improve the country's education system, but it does not go far enough. It can be better justified if classroom performance builds better, more sustainable communities across the country.

High standards and expectations are important for quality education, but they have to be coupled with improved teaching and learning conditions that challenge students to meet the environmental needs of their communities and the country. The challenge of the twenty-first century is building sustainable rural communities with healthy environments and prosperous individuals, active civic and social life, and an economy that is kind to the environment.

Schools can help with all of the above.

Timothy Collins is assistant director of the Illinois Institute for Rural Affairs at Western Illinois University in Macomb. Opinions expressed here are his and his alone.

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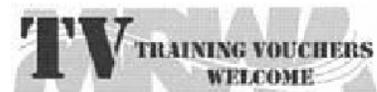
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Students Say the Darndest Things: The Do's and Don'ts to Censoring Student Publications

Written by N. Scott Kimble

Bill Cosby hosted the hit TV show “Kids Say the Darndest Things” in the late 1990s. The premise of the show was that the host, Cosby, would ask a question to a child who would then usually respond in a “cute” way. While high school student’s comments are often not as “cute” as some of those children on the TV show, they do say the darndest things, many times in print.

Most high schools in Missouri allow students to operate school newspapers. The newspapers are run by high school students and typically a journalism teacher/advisor. The articles are researched and written by students with the help of the advisor. It gives students the opportunity to write articles and experience the inner-workings of the publication process. It is truly a unique feature to the high school experience. However, at some point during the operation of the student newspaper, an article will undoubtedly touch upon some topic that could be considered inappropriate for a school setting.

This article will discuss applicable case law in regard to student censorship as well as advice on what district administrators should do and should not do in regard to censoring its student publications.

So, what is a school administrator’s responsibility when a potentially inappropriate topic is about to be printed in the school newspaper? Also, what are the appropriate guidelines to follow when this occurs? Before answering these questions, it is necessary to review the United States Supreme Court decision, *Hazelwood v. Kuhlmeier*, as this case is the authority regarding student publication issues.

Hazelwood v. Kuhlmeier (1988)

This landmark decision concerned the extent to which educators could exercise editorial control over the contents of a high school newspaper produced as part of the school’s journalism curriculum.

The practice at Hazelwood East High School was for the journalism teacher to submit page proofs of each issue of the student newspaper, “Spectrum,” to Principal Reynolds for his review prior to publication. As was required, the journalism teacher delivered the proofs to Principal Reynolds. Principal Reynolds objected to an article scheduled to appear in an edition of the newspaper. The article described three Hazelwood East students’ experiences with pregnancy. Principal Reynolds was concerned that, although the pregnancy story used false names “to keep the identity of these girls a secret,” the pregnant students still might be identifiable from the text. He also believed that the article’s references to sexual activity and birth control were inappropriate for some of the younger students at the school. The superintendent concurred with Principal Reynolds decision not to print the article.

After Principal Reynolds’ decision to not print the article and the superintendent’s concurrence, the students filed suit in the United States District Court for the Eastern District of Missouri seeking among other things a declaration that their First Amendment rights had been violated.

Justice White, writing for the Court, stated, “A school must be able to set high standards for the student speech that is disseminated under its auspices – standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the ‘real’ world – and may refuse to disseminate student speech that does not meet those standards.” Justice White further noted that a school must be able to take into account the “emotional maturity” of the intended audience in determining whether to distribute student speech on a potentially sensitive topic.

Justice White explained that there are several topic areas that may not be appropriate for the school setting. The topic areas that Justice White mentioned were articles that could be perceived as advocating drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the “shared values of a civilized social order or to associate the school with any position other than neutrality on matters of political controversy.”

It should be noted at this juncture that it is extremely difficult to gage what would and would not be appropriate topics. Topics that touch on sensitive materials may in fact be deemed appropriate by the administrator after having had an opportunity to review the article. Censoring student publications requires a fact intensive analysis and should be looked at on a case-by-case basis. There are no cookie cutter guidelines to determine what is or is not appropriate.

The Court went on to hold, “...educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concern.” The Court further held, “It is only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose that the First Amendment is so directly and sharply implicated as to require judicial intervention to protect students’ constitutional rights.” This then, is the “RULE” which district administrators must follow.

While this decision does not grant district administrators unbridled discretion to censor its student publications, it does allow for administrators to exercise a considerable amount of control over those publications. This is an important ruling because it outlines how a district should go about monitoring and censoring student speech in the written form. Below is a discussion of what district officials should and should not do when they are faced with potentially censoring their student publication.

What District Administrators Should Not Do

As Justice White opined for the court, a school district may censor its student publication as long as that censorship is related to a legitimate educational reason. Where districts, and administrators in particular, run afoul of the *Hazelwood* decision is when there is no educational reason articulated for censoring the publication. While the district does not want to impinge on the student’s First Amendment rights, it must also make decisions that are in the best interest of its students. So, having stated such, here are the “Don’ts” related to censoring student publications.

(Continued on page 14)

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Continued from page 10)

- **Don't** censor a student publication and refuse to articulate a reason as to why you censored that publication.

Per Hazelwood v. Kuhlmeier, an administrator must demonstrate an articulable reason as to why he or she deems the censorship necessary.

- **Don't** censor a student publication for the sole reason that you do not agree with what has been written.

An administrator should not censor a student publication just because he or she disagrees with what has been written. Due to the *Hazelwood* decision, an administrator does possess a considerable amount of discretion regarding what will and will not be published. After all, a student newspaper is part of the high school curriculum. However, a decision to censor a publication based on a "knee-jerk" reaction could place the district in a difficult position with the public, or even worse, land the district in federal court. Therefore, each decision made in regard to censoring a student publication should be well thought-out.

- **Don't** attempt to create a list that will limit the scope of what that student publication will be permitted to publish.

An administrator should not try to limit the types of topics that can be discussed by students by developing a list of topics that are not to be covered. As noted above, censoring student publications requires a fact intensive analysis. Also, it is inevitable that the administrator would fail to include a topic that would be deemed inappropriate at some later juncture. Simply stated, it is impossible to determine what will be appropriate and inappropriate.

- **Don't** ignore your student publication.

Perhaps the worst idea a district administrator could have would be to ignore what is being written in the student publication. If a district administrator determines that he or she will do nothing, that administrator leaves the district open to attack from the public or worse, lawyers. A student newspaper should write for their audience, which includes high school students, as well as the community that may have access to the student publication. The district administrator should be mindful of these potential readers and not permit the student publication to print inappropriate material.

What District Administrators Should Do

Assuming the school district does have a student newspaper, there are a few ideas that the Board of Education should consider implementing:

- **Do** have the Board of Education adopt a policy that governs student publications.
- **Do** have a policy that contains a provision in which the principal or his designee may delay or stop distribution of any materials that may be deemed inappropriate for the school setting. For example:

The building principal/designee may delay or stop distribution of any materials proposed for printing or that have been printed which may be reasonably forecast to cause substantial and material disruption or obstructions of any lawful mission, process, or function of the school.

That provision more than likely should include a sentence which states:

The principal or his designee shall make the final determination as to what topics will be appropriate for publication.

- **Do** develop provisions/procedures for that policy which will determine how challenged material will be handled. For example:

Editorial Level

If material submitted to a page editor is rejected, the writer, after a conference with the editor, may appeal to the Editorial Board. If the Editorial Board rejects the material, the writer may appeal to the faculty advisor. The faculty advisor, after hearing both sides, considering all factors and giving guidance and counsel, shall submit in writing his/her recommendations and resolutions.

Editor-in-Chief Level

If material presented by a page editor is rejected by an editor-in-chief, the writer after a conference with the editor-in-chief may appeal to the Editorial Board. If the Editorial Board rejects the material, the writer may appeal to the faculty advisor. The faculty advisor, after hearing both sides, considering all factors and giving guidance and counsel, shall submit in writing his/her recommendations and resolutions.

Faculty Advisor Level

Material found unobjectionable by the Editorial Board but questioned by the faculty advisor shall be discussed by both parties. If the difference

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cannot be resolved, the material shall be presented to the building principal for review and guidance.

Material still found unobjectionable by the Editorial Board but questioned by the faculty advisor and/or building principal shall be presented at a joint meeting of the Editorial Board and the advisor. The faculty advisor must give specific reasons for his/her objections and give guidance to the group. The student writer shall be afforded an opportunity to present his/her viewpoint. If the Editorial board by a two-thirds vote still finds the material unobjectionable it may be printed. A quorum will be considered present when two thirds of the Editorial Board attend a meeting, and two thirds of those present must agree.

A brief statement summarizing the dialogue held and signed by all parties shall be presented to the building principal. The building principal shall forward the statement and copies of the article to the Superintendent and the Board of Education for their information. The signed statement shall signify that the Editorial Board fully understand the reservations of the faculty advisor and/or building principal and has chosen to exercise its option under the Board Policy.

Building Principal Level

The building principal/designee may delay or stop distribution of any materials proposed for printing or that have been printed which may be reasonably forecast to cause substantial and material disruption or obstruction of any lawful mission, process or function of the school.

The building principal/designee must forward a copy of the material to the Superintendent and a statement of reasons for delay or stoppage. The Superintendent shall schedule a hearing with all parties immediately to determine if the delay or stoppage was warranted.

(The above referenced provisions/procedures, shown in italics, were taken from the Missouri Consultants for Education Policy Manual).

- **Do** follow the Board's policy to the letter! Failure to follow the above recommendations may result in some of the following:

The district could find itself in court litigating an allegation that the district deprived their students of their First Amendment rights. The district could also find itself in trouble with the local media. Anytime a school newspaper is censored, local papers clamor at the opportunity to place the district in a negative light. The district could also find itself in a difficult position with teachers, students, and parents. There may be mistrust of the administration if there is not a clear policy in place to delineate what will occur when there is challenged material.

In conclusion, student publications serve an educational purpose. Administrators have a responsibility to oversee the operation of their student newspapers to ensure that students and the community benefit from a properly run student publication. The importance of a written policy and following that policy cannot be overstated.



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