



Our goal is to work in cooperation with all other education organizations, 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.

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MARE Calendar  
2014-2015

Board Meeting

- May 4, 2015, Jefferson City-10:00 a.m.
- July 25, 2015, Jefferson City - 10:00 a.m.
- July 30 & 31, 2015 Orientation Workshop for School Health Office Staff, Jefferson City, MO

Board Training

- A listing of future training dates and locations will be posted on the MARE website in the near future.
- October 25, 26, 27. 2015 MARE /K-8 Conference , Lake Ozark, MO

**Executive Director's Report**

Ray V. Patrick, EdD

In response to the revolutionary cause of 1775, Paul Revere, on the way to Lexington, Massachusetts, rode along the countryside, stopping at each house **to proclaim, "The British are coming, the British are coming!"** His alarm served to warn his fellow countrymen that it was time to prepare to defend their communities. In service to the rural districts of Missouri, the Missouri Association of Rural Education (MARE) believes the time is now, to sound the alarm for local communities, their school districts, as well as for local and state policy makers to become more knowledgeable of the value of small schools in this state.

Craig Wood, a professor of educational leadership at the University of Florida, **provided testimony, in the early 2000's, telling the Missouri legislators that** they had two choices to support local schools – you can raise taxes or consolidate schools. Could the consolidation of schools become a legislative issue in Missouri? Representative Kurt Bahr, a St. Charles legislature, serving as Chairman of the House Committee on Appropriations for Elementary and Secondary Education, has determine the time is now to begin the discussion of rural school consolidation as a way to save, at a minimum, the state foundation program around \$15 million annually.

**House Bill 1292 was recently filed, by Representative Bahr, to "start the debate," which if approved would essentially close all school districts with 350 students or less.** (Representative Bahr has indicated that he would like to see the 350 number turn in to 800 or more.) Using current annual enrollment counts of 350 students or less, approximately 200 districts would be provided two choices. They would be able to develop a plan to consolidate with a larger district or a number of districts that would meet the new minimum number of students or the state board of education would be required to fulfill the legislative mandate. Either-way, once the district(s) are consolidated, the boards of education and administrative structure would cease to exist. Classroom in-

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Missouri Association of Rural Education

Officers and Board of Directors

2014-2015

Officers

- President Eric Cooley
- Vice President Tim Boatwright
- Secretary Philip C. Dorth
- Treasurer Mary Lue Potthast

Regional Board Members

- Region A: Tim Boatwright (Halfway R-III)
- Region B: Kyle Kruse (New Haven)
- Region C: Tim Crawley (Neosho R-V)
- Region D: Eric Cooley (Stoutland R-II)
- Region E: Kenneth Cook (Malden R-I)
- Region F: John Brinkley (East Lynne #40)
- Region G: Wayne Stewart (Glenwood R-VII)
- Region H: Dianna Hoeness (Marion Co. R-II)
- Region I: John Dunham (Macon Co. R-IV)
- Region J: Brian Robinson (Winston R-VI)

School Board Representatives:

- Ken Lentz (Malden R-I)
- John Poston (N. St. Francois Co. R-I)

Higher Education/K-8 School Representatives

- Terry Reid (Lindenwood University)
- Darryl Pannier (K-8 Assn.)

Advisory Members

- Larry J. Hart (L.J. Hart & Company)
- Kristi Smalley (University of MO High School)

Executive

- Ray V. Patrick Executive Director
- Jerry Cochran Assist. Executive Director
- Philip Dorth Associate Director



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**

**MISSOURI ASSOCIATION OF RURAL EDUCATION  
Superintendent Search Services**



**About the Service...**

The role of the MARE Superintendent Search Service is to assist your board in the procurement of a quality superintendent who will lead the district to ensure a quality education for all students.

The Board of Education will receive customized services through the collaborative work with the search service as we design the timeline to embrace complete commitment to the search including, but not limited to: recruitment, screening, reference checks, scheduling and protocol for candidate interviews, planning meetings with the board and onsite visits. The MARE Search Service approach is *flexible*; recognizing the expectations and needs of each board varies.

**How Much Does it Cost?**

The cost of the MARE Superintendent Search Service is based on the school district enrollment and the services requested. MARE will work with the board to design a search process that will address the district needs and schedule. MARE prides itself in being able to help school districts locate and employ leaders in a very cost competitive manner.

In an effort to maintain cost effectiveness, MARE's superintendent searches make significant utility of technology to facilitate its work with boards of education who are seeking interested candidates. Mailings, notifications, listings, reviews, profiles, and other search techniques are efficiently designed and delivered to allow MARE to offer its search services at a reasonable cost to the school district. The following charges apply:

District Enrollment	Charges	District Enrollment	Charges
500 students or less	\$2,800	2501 – 3000 students	\$5,300
501 – 1000 students	\$3,300	3001 – 3500 students	\$5,800
1001 – 1500 students	\$3,800	3501 – 4000 students	\$6,300
1501 – 2000 students	\$4,300	Above 4000 students	\$6,800
2001 – 2500 students	\$4,800		

If a school district is current in their annual membership with MARE, the above professional charges will include the official mailings to every district in the state of Missouri. If a non-member district engages MARE to conduct their superintendent search, MARE will include in the above professional charges cost of the mailings plus their fee will include a full year's membership in the MARE organization for that school district.

**MARE Search Service Information...**

The association provides the service as part of our continued commitment to foster strong board/superintendent relationships and to enhance school district leadership in Missouri. School districts interested in more information about the superintendent search services should forward inquiries to:

MARE	
Dr. Mike Jinks, Lead Search Consultant 116 Fairview Ave Warrensburg, MO 64093 Cell (660) 441-7473	Dr. Paul Ricker, Search Consultant 1889 Bittersweet Road Lake Ozark, MO 65049 (573) 365-4703

You may also email [rpatrick@moare.com](mailto:rpatrick@moare.com) or call MARE Superintendent Search Services at 660-747-8050 to learn more about our service or to begin the search process.

## Rural schools use tech, partnerships to face challenges

By Benjamin Herrold, Missouri Farmer Today

CALHOUN — Chris Small knows the challenges many rural schools face, such as declining population and families battling poverty.

But, the school superintendent also sees how technology, creative partnerships and securing [grants](#) can help rural schools provide [quality education](#).

Small is the superintendent of the Calhoun R-VIII school district, which has 135 students in kindergarten through 12th grade. Calhoun, located in Henry County in West Central Missouri, had a population of 469 in the 2010 Census.

“We are much like many rural schools,” Small says. “Populations are declining. The mid-size schools and larger schools are getting larger, and the small schools are mostly getting smaller.”

Small says there are 520 school districts in Missouri. Of those, about 200 are considered small schools, with 350 or fewer students K-12. Taking it a step further, Small says there are 40 to 50 “ultra-small schools,” with fewer than 200 students K-12.

“Small schools have to be much smarter to achieve the same outcome,” he says. “. . . We have to work so much harder to achieve the same outcomes as suburban schools.”

This includes making the most of resources, and people in the community working together to support the school.

“We always try to look at how can we maximize our resources available to us — money resources, but also people resources,” he says.

The Calhoun school district recently received a \$925,000 grant from the Missouri Department of Economic Development for its early childhood development center. The center serves 65 kids, including some from neighboring school districts.

Small says partnerships between school dis-



Chris Small, superintendent of the Calhoun school district, says rural schools can use technology and partnerships to combat challenges such as declining population and rural poverty.

tricts to share resources is one way rural schools can [continue](#) to succeed going forward.

“We’re going to have to be more savvy with forming partnerships with other entities and schools,” he says.

Technology is also useful in helping small schools provide as good an education as bigger schools with more financial resources.

“I believe in the next 20 years, technology and its implementation is going to be the great equalizer for rural schools,” he says.

SMALL SAYS familiarity with technology is especially important in rural areas, as most agriculture-related careers require familiarity with technology.

“We are hoping to get tablets in every kid’s hands,” he says. “We want to bridge that gap between using technology at home and at school.”

Small says it doesn’t make sense kids are connected to their devices everywhere but are asked to power down at school, where devices can help.

Poverty can also be a barrier for rural students. Small says 90 percent of Calhoun students [qualify](#) for free or reduced-price lunches.

“People think that poverty is an urban issue,”

he says. “The face of rural poverty is huge.”

Small says through the federal Community Eligibility Provision, the school is able to provide free breakfast and lunch to every student if they want it.

Some school districts are feeling the pinch of rural population decline, especially in Northern Missouri. Small says some schools in Missouri’s northern-tier counties are seeing 2 percent to 6 percent [enrollment](#) declines each year.

“Some of those districts are going to have to make some hard decisions,” Small says.

Jon Bailey, director of rural public policy for the Center for Rural Affairs, says depopulation and rural poverty can hurt the tax base of small schools, especially when areas do not have a lot of businesses.

Combine this with an increase in land valuations in recent years, and farmers often bear a heavy portion of the tax burden for funding schools.

“Most of that burden falls on a fairly small number of people,” Bailey says. “With the huge spike in land valuations, a small number of people have a huge responsibility for funding a school.”

The trend of fewer, bigger farms and the “social trend” of having fewer kids also con-

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## MARE Associate Membership

Companies/Organizations	Contact	Phone Number
American Boiler Services, Inc.	Mike Hemphill, Craig Barker	St. Louis (800) 235-5377 – K.C. (888) 440-0382
American Fidelity Assurance Company	Kaitlin Economon	(417) 890-1087
Budget Plus Software	Leland Foster	(816) 847-6610
Capstone Insurors, Inc	Kevin Krueger, J.R. Collins	(417) 777-7570
Central State Bus Sales	Joe Wright	(636) 343-6050
Chalkable	Dan Snodgrass, Jennifer Porter	D=(800) 844-0884 x 1230 J=(573) 380-2524
Claim Care Inc.	Stacy L. Dye	(877) 327-5308
CTS Group	Scott Ririe, Gina Bicknese	(636) 230-0843
Dake Wells Architecture	Brandon Dake, Andrew Wells	(417) 459-3500
Dickinson Hussman Architecture	Dwight Dickinson	(3114) 727-8500
Educationplus	Sandy Berg	(314) 692-1224
eRate Program, LLC	Richard Senturia	(314) 282-3665
Facility Solution Group, LLC	Rick Bischoff	(636) 680-9104
Flat Creek Contracting Corporation	Gabriel Hinshaw	(913) 553-7385
FLITEleaders Consulting LLC	Mike Ringen	(816) 517-1772
Forrest T. Jones & Company	Mark Iglehart	(800) 821-7303 x 1298
Forrest T. Jones & Company	Marty Albertson	(816) 392-4649
Forrest T. Jones & Company (LTC)	Larry Dean	(800) 821-7303 x 1134
Forrest T. Jones & Company	Gary Hawkins	(660) 247-3967
Forrest T. Jones & Company	Tom Wales	(573) 808-1490
Forrest T. Jones & Company	Kevin Dunn	(573) 768-4187
Foundation for Educational Services, Inc. (SOCS)	Stacey Anderson	(800) 850-8397
George K. Baum & Company	Greg Brickner, Joe Kinder	(816) 283-5110
GRP Mechanical Co.	Vince Throckmorton	(314) 650-5294
Guin Mundorf, LLC	Steve Book, Shellie Guin	(816) 333-1700
IMS	Vince Fuemmeler, Steve Wolf	(573) 581-2800
Inter-State Studio, Inc	Roger Kimball	(800) 821-7923
Ittner Architects	Dennis M. Young	(314) 421-3542
K12ITC	Dennis Fisher	(816) 382-4800
L.J. Hart and Company	Larry J. Hart, Roger Adamson	(800) 264-4477
Legal Shield	Larry Smoot	(660) 651-0259

## MARE Associate Membership

Companies/Organizations	Contact	Phone Number
Lindenwood University	John Feely	(636) 949-4481
McKinstry Company	Jon M. McCoy, Joel Gundelfinger	(636) 639-1706
MEUHP	Tom Quinn	(573) 881-3825
<b>Mickes Goldman O'Toole, LLC</b>	Tom Mickes, Teri Goldman	(314) 878-5600
Midwest Bus Sales	Jamie Shipley	(913) 220-1734
Midwest Digital Systems	Chad Sellers	(816) 439-4979
Midwest Transit Equipment	Mike Pace, Ken Pearce	(800) 933-2412
Mike Keith Insurance	Jeanie Cunningham	(660) 747-3151
Missouri Consultants for Education	Bill Ray	(816) 322-0870
Missouri Ed Counsel, LLC	Duane Martin	(573) 777-9645
Missouri Energy Center	Chatchai Pinthuprapa	(573) 526-7770
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.	Mark Stockwell	(314) 800-2223
NAVITAS	Koby Kampschroeder, Ryan Terry	(913) 344-0049
OPPA! Food Management	Andy Condie	(888) 860-3236
Paragon Architecture Inc.	Crystal Reynolds Brad Erwin	(417) 885-0002
Piper Jaffray	Todd Coffoy	(800) 829-5377
Pro Energy Solutions	Mike Williams, Rhonda Hamlin	(417) 499-0591 (713) 739-6428
Sam A. Winn & Associates Architects P.C.	Sam A. Winn, Gary Barbee	(417) 882-7821
SchoolDude	Kelli Wolf	(919) 459-3158
Septagon Construction Company	R. Thomas Howard, Dennis Paul	(800) 733-5999
Thomeczek & Brink, LLC	James G Thomeczek	(314) 997-7733
TRANE	Bev Condit	(636) 305-3760
TREMCO	Matt Wegenka	(417) 894-4934
Tueth Keeney Cooper Mohan & Jackstadt. PC	Pete Yelkovic, Celynda Brasher	(314) 880-3600 / (816) 448-3730
University of MO High School	Kristi Smalley	(573) 884-3974
USI Insurance Services, LLC	Lonnie Thompson	(573) 263-8545
VIRCO, Inc	Stephanie McCormick	(314) 956-2224

**NEW SERVICE**

*Building Administrator Search*

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

**In an effort to maintain cost effectiveness, MARE's Building Administrator searches** make significant utility of technology to facilitate its work with boards of education who are seeking interested candidates. Mailings, notifications, listings, reviews, profiles, and other search techniques are efficiently designed and delivered to allow MARE to offer its search services at a reasonable cost to the school district. The following charges apply:

Building Enrollment	Charges	Building Enrollment	Charges
200 students or less	\$2000	1001 – 1200 students	\$4000
201 – 400 students	\$2400	1201 – 1400 students	\$4400
401 – 600 students	\$2800	1401 – 1600 students	\$4800
601 – 800 students	\$3200	Above 1601 students	\$5200
801 – 1000 students	\$3600		

Search Consultant will meet with district board designated personnel to review unique elements of the school building.

- Identify key expectations for the successful candidate.
- Designation of required vs. desired candidate criteria.
- Identify elements of the compensation package.
- Composition of the vacancy notice.
- Review application process, roles, and establish time lines.

If a non-member district engages MARE to conduct their Building Administrator search, MARE will include in the above professional charges a full year's membership in the MARE organization for that school district.

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

MARE Building Administrator Searches

Dr. Ray V. Patrick

201 South Holden Street, Suite 202

Warrensburg, MO 64093

Phone: (660) 747-8050

Fax: (660) 747-8160

Email: rpatrick@moare.com

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tribute to declining rural school numbers, he says.

Bailey also says technology and partnerships have boosted rural schools.

“Technology has really helped these small schools,” he says. “We’re seeing a lot of co-opting, from sports to purchasing things in the school, sharing superintendents and principals.”

AS FOR all-out consolidation of districts, Bailey says most states leave that up to districts to decide, although Iowa had some forced consolidation in the 1950s and 1960s.

“(Consolidation) is still an issue. When it gets brought up in a small town or rural community, there’s always some interesting conversations,” he says.

Bailey says rural school discussions are important to people because of how important having a good school is to a small community.

“It’s often one of the biggest employers in the community,” he says.

“It’s a necessary infrastructure in your community. No one’s going to live in a community that doesn’t have a school or a hospital. If you’re going to reverse those demographic trends, you’ve got to have a school, have those necessary infrastructures in place.”



**Fifth Annual MARE Scholarship**  
**Gold Tournament**  
**Tuesday July 28, 2015**  
**Eagle Knoll - Columbia, MO**  
**Located on Highway 63, between Columbia and**  
**Jefferson City, MO**

**Orientation Workshop for School Health Office Staff**

Missouri Association of Rural Education (MARE) is partnering with the Department of Health and Senior Services (DHSS), School Health Program to offer a basic orientation for the school health office staff,, in particular new staff.

When/Where: **Thursday and Friday, July 30, 31, 2015 - Governor's Office Building Madison Street, Jefferson City. MO.**

**We are proud to announce the rebranding of Software Technology, Inc. (STI) to Chalkable.**

The rebranding marks an exciting milestone in the company's history as we evolve and expand our business to not only offer the best education data management solutions, but also offer more student- and teacher-centric solutions to better meet your needs.

This company has a rich 30-year history of serving the K-12 community. Our new brand, Chalkable, reflects both how the company is evolving and the foundational elements upon which it was built. Our new brand reinforces our:

- **Commitment to K-12**

We are a K-12 company. This is our history and our focus. Our new brand reflects our commitment to the market we serve.

- **Emphasis on Growth**

We are expanding our business to offer more teacher- and student-centric solutions that are part of one, comprehensive education platform. Our new brand supports our unified solution set and has meaning across the entire K-12 ecosystem.

- **Culture of Innovation**

We are innovating within and across our technology and services. Our new brand represents this evolution and helps us make mark on the future of education.

- **Focus on Information as a Learning Enabler**

Our history is as a data company. The safety and efficient management of data remains a core strength. However, we understand that "it's what you do with the data that counts". We are shaping our solutions to promote better access to and application of information to promote student achievement. Our new brand embodies our commitment to enable all K-12 stakeholders with relevant information to inspire learning.

You can expect to hear more from us and your peers in the coming months about our new and innovative solutions and the positive impact they are having on student success. You will also notice new visual aspects of our rebranding in our communications with you, including our new logo, new [website](#), new email addresses from @chalkable.com and new overall look and feel. Please note that our corporate headquarters, leadership team, and most importantly, our commitment to serving the K-12 community, remains intact, strong and steadfast.

# GUIN MUNDORF

LLC

Attorneys at Law

## *When Experience Matters*



Jessica Bernard, Angela Witten, Steve Book, Stephen Frestland, Shellie Guin

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David Manx, Barney Mundorf, Shawn McLain-not pictured Sarah Knopik

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[www.gmschoollaw.com](http://www.gmschoollaw.com)

[@GuinMundorfKC](https://twitter.com/GuinMundorfKC)

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



## Purchase Plus

Membership in the PurchasePlus Cooperative Purchasing Program, through Educationplus is FREE.

PurchasePlus is a leading purchasing cooperative providing procurement resources and solutions to school districts in Missouri. The cooperative purchasing program combines low prices for high quality services and name-brand products with turn-key program saving the district time and money.

Orders can be placed online or by calling a customer service professional. School Districts A-M call (314) 692-1226, School District N-Z call (314) 692-1235.

Bid processes and awards for fine item bids and AEPA bids exceed ALL state bid requirements.

### Some additional Vendors not listed on front:

Dick Blick	Daktronics	Kyocera Mita	School Solutions, Inc.
Hillyard	Office Essentials	Medsled	FieldTurf USA, Inc.
MNJ Technology	School Reach	Midwest Tech Products	FISHER SCIENTIFIC
Frey Scientific	Nasco Sci. & Math	Techline Sports Lighting	UBU Sports

### Purchasing Process Format

1. Complete the purchase order as normal addressed to specific vendor.
2. Place the name MARE somewhere on the PO.
3. Submit/mail PO to:
 

[Educationplus](#)  
 Attn: [Sandy Berg](#)  
 1460 Craig Road  
 St. Louis, MO 63146

If sent by Fax:  
 (314) 872-7970  
 Attn: [Sandy Berg \(sberg@edplus.org\)](mailto:sberg@edplus.org)
4. Educationplus will forward your district PO on the respec-

## Legislation would lead to closure of small school districts

By: Jim Lawson – Clinton Daily Democrat – March 24, 2015

A St. Louis state representative says he thinks he can save the state around \$15 million in school grant money. His method, if enacted, would spell the demise of over 30% of the school districts in the state, including most of those here in west central Missouri. The legislation would essentially kill off all districts with 350 students or less. Of the 572 school districts registered in the state over 200 fall under that benchmark and many others are just over that number in enrollment.

The list of schools in this area, to almost anyone, is frightening to say the least. Ballard, Lakeland, Appleton City, Drexel, Kingsville, Leeton, Chilhowee, Roscoe, Sheldon, Bronaugh, Northeast Vernon County, Leesville, Shawnee, Montrose, Davis, Miami, and a host of other schools across the state would find themselves on a chopping block to be absorbed by other districts. The proposed legislation stops short of saying schools and buildings would have to close but many would due to sudden redundancy. **The smaller school district's elected boards would be eliminated and control would pass** to the larger, centralized district boards.

Under the proposal school districts with enrollment - under 350 would have two choices. They could negotiate their own annexation with a larger district or the state board of education would do it for them. Either way, those districts would be consolidated and their locally elected boards and administration structure would perish.

A purely hypothetical example: A district such as Calhoun could find itself under the control, either by choice or by assignment, of the Clinton School District and Board of Education or the Windsor District and Board. Ballard could petition to become part of the Butler School District. Lakeland, Montrose and at least one other school could consolidate to become one district.

But what of the Blue Jays, the Bulldogs, Bobcats, Hornets and Vikings? There is no answer in the proposed legislation. While the proposal does not specifically say the smaller schools would close it is perfectly feasible that consolidated districts would swallow the **smaller school's identities. That identity would logically include** sports programs and school mascots.

Opponents have been fast and sharp with criticism of the proposal, citing extreme negative impacts in local control and community identity as well as quality of education issues.

In spite of the second reading in the House the proposal does not, at least at this point, seem to have much traction in Jefferson City. A check of the official House of Representatives website Monday shows there is no debate, vote, assignment or other action(s) re-





## 2015 Federal Legislative Agenda

January 2015

Chairman Ray Patrick

rpatrick@moare.com

Vice Chairman Jimmy Cunningham

jcunningham@hampton.k12.ar.us

The purpose of the National Rural Education Advocacy Coalition (NREAC) is to advocate for the highest quality education for the children of rural America's public schools. The coalition will represent the interests of rural public schools in the national forums in which such issues are decided and in a state when an issue affecting rural schools could have national impact. The NREAC is committed to equitable and adequate funding of rural public schools. The coalition is committed to national policy expanding the programs and services available to rural public schools. The NREAC is dedicated to maintaining rural schools as centers for learning and community life for rural America.

### Focus on Rural Schools and Funding

- NREAC urges Congress to maintain formula grants to provide a more reliable stream of funding to local school districts.
- NREAC beseeches Congress to provide incentives, rather than unfunded mandates, to catalyze school improvement efforts in rural districts.
- NREAC opposes competitive grants, due to capacity issues that impede the ability of rural districts to apply.
- **NREAC believes any competitive funds slated for a 'rural set-aside' should be directed to the Rural Education Achievement Program.**
- NREAC prioritizes restoration to pre-sequester restoration to pre-sequester levels and opposes any across-the-board cuts.
- NREAC supports a federal role that prioritizes investment in Title I and IDEA.
- NREAC supports the reauthorization and re-funding of the Secure Rural Schools program.

### ESEA Reauthorization

- NREAC advocates for complete reauthorization of ESEA this year, emphasizing that the federal role is not to set curriculum or make local education decisions.
- NREAC supports the All Children Are Equal Act and its inclusion within any ESEA reauthorization.
- NREAC advocates for key eligibility changes to the REAP program to ensure more rural districts are able to receive the critical funding they need.
- NREAC advocates for the inclusion of an Office of Rural Education Policy within the Department of Education.
- NREAC deeply opposes any attempts to redirect Title I funding away from concentrations of students in poverty and to make Title I funding "portable" to public and private schools.

### School Nutrition

- NREAC believes that decisions related to school food service personnel are state and local decisions.
- NREAC supports reimbursing schools when federal food service requirements result in loss of revenue.

### Education Technology and E-Rate

- NREAC believes any reauthorization of ESEA should contain a standalone program providing funding for technology, whether current Title II Part D or a similar program.
- NREAC strongly supports maintaining E-Rate as an element of the Universal Service Fund.

### Other Priorities

- NREAC believes Perkins CTE funds should remain formula based to states and districts.
- NREAC supports efforts to assist rural districts in recruiting and retaining teachers and personnel.
- NREAC supports a greater federal investment in early education through the coordination of new and existing school-based and community partnerships.

(Continued from page 1)

structors and support staff might or might not be absorbed into the receiving school district.

Representative Bahr has cited a similar bill that was introduced and passed in Arkansas, as his inspiration for filing HB 1292. The Arkansas Supreme Court handed down a decision in 2002 that the states funding system was inadequate and inequitable. Then Governor Mike Huckabee, along with other state policy makers, looking at ways to redirect school funds, ultimately developed a merger law. What started as a legislative plan to force the consolidation of all school districts with 1,500 or less students ended in January, 2004, when the Arkansas houses passed legislation requiring every school district with 350 or less students to develop plans of school district consolidation.

Marty Strange, a former policy director for the Rural School and Community Trust, a rural school advocacy group has done a great deal of research, on forced consolidation, in several states over several years. Mr. Strange has indicated he has seen very little evidence that there has been any major improvement in academics because of consolidation. There is however, plenty of evidence that consolidation does erode public support for schools.

The West Virginia legislature launched a massive consolidation initiative in 1989. The legislature promised better programs and increased funding for all educational programs, which did not happen. Research now shows that West Virginia now spends more of its education dollars on transportation than any other state.

**Many research projects and articles have been written during the 2000's to support the value of rural and small schools.** An earlier publication published in 1964 titled *Big-School, Small School: High School Size and Student Behavior* by Barker and Gump is still viable today. This publication concluded **that small schools are best and that the supposed superiorities of large schools are "illusions"**. Since 1964, and increasingly since 1995, a large and convincing body of research, has repeatedly found small schools to be superior to large schools on most measures and equal to them on the rest. This holds true for both elementary and secondary students of all ability levels in all kinds of settings.

This article would offer three concluding points:

For the sake of our children, future generations, and our society, our efforts to preach the advantages of educating children in small rural school are critical.

For the future of our children and our communities, policymakers must recognize the educational attainment attributes of small rural schools rather than enacting policies that penalize those schools already imparting those virtues.

**There may at times be a slightly higher cost to operate small rural schools over larger schools',** they are worth the investment because of the value they add to student learning and community cohesion.

In education there are no absolutes. All small schools are not necessarily good, but the overwhelming

(Continued on page 26)

## WHO ACTS AS THE PARENT? (A sequel to “Residency and Enrollment: Legal Rights and Practical Guidance” and “Is This Student Homeless?”)

by

Michelle H. Basi and Celynda L. Brasher  
Tueth Keeney Cooper Mohan & Jackstadt, P.C.

### Introduction

This article is the final installment of a three-part series regarding residency and enrollment, and the basic principles that govern those concepts. One of the important issues associated with residency and enrollment is who has the authority to enroll and make educational decisions regarding the student. This article will **explore the legal principles associated with the question, “Who acts as the parent?” and will provide practical guidance for school districts when they are required to answer the question.**

### Who Acts as the Parent?

This question typically arises in the context of authority to enroll the student, review educational records, and/or to make decisions **regarding the student’s education, medical care, special education services, extra-curricular activities and other educational matters.** The answers, and they may vary from situation to situation, are driven by a number of statutes, applicable case law, and common sense determinations regarding the best interests of the student.

Governing law includes but is not limited to the Individuals with Disabilities Education Act, the Family Educational Rights and **Privacy Act (“FERPA”), Section 504 of the Rehabilitation Act,** and various state statutes. The IDEA and Section 504 create higher standards and a more specific statutory scheme than FERPA, because they involve students with disabilities. Furthermore, students who have been identified as having a disability under the IDEA have the right to make decisions regarding their own education and programming. Therefore, once a student with an IEP turns 18, he or she has the right to act as the parent, unless the parent or guardian has obtained a legal guardianship extending past age 18. Because this area can be complex, and because personally identifiable student information (especially information pertaining to disability status) is confidential, it is important for staff to receive training as to who should enroll students, receive student information, and make educational decisions.

### Court Orders and Custody Issues

When parents are divorced or legally separated, it is sometimes difficult to determine who has the authority to enroll a student in the district, access student records, and make educational deci-

sions. These issues can be resolved only by looking at the divorce, decree of dissolution and the parenting plan. It is essential to obtain the most recent version of these court orders and any related documents. There are many different types of custody arrangements: (1) Joint legal and joint physical custody; (2) joint legal custody, with one parent having primary physical and the other having visitation; (3) one parent with sole legal and physical custody and the other having no visitation; (4) parents never married, with legal adjudications regarding custody, visitation, etc.; and (5) parents never married, with no legal adjudications. Additionally, some parenting plans will have tie-breaker provisions, such as one parent being the designated decision maker or a requirement to participate in mediation, while other orders are silent regarding how to resolve stalemates involving the student. Some parenting plans also required that both parents be able to **participate on an equal basis in the student’s school activities, regardless of the custody arrangement.** These are just some examples of why it is so important to obtain all of the complete and most current legal documents regarding access to the student, student records, and decision-making authority. All of the foregoing principles also apply to court orders regarding legal separation – which may occur prior to or instead of a divorce or dissolution of marriage.

### Custodial v. Non-Custodial Parents

Absent an explicit court order to the contrary, both custodial and non-custodial parents have equal access to student records, teachers, parent-teacher conferences, and student activities. Most court orders specifically encourage equal access and participation. Additionally, there is no requirement that the parents have ever been married, so long as there is no doubt to the accuracy of the claim to be a parent. A parent who has access to student records may delegate that access to relatives or others. Typically, that delegation must be in writing to be effective under FERPA, although delegation to a step-parent is often presumed without written consent. Nevertheless, the school may request written proof of delegation to a step-parent if there is any doubt about the authority of the step-parent to receive student records and other information. When a biological parent or a guardian has delegated authority to another person to receive information regarding a student, the other biological parent has no veto over that delegation. It is important to remember, however, that delegation provided in writing must be

*(Continued on page 39)*

### Recommended Adult Immunization Schedule—United States - 2015

Note: These recommendations must be read with the footnotes that follow containing number of doses, intervals between doses, and other important information.

Figure 1. Recommended adult immunization schedule, by vaccine and age group<sup>1</sup>

VACCINE ▼	AGE GROUP ►	19-21 years	22-26 years	27-49 years	50-59 years	60-64 years	≥ 65 years
Influenza <sup>2</sup>		1 dose annually					
Tetanus, diphtheria, pertussis (Td/Tdap) <sup>3</sup>		Substitute 1-time dose of Tdap for Td booster; then boost with Td every 10 yrs					
Varicella <sup>4</sup>		2 doses					
Human papillomavirus (HPV) Female <sup>5</sup>		3 doses					
Human papillomavirus (HPV) Male <sup>5</sup>		3 doses					
Zoster <sup>6</sup>						1 dose	
Measles, mumps, rubella (MMR) <sup>7</sup>		1 or 2 doses					
Pneumococcal 13-valent conjugate (PCV13) <sup>8</sup>						1-time dose	
Pneumococcal polysaccharide (PPSV23) <sup>9</sup>				1 or 2 doses			1 dose
Meningococcal <sup>9</sup>				1 or more doses			
Hepatitis A <sup>10</sup>				2 doses			
Hepatitis B <sup>11</sup>				3 doses			
<i>Haemophilus influenzae</i> type b (Hib) <sup>12</sup>				1 or 3 doses			

\*Covered by the Vaccine Injury Compensation Program

- For all persons in this category who meet the age requirements and who lack documentation of vaccination or have no evidence of previous infection; zoster vaccine recommended regardless of prior episode of zoster
- Recommended if some other risk factor is present (e.g., on the basis of medical, occupational, lifestyle, or other indication)
- No recommendation

Report all clinically significant postvaccination reactions to the Vaccine Adverse Event Reporting System (VAERS). Reporting forms and instructions on filing a VAERS report are available at [www.vaers.hhs.gov](http://www.vaers.hhs.gov) or by telephone, 800-822-7967.

Information on how to file a Vaccine Injury Compensation Program claim is available at [www.hrsa.gov/vaccinecompensation](http://www.hrsa.gov/vaccinecompensation) or by telephone, 800-338-2382. To file a claim for vaccine injury, contact the U.S. Court of Federal Claims, 717 Madison Place, N.W., Washington, D.C. 20005; telephone, 202-357-6400.

Additional information about the vaccines in this schedule, extent of available data, and contraindications for vaccination is also available at [www.cdc.gov/vaccines](http://www.cdc.gov/vaccines) or from the CDC-INFO Contact Center at 800-CDC-INFO (800-232-4636) in English and Spanish, 8:00 a.m. - 8:00 p.m. Eastern Time, Monday - Friday, excluding holidays.

Use of trade names and commercial sources is for identification only and does not imply endorsement by the U.S. Department of Health and Human Services.

The recommendations in this schedule were approved by the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP), the American Academy of Family Physicians (AAFP), the American College of Physicians (ACP), American College of Obstetricians and Gynecologists (ACOG) and American College of Nurse-Midwives (ACNM).

Figure 2. Vaccines that might be indicated for adults based on medical and other indications<sup>1</sup>

VACCINE ▼	INDICATION ►	Pregnancy	Immuno-compromising conditions (excluding human immunodeficiency virus [HIV]) <sup>4,6,7,8,13</sup>	HIV infection CD4+ T lymphocyte count <sup>4,6,7,8,13</sup>		Men who have sex with men (MSM)	Kidney failure, end-stage renal disease, receipt of hemodialysis	Heart disease, chronic lung disease, chronic alcoholism	Asplenia (including elective splenectomy and persistent complement component deficiencies) <sup>8,12</sup>	Chronic liver disease	Diabetes	Healthcare personnel
				< 200 cells/μL	≥ 200 cells/μL							
Influenza <sup>2</sup>			1 dose IIV annually			1 dose IIV or LAIV annually	1 dose IIV annually					1 dose IIV or LAIV annually
Tetanus, diphtheria, pertussis (Td/Tdap) <sup>3</sup>		1 dose Tdap each pregnancy	Substitute 1-time dose of Tdap for Td booster; then boost with Td every 10 yrs									
Varicella <sup>4</sup>		Contraindicated		2 doses								
Human papillomavirus (HPV) Female <sup>5</sup>		3 doses through age 26 yrs		3 doses through age 26 yrs								
Human papillomavirus (HPV) Male <sup>5</sup>		3 doses through age 26 yrs		3 doses through age 21 yrs								
Zoster <sup>6</sup>		Contraindicated		1 dose								
Measles, mumps, rubella (MMR) <sup>7</sup>		Contraindicated		1 or 2 doses								
Pneumococcal 13-valent conjugate (PCV13) <sup>8</sup>							1 dose					
Pneumococcal polysaccharide (PPSV23) <sup>9</sup>							1 or 2 doses					
Meningococcal <sup>9</sup>							1 or more doses					
Hepatitis A <sup>10</sup>							2 doses					
Hepatitis B <sup>11</sup>							3 doses					
<i>Haemophilus influenzae</i> type b (Hib) <sup>12</sup>			post-HSCT recipients only	1 or 3 doses								

\*Covered by the Vaccine Injury Compensation Program

- For all persons in this category who meet the age requirements and who lack documentation of vaccination or have no evidence of previous infection; zoster vaccine recommended regardless of prior episode of zoster

- Recommended if some other risk factor is present (e.g., on the basis of medical, occupational, lifestyle, or other indications)

- No recommendation



**U.S. Department of Health and Human Services**  
Centers for Disease Control and Prevention

These schedules indicate the recommended age groups and medical indications for which administration of currently licensed vaccines is commonly recommended for adults ages 19 years and older, as of February 1, 2015. For all vaccines being recommended on the Adult Immunization Schedule, a vaccine series does not need to be restarted, regardless of the time that has elapsed between doses. Licensed combination vaccines may be used whenever any components of the combination are indicated and when the vaccine's other components are not contraindicated. For detailed recommendations on all vaccines, including those used primarily for travelers or that are issued during the year, consult the manufacturers' package inserts and the complete statements from the Advisory Committee on Immunization Practices ([www.cdc.gov/vaccines/hcp/acip-recs/index.html](http://www.cdc.gov/vaccines/hcp/acip-recs/index.html)). Use of trade names and commercial sources is for identification only and does not imply endorsement by the U.S. Department of Health and Human Services.

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**MEDICAID 101: Claim Care, Inc.**

You have likely been hearing the word Medicaid a lot recently and may be confused as to how this applies to your school district. These programs can be enormously beneficial to school districts and their students by boosting available revenue and resources. We have included a breakdown and differentiation of the two most common school-based Medicaid funding programs below in which your school district may participate.

**MO HealthNet Direct Services Program** allows school districts to collect reimbursement for school-based therapy services provided to Medicaid eligible IEP students. These reimbursable services must be performed by qualifying therapy providers and include speech/language, occupational and physical therapy as well as private duty nursing, personal care, behavioral health and hearing aid services. MO HealthNet has approved the addition of a separate aspect to the program. An implementation date for this addition has not yet been determined. All current aspects of the Direct Services Program remain unchanged and participation is more crucial than ever. Claim Care strongly encourages all districts to participate in this program to the fullest extent. Please contact us for additional program details or information regarding Claim Care services.

**MO HealthNet School District Administrative Claiming (SDAC)** allows school districts to collect reimbursement for advocacy, eligibility outreach, coordination and referral for improved health care services for students through the MO HealthNet program. These reimbursable activities include, but are not limited to, Medicaid outreach with students and families, facilitation of Medicaid eligibility determination, and transportation-related activities in support of Medicaid covered services. This reimbursable administrative support must be performed by qualifying district personnel and Random Moment Sampling is conducted to gather data. Fairbanks LLC has been selected by MO HealthNet and the Department of Social Services as the statewide vendor for SDAC administration. Fairbanks LLC will charge districts a standard 5% of revenue collected for these services. These program changes have an effective date of April 1, 2015. Missouri School districts will now be operating under an approved CMS manual for the SDAC program made available on January 9, 2015 (<http://manuals.momed.com/manuals/>).

Please contact us at (877) 327-5308 or [claim@centurytel.net](mailto:claim@centurytel.net) if you have any questions about Medicaid/MO HealthNet. Claim Care's long-time dedication to school-based MO HealthNet programs and Missouri school districts coupled with very close working relationships with clients and extended services allow Claim Care districts to maximize reimbursement revenue. Funding generated from the Direct Services program can make a huge impact in special services and resources we are able to provide for our children with special needs here in Missouri. We are so pleased and humbled to be the MARE endorsed Medicaid services vendor for Missouri school districts. We would love the opportunity to make a difference at your district!

For additional state program information, you may visit the following websites:

<http://dss.mo.gov/mhd>    <http://mmac.mo.gov>    <http://manuals.momed.com/manuals/>

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ph 877.327.5308 • fax 877.483.2598  
[claim@centurytel.net](mailto:claim@centurytel.net)



## Case Study: Centralia R-VI School District

# School District Increases Efficiency with Electronic Records

*Centralia R-VI School District eliminated manual, paper-based processes with a convenient, cloud-based application so administrators and staff members can focus on more important tasks*

## Business Needs

With decades of records stored onsite, the Centralia R-VI School District receives frequent requests for documents such as transcripts and school board meeting packets. To make it easier for staff to fulfill these requests and protect historical records, Centralia needed to reduce reliance on paper-based records.

## The Solution



Centralia converted thousands of pages of transcripts and board packets to electronic images and stores them in the FileBound Cloud with assistance from Missouri-based solution provider IMS.

## Benefits

- Storing electronic records in the cloud reduces time spent retrieving transcripts from an estimated 20 minutes per request to a few seconds, significantly increasing efficiency
- The ability to search board packets for specific actions enables staff to quickly respond to requests and comply with open records laws covering these public documents
- Cloud-based document storage adds an additional layer of protection for historical documents pertaining to students, administrative processes and facilities



Centralia R-VI Public School District is located in the northeast corner of Boone County, Missouri, and western portions of Audrain County. There are approximately 1400 students that attend four different campuses composed of seven buildings housing a preschool, elementary, intermediate, middle school, high school, vocational sciences and alternative school.

<b>INDUSTRY:</b>	K-12 Education
<b>LOCATION:</b>	Centralia, MO
<b>STUDENTS:</b>	1,400
<b>WEBSITE:</b>	<a href="http://centralia.k12.mo.us">centralia.k12.mo.us</a>

*“The biggest impact so far has been from putting the paper in storage and gaining efficiency. But some of the story has yet to be written.”*

— **Darin Ford, Superintendent,**  
Centralia R-VI School District

## Improving access to a decade of records

Every spring, dozens of students graduate from Centralia R-VI School District in Missouri. While the young men and women move on to the next phase of their lives, the records of their academic careers remain. The district receives many requests for transcripts of past students, which impacts administration staff and counselors.

"My personal experience with transcripts inspired me to look at a better way to manage them," says Darin Ford, superintendent of Centralia R-VI. "When I was a principal, I would sometimes have to fill these requests, which would take about 20 minutes to retrieve the transcript from the filing cabinet, make a copy or scan, send it to the requestor and re-file it. It was thinking about those inefficiencies got me interested in an electronic solution."

Now, when students graduate, their transcripts are sent to FileBound solution provider IMS (Mexico, MO) where they are scanned and stored in FileBound's secure cloud application. When the district receives a request, an authorized member of the administrative or guidance staff can quickly look up the transcript in FileBound and send it to the requestor in seconds. In addition to new transcripts, student files dating back 10 years are also stored in FileBound.

"We're just on the front end of electronic document management," states Ford. "As we use FileBound, we can begin to see other sets of documents that we can start putting in FileBound, so we expect the system to evolve."

The first opportunity to expand beyond transcripts was school board packets containing the many documents from the monthly meetings. Like transcripts, board packets are frequently requested, but requestors often don't know the exact dates of the actions they are looking for. With FileBound, a staff member can look up the specific action and

quickly locate the correct packet. As a result, Centralia can easily comply with open record laws with less impact on staff productivity.

*"As we use FileBound, we can begin to see other sets of documents that we can start putting in FileBound, so we expect the system to evolve."*

— **Darin Ford, Superintendent,**  
**Centralia R-VI School District**

## Securing documents in the cloud

"School districts can become houses full of documents, and you never know what may happen," comments Ford. "History can be wiped out if something happens to those documents." Though Centralia takes required precautions, such as locked, fireproof document storage, knowing the documents are securely stored in the cloud is an added layer of assurance.

Reviewing the specifics about how FileBound stores and protects data allayed any concerns Ford had about security. "We have other things in the cloud, like financials," remarks Ford. "This is a transition period where we have to go more digital. This is the future, and we need to embrace the technology and take advantage of it."

Leveraging the FileBound cloud reduces the burden on Centralia technical staff because it eliminates the need to build and maintain the infrastructure for managing the documents. Cloud solutions can also grow quickly when new documents or projects are added. And it's likely there will be more projects for vendor information, historical documents, documents associated with building and facilities projects, discipline records and more. "The biggest impact so far has been from putting the paper in storage and gaining efficiency," concludes Ford. "But some of the story has yet to be written."

### About FileBound

Upland's FileBound delivers document and workflow automation applications that improve the operation of any organization by connecting users with the information they need to work more efficiently and effectively. With FileBound, customers can build automated workflow processes and centrally manage documents to improve compliance, collaboration and access to information.

### The Upland Product Family



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## A Potentially Prickly Predicament for Prospective Employers

By: Steve Book and Stephen Freeland



On February 25, 2015, the U.S. Supreme Court heard oral arguments in the religious accommodation case of *Equal Employment Opportunity Commission v. Abercrombie & Fitch*. A final decision is expected from the Court by the middle of this year. The decision appears poised to potentially alter the way in which prospective employers conduct applicant interviews, and not just from a religious accommodation perspective.

### The Facts

This case started in 2008 when Ms. Samantha Elauf applied for a sales floor position at an Abercrombie & Fitch store. A 17 year old Muslim woman, Ms. Elauf wore a head-covering, called a “hijab,” to her interview. **At the time Abercrombie had a “Look Policy” for its sales floor position that forbid hats or head-coverings of any kind.** Ms. Elauf was not asked about the hijab or her religious beliefs during the interview, but she was not selected for the position. Through a friend who worked at Abercrombie, Ms. Elauf later learned that her interviewer suspected **that she was Muslim and that she would need to wear the hijab in violation of the company’s “Look Policy.”** Ms. Elauf reported the matter to the Equal Employment Opportunity Commission (“EEOC”). **The EEOC then sued on her behalf, arguing that Abercrombie had violated discrimination laws by failing to accommodate Ms. Elauf’s religious beliefs.**

### The Legal Battle

The trial court ruled in favor of Ms. Elauf, finding that Abercrombie had notice of her religious belief that required wearing a hijab and failed to show that accommodating that belief would have been an undue hardship. The court **of appeals reversed the trial court’s decision, finding that Abercrombie did not have actual notice of Ms. Elauf’s religious beliefs.** The court of appeals held that Ms. Elauf had the burden of informing Abercrombie prior to its hiring decision that she wore her headscarf for religious reasons and that she needed an accommodation due to a **conflict with Abercrombie’s policy, which she failed to do.** Ms. Elauf then appealed to the Supreme Court.

### The Key Issue

The Supreme Court is tasked with determining what is legally sufficient to put an employer on notice that an **employee or applicant’s religious practice may conflict with a job requirement, thereby triggering the employer’s duty** to engage in an interactive dialogue to explore potential accommodations. The Supreme Court could go one of **several ways.** **The best decision for employers would be to affirm the court of appeals’ ruling that the employee or applicant has the duty to inform the employer of a religious practice that requires accommodation.** Alternatively, the Court could hold that any actual notice, regardless of the source, is sufficient to require that the employer begin an interactive dialogue on accommodations. Further yet, the Court could side with the EEOC that actual notice is not required when the employer assumes, infers, or understands that the employee or applicant has a particular religious observance that may require accommodation.

**Notably, following the court of appeals’ decision in favor of Abercrombie, the EEOC revised its published guidance.** Instead of requiring that the employer have actual notice, the EEOC noted that occasionally, even absent an **accommodation request by the applicant or employee, “it will be obvious that the practice is religious and conflicts with a work policy, and therefore that accommodation is needed.”** This revision, while consistent with the EEOC’s current position before the Supreme Court, is not yet the law.

### The Implications

**If the Court adopts the EEOC’s position, employers may be placed in a Catch-22 situation.** Inquiries about religion based on “obvious” traits or characteristics could be viewed as stereotyping applicants, which the EEOC has clearly discouraged in the past as potential evidence of intentional discrimination. Conversely, if employers fail to ask about an “obvious” need for a religious accommodation, then they may still be sued for failure to explore reasonable religious accommodations. In other words, to avoid liability employers may have to ask awkward and deeply

(Continued on page 33)

## Bill Would Mandate Rural School Mergers

By TONY BROWN Maryville Staff writer  
Posted: Wednesday, March 25, 2015 7:58 am

**While it's likely just a shot over the bow during the current session of the Missouri Legislature, a House bill that would mandate** the administrative consolidation of around 200 small, mostly rural school districts has caught the attention of educators and outstate lawmakers alike.

Introduced by state Rep. Kurt Bahr, a Republican from suburban St. Louis, House Bill 1292 would, if signed into law, force the consolidation of every Missouri school district with an enrollment of less than 350 students.

**Just over a third of Missouri's 572 school districts would be affected by such a law, including six of the seven public school** districts in Nodaway County, the sole exception being Maryville R-II, which has about 1,400 students.

Also included would be all of the districts in Atchison, Holt and Worth counties and small schools like Stanberry and King City in Gentry County.

HB 1292 has been read twice in the House but has yet to be referred to committee.

State Rep. Allen Andrews, whose 1st District includes Nodaway County, said Tuesday the proposed legislation does not call for physical mergers **involving the actual closing of school buildings but merely "administrative" consolidations of two or more districts.**

That means the combined districts would operate under a single superintendent and school board and perhaps share other personnel as well.

**However, Andrews believes the proposal's wording illustrates misconceptions many urban and suburban lawmakers have about the way** rural districts work.

**"Administrative consolidation is bad enough,"** said Andrews, adding that he has spoken at length with the bill's sponsor. **"But** if this measure were to pass it would only be a matter of time before we begin to have physical consolidations where schools would be closed.

**"I've had many conversations with urban legislators at the Capitol, and what they don't realize is that schools and churches** are the hubs of our rural communities, and once they close, it isn't long before those communities fade away."

Now in the first year of his two-year freshman term in the House, Andrews said the bill reflects an intrinsic rural-urban split that has been a component of Missouri politics for decades. **"People say that there is a big difference between**

**Republicans and Democrats,"** Andrews said, **"and that's true, but there is just as much of a difference between rural and urban** legislators. On issues like agriculture and education, a lot of them have just not been exposed to the way our life is here."

That tension, Andrews said, is fueled by the continuing decline in population in northwest Missouri and other rural parts of the state, which he admitted could make **"redistricting" of small school districts inevitable at some point.**

But not, he hopes, anytime soon.

**"It's something we will have to address,"** he said, **"and that's why we have to make sure we do everything we can through economic** development to bring businesses here. We have to make sure that northwest Missouri continues to be a viable place to work and raise our **families."**

One reason, Andrews said, that administrative consolidation and school closings could well amount to the same thing in northwest Missouri **has to do with the vagaries of the state's foundation formula, the complex system through which legislative appropriations** are allocated to local districts.

**When the foundation formula was overhauled several years ago, a significant number of districts were classed as "hold harmless,"** meaning that they would receive full funding under the old formula.

Some of those districts achieved hold-harmless status by raising their local tax levies. Others were placed into the category because not doing so would have cut their state funding to a level that would have made it virtually impossible to keep school doors open.

Administrative consolidation would probably make some rural districts large enough that they would no longer qualify for hold-harmless status, which South Nodaway R-IV Superintendent Johnnie Silkett said could lead to budget cuts so deep that building closures would become a fiscal necessity.

**Like Andrews, Silkett doesn't think HB 1292 has much of a chance of passing during the current session. But he added that this** is the first

*(Continued on page 19)*

## Letter to the Editor: HB1292 Is Bad For Our School Districts

Semotimes

By State Rep. J. Don McGaugh

On the last day of bill filing for the 2015 Legislative Session, a colleague of mine filed a bill that would forever change our school districts in the 39th district and across rural Missouri. HB 1292, sponsored by Rep. Kurt Bahr (R-St. Charles) would require all school districts in Missouri with less than 350 students to be administratively consolidated. School Districts required to be administratively consolidate would be consolidated in manner as to create a resulting district with an average daily attendance meeting or exceeding 350 students. Under this legislation, your child may attend school in the same school building as today, but the decisions affecting our school districts would be made miles away and likely outside of our local communities.

The language of HB 1292 carefully reads, “Nothing in this section shall be construed to require the closings of any school or school facility.” While that may be true, this legislation would certainly affect our local identity, school pride, and even our football rivalries by forcing small school districts to consolidate into larger districts. Worst of all, this bill would eliminate our locally elected administrative school boards from our communities. If HB 1292 were passed into law, 1,200 elected school board positions would disappear from our state. Decisions on how our tax dollars are to be spent in the local community and school districts would be taken further away from the voice of the people.

This bill expands the role of government and takes away local control. If our rural school districts were failing and needed to consolidate, they would do so on their own, without the state forcing them to. Representative Bahr and I generally agree on most issues, he has been one of the most vocal opponents to Common Core and a champion of education in the Missouri House. However, Republicans don’t always agree on an issue and we certainly are not right all of the time. Of the 12 school districts that I represent in Ray, Carroll, and Chariton Counties—9 of them would be forced to consolidate under HB 1292. That’s nine communities that would lose the ability to make decisions about where their children go to school. Statewide this legislation would cause 1/3 of Missouri’s school districts to consolidate.

In order to show the opposition and impact of this bill in rural Missouri, I will begin collecting all concerns and responses to HB 1292, which I will then personally deliver to Rep. Bahr’s office for him to read. I encourage everyone to email, mail, fax or phone in your responses regarding HB 1292 to my office. While HB 1292 has made little progress in the legislative process as of today, I want to receive enough messages that I have to make 2 trips to Rep. Bahr’s office to deliver them all. We need to put an end to this idea and we need to stand up for our local school districts against the overreach of state government.

*(Continued from page 18)*

such proposal to be framed as an actual bill.

“The odds of this getting out this year are very, very slim,” he said. “The worry is that it’s started. In my 19 years in education, this is the first such bill we have actually seen.”

Silkett described the measure as “basically a money grab” by urban lawmakers to free up more funds for districts serving thousands of students at the expense of those, like South Nodaway, that serve less than 200.

“My issue with the whole thing is that right now there is zero incentive for any small school to consolidate,” Silkett said. “What the majority of people don’t understand is where does the extra money (saved by consolidation) go? It goes right back into the pot, and then the large school districts receive more funding. You’re robbing Peter to pay Paul.”

## Compliance with Third Degree Assault Reporting Requirements

By: Sarah Schmanke  
Mickes Goldman O'Toole, LLC



Under the Safe Schools Act, R.S.Mo. § 167.117, school principals are required to immediately report to local law enforcement and the school district superintendent any conduct which if committed by an adult would constitute possession of a weapon or controlled substance, or assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee while on school property, or while involved in school activities. Compliance with Section 167.117 can carry big ramifications so school administrators must be aware of their duties under the Statute and be diligent in their efforts to comply. This article will review compliance with the Statute's mandate, specifically as it relates to reporting third degree assault, and consequences for failure to comply.

One of the biggest, if not the biggest, obstacle for school administrators in their efforts to comply with the Statute's reporting requirements is the breadth of the current statutory definition of third degree assault. Currently in Missouri, a person commits third degree assault if:

- (1) The person attempts to cause or recklessly causes physical injury to another person; or
- (2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
- (3) The person purposely places another person in apprehension of immediate physical injury; or
- (4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- (5) The person knowingly causes physical

contact with another person knowing the other person will regard the contact as offensive or provocative; or

- (6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, which a reasonable person, who is not incapacitated, would consider offensive or provocative.

R.S.Mo. § 565.070. Unfortunately, under this definition, much misconduct among students in the school setting could be considered third degree assault. For example, if a student threatens to hit another student making the student that was the subject of the threat fearful, this could be considered third degree assault regardless of the fact that the student who made the threat did not actually touch the other student or even have any intention of actually hitting the student. Even conduct as innocent as a student poking another student whom the student knows does not want to be touched could arguably be considered third degree assault. Thus, the Statute potentially requires principals to report to law enforcement conduct that often times may be considered rather minor.

The difficulty for school administrators in complying with the requirement to report third degree assault is further compounded by the fact that at least one Missouri court has strictly construed the requirement that the report to law enforcement be made "immediately." In *T.B. v. Hazelwood Sch. Dist.*, 417 S.W.3d 261 (Mo.App.E.D. 2013), a student alleged that she was abducted and sexually assaulted by other students. Among other claims, the student, through her mother, sued her principal for negligence and negligent supervision. The principal filed a summary judgment motion alleging that

(Continued on page 21)

(Continued from page 20)

she was entitled to immunity from the claims under the Coverdell Act. The trial court granted judgment in favor of the principal and the student appealed arguing that the principal was not entitled to immunity because she failed to immediately report the alleged assault to law enforcement as required by Section 167.117. It appears that the principal alleged that she reported the incident to law enforcement at 3:07 p.m. and the student alleged that the principal did not report it until 4:41 p.m. The appellate court agreed with the student that this created an issue of fact as to whether the principal complied with her statutory duty to “immediately” report the alleged assault to law enforcement and remanded the case to the trial court for further proceedings.

Given the strict interpretation of “immediately” that may be applied when considering compliance with the Statute, it is important to note that Section 167.117 does permit a limited exception to the requirement that third degree assault be immediately reported to law enforcement for those school districts that opt to enter into a written agreement with local law enforcement as to the procedure for the reporting third degree assault. If such an agreement has been executed, a principal is allowed to report any incidents of possible third degree assault to the appropriate local law enforcement agency in accordance with the agreement. The Statute does not include any specific protocols that must be included in such an agreement and thus, it would seem to give school districts the ability to establish a procedure that is workable for the school district. As such, school districts who do not have such an agreement with local law enforcement in place may want to consult with their district’s attorney regarding

this option for compliance.

Whether a school district opts to immediately report all third degree assaults or enter into a written agreement with local law enforcement, compliance with the Statute’s requirements is very important. Obviously, it goes without saying that it is of utmost importance for a school district to provide the safest environment possible for its students. While the Statute does not expressly provide for a private cause of action for failure to comply with R.S.Mo. § 167.117, and at least one court has rejected the notion that parents and/or students can bring a claim solely for noncompliance with the Statute, the Statute does provide for criminal penalties for noncompliance. Specifically, any school official responsible for reporting “who willfully neglects or refuses to perform this duty” is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment not to exceed one year. Additionally, failure to comply with the Statute may affect the availability of federal and state immunities from liability for civil claims, such as those raised in the *Hazelwood* case. See *T.B.*, 417 S.W.3d 261.

(Continued from page 8)

lated to the bill on the official house schedule. The site also shows 161<sup>st</sup> District Representative Bill White as a cosponsor.

Meanwhile with lawmakers returning from the spring break the senate will resume work on the \$26.1 billion state budget which includes an additional \$74 million for the school foundation formula. State Senator David Pearce of Warrensburg said this amount, which could reach \$80 million, ensures schools will see a slight increase in formula funding over last year.

HB-1292 can be seen online. <http://www.house.mo.gov/billtracking/bills151/billpdf/intro/HB1292I.PDF>



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## News Release

FOR IMMEDIATE RELEASE Contact: Amy Susan

Thursday, April 2, 2015 (573) 522-5058

### **DED makes available \$3.5 million low interest loans for community-led energy efficiency projects**

**JEFFERSON CITY--** The Missouri Department of Economic Development (DED) today announced today it is making available \$3.5 million in low-interest loans to public schools, public colleges and universities, local governments, public water and wastewater treatment facilities, and public hospitals for energy-efficiency and renewable energy projects throughout the State of Missouri.

The department's Division of Energy is accepting loan applications from April 1 through June 30, 2015, for loan amounts between \$10,000 and \$750,000. The interest rate for this cycle will be 2.5 percent, with a maximum 10-year-repayment. Loan applications will be evaluated on a competitive basis. If money remains after applications and have been reviewed and prioritized, consideration will be given to loans in excess of \$750,000.

“Energy efficiency is the best, cleanest and lowest cost resource, and the Energy Loan Program is a real testament to that,” said Mike Downing, director of the Department of Economic Development. “Applicants realize significant energy savings that translate into extra capital, which can be redirected to essential services. The awarded projects provide much needed improvements to facilities, encourage the use of green technology, reduce greenhouse gases, and help create jobs and stimulate local economies.”

Loans are repaid from energy savings achieved. Loans to public schools and local governments do not count against debt limits or require a public vote or bond issuance. Projects with the quickest payback, based on cost



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After 10 months on the job, as the first Executive Director of MEUHP, I have learned a lot about the MEUHP and the climate for health insurance for educators in Missouri. One thing for certain, schools have many plan choices! But, for schools who are truly thinking long-term, the MEUHP is designed for long-term sustainability and flexibility. **MEUHP continues to be the largest “statewide” health program run “By Schools, For Schools,” with 114 member districts and a member elected Board consisting of eight superintendents aligned with MASA Districts.**

For those not familiar with the MEUHP; we are a self-funded health benefits program with \$250,000 specific large claim stop-loss protection. In good months/years, excess member contributions stay in our account, not with the insurance carrier. MEUHP planned the transition to self-funding a year in advance. With ongoing sound advice from our independent actuary and the solid commitment of our members (including 65% member participation in Health Savings Account eligible programs) at the end of our 15<sup>th</sup> month of self-funding, we have reached \$8 million in our MEUHP account at Central Bank in Jefferson City. This is well over the amount our actuary recommends we maintain to cover incurred but not reported (IBNR) terminal plan liabilities (aka: claims run out), which is the responsibility of MEUHP, not individual districts who choose to non-renew. At the end of 2014, IBNR was esimated between \$4.3 and \$4.5 million. Therefore, with approximately \$8 million in our account, we are well on our way to building additional reserves to cover our future potential claim fluctuations and to help hold down future member costs.

If you are a MEUHP member, thank you for your support and continued membership. We truly believe this is your best long-term home. Please let me know if you have follow up questions regarding your renewal, or if I can assist you in any way. If you are not currently a member in our program, and you have questions about the future

Have a fantastic finish to the school year.

Tom Quinn

Executive Director

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*(Continued from page 10)*

amount of current research does point to the value of small schools in providing high quality, personalized and equitable education for all students. It is with the value of small schools in mind, that M.A.R.E. urges all involved with the coming debate to become informed on the value of small schools and to make decisions based on that informed judgment.



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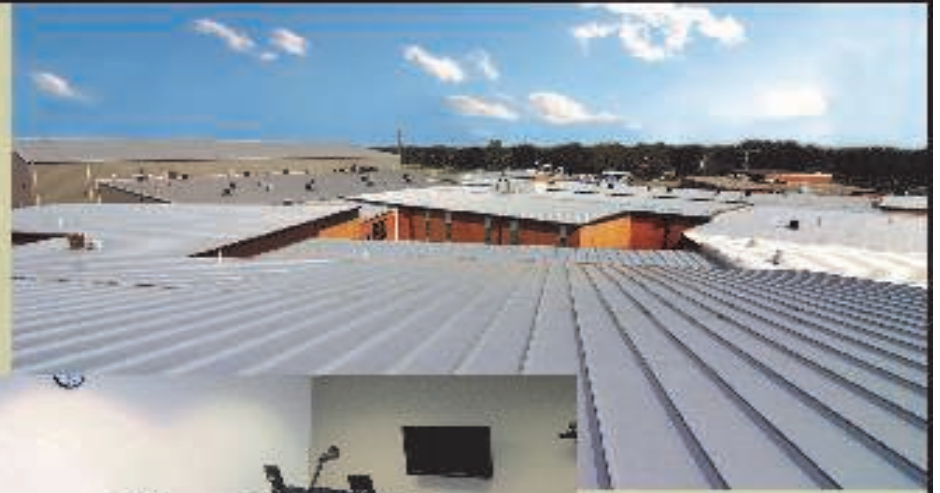
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## SCHOOL ATTORNEYS

### Pregnancy Leave When an Employee Does Not Qualify for Family Medical Leave

We anticipate that issues related to pregnant workers will be on the rise in the near future and in the minds of employees and employers alike. On December 3, 2014, the United States Supreme Court heard arguments in the case Peggy Young filed against UPS, and is now weighing how much employers must do to accommodate pregnant workers under the law. On July 14, 2014, before those arguments were heard, the U.S. Equal Employment Opportunity Commission issued enforcement guidance on pregnancy discrimination and related issues.

While there are many ways this topic can arise in the workplace, a topic that is frequently misunderstood by employees and employers are the rights an expectant mother has under the law regarding pregnancy leave. This article explores what happens when an employee does not qualify for job-protected leave under the Family Medical Leave Act (FMLA), and how districts should respond when such a situation arises.

#### Briefly: Qualifying for FMLA Leave

It is not uncommon for employees to mistakenly believe that they qualify for FMLA leave. Employees who have not worked for the school district for at least 12 months (not necessarily consecutively) are not eligible for FMLA leave under the law. Employees must work at least 1,250 hours in the 12 months immediately preceding the commencement of leave (for non-instructional staff and part-time instructional staff) or have been considered full-time (for instructional staff) in order to be eligible. Under the law, instructional employees whose hours have not been recorded and who appear to be full-time are presumed to be full-time for FMLA-purposes unless an employer can clearly present evidence that the employee did not work 1,250 hours in the preceding 12 months. Hours worked do not all have to be contracted hours, so this burden can be a difficult one for school district employers to overcome if a challenge arises. School district with MSBA policies and procedures may define professional staff members as full-time if they work either 30 hours per week or 130 hours per month. School districts with MCE policies may not have a specific definition for full-time professional staff members, **may have developed their own definition, or may have adopted the definition of the district's health insurer.** Employees must have been employed at a work site that employs at least 50 employees within a 75 mile radius in order to be eligible. Typically, these requirements are set forth in school district board policies, and the language of the policies mirrors the language of federal law.

Another way this might arise is if an employee who does qualify for FMLA leave has already exhausted some or all of the available FMLA leave during the 12-month measuring period in which pregnancy leave would be requested. This could arise due to pregnancy-related complications prior to childbirth or for unrelated leave required by the employee under the law.

#### Pregnancy Discrimination (A Form of Sex Discrimination under the Law)

Even if an employee does not qualify for FMLA leave, she may still raise issues associated with pregnancy discrimination. Discrimination based on pregnancy, childbirth, or related medical conditions is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and the Missouri Human Rights Act. A successful claim of pregnancy discrimination hinges on four factors under federal and state law:

- (1) whether the employee was a member of a protected class;
- (2) whether the employee was qualified to perform her job;
- (3) whether the employee suffered an adverse employment action; and
- (4) whether the employee was treated differently from similarly situated males.

*Ruppel v. City of Valley Park*, 318 S.W.3d 179, 185 (Mo. App. 2010).

When it comes to a claim of discrimination based on the leave allowed by an employer, a pregnant employee who does not qualify for FMLA leave will have to show that she was treated differently than similarly situated male or non-pregnant employees with respect to the leave granted or denied. How to handle such leave requests in order to reduce the risk of liability to an employer is discussed in the next section.

It is worth noting that pregnancy is not a disability under the law, therefore employees are not entitled to leave related to pregnancy on that basis. However, pregnancy-related impairments, either before, or after birth, may be a disability and may require reasonable accommodations under the law. It is important to remember that leave can be considered a reasonable accommodation under the law under certain circumstances. If a pregnant employee experiences complications before or after childbirth, an analysis as to whether the employee requires an accommodation should be considered.

*How do I handle a pregnancy leave request for an employee who does not qualify for FMLA leave?*

**When pregnancy leave is requested by an employee who does not qualify for FMLA leave, a school district's general policy for leave is applicable.**

*(Continued on page 36)*

# learning environments



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## Rural schools educate the next generation despite obstacles

by Jim McCarty | jmcarty@ruralmissouri.coop

It's a typical day at Gorin Elementary, and Ellen Kay is dispensing more hugs than discipline. The principal, seventh and eighth grade teacher and technology adviser rolled into one, Ellen started teaching here 31 years ago and never left.

If your idea of a grade school is neat rows of desks and teachers lecturing in front of a bored class, you've never seen the inside of this tiny school in northeast Missouri. Gone are the chalkboards. In their place are Smart Boards powered by computers.

Ellen's students — all four of them — work with keyboards and iPads instead of No. 2 pencils. The casual observer might think they are playing video games. They're not. The computer program they use is designed to sharpen their math skills.

The walls here are painted soft pastel colors. Instead of desks, they sit in comfortable chairs or at horseshoe-shaped tables with the teacher at the center. Gorin started the school year as Missouri's smallest school district, according to the Missouri Department of Elementary and Secondary Education's (DESE) 2015 District Enrollment Report.

There were 20 students when the year started, and late additions pushed that number to 23. That compares to Springfield's R-12 district, which topped the state with 25,107 students.

On this day, most of the students sport yellow Gorin Bulldog spirit shirts. Underneath the fierce bulldog are black numbers — 1870-2015 — hinting at a tragic tale. Unless there's another snow day, Gorin's school will close for the last time on May 20. The students will complete their education at Scotland County R-1 in nearby Memphis, Mo.

"It was a hard decision," Ellen says of the closing. "In fact, I couldn't make the decision myself when it came on the ballot. I had to know I was doing everything I could to keep it open. I also had mixed feelings because I know there are benefits to going to the larger schools. But I like the small-school atmosphere."

Gorin's problem wasn't money nor lack of community support. It suffered from an issue plaguing rural schools statewide: declining enrollment. Pre-screening last year showed zero prospects for the preschool program and only one kindergarten student would be enrolling.

In 1982, Gorin closed its high school and began sending freshmen students to Scotland County. The community of 91 people doesn't have the jobs to attract or retain young adults.

Declining enrollment is just one of a litany of challenges facing rural schools says Sarah

### CHALLENGES & CHAMPIONS

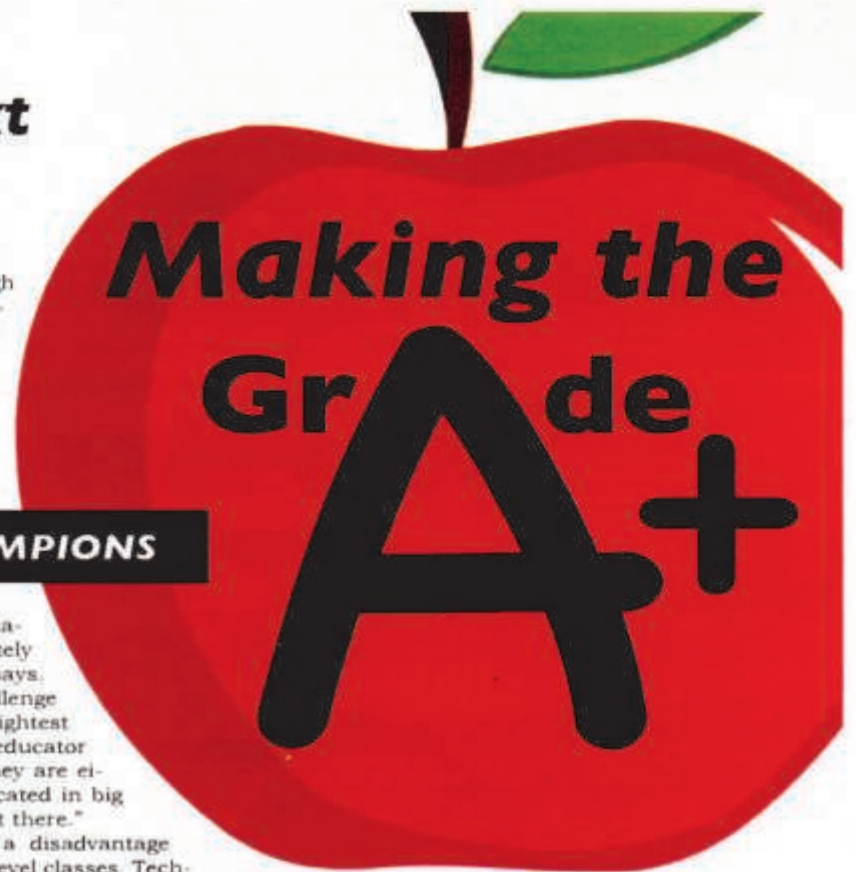
Potter, communications coordinator for DESE. "One that immediately comes to mind is staffing," she says. "Rural schools usually face a challenge in trying to attract some of the brightest young minds coming out of our educator prep programs. A lot of times, they are either from big cities, or were educated in big cities and they are looking to start there."

That puts rural students at a disadvantage when it comes to offering higher-level classes. Technology is one answer to this problem. The Missouri Virtual Instruction Program lets rural students take online classes taught by certified educators. The most recent course catalog includes Japanese, forensic science, trigonometry and world history, to name just a few.

Devoted educators write grants that bring computers and other needed resources into their schools. This helps bridge the gap for college-bound students. And the favorable teacher-to-student ratio at small rural schools can be a big advantage.

"I knew everyone in my high school and the elementary," says Blake Seitz, a graduate of Wellington-Napoleon High School and a senior at the University of Central Missouri. "You get a pretty good relationship with the teachers and the management at a small school. You become friends with them. You can talk about more than just school."

Blake, an engineering technology major, says his school prepared him well for the transition to college. His biggest challenge wasn't academics. "Moving to a bigger city was more of a transition for me," he says. "That, and the class size. In high school, I would say 15 to 20 was about average. Here, I had one with 60 or 75 people in it."



College-bound students from rural schools often find college classes have more students in them than their entire school districts. For this reason, rural graduates should consider attending a community college, says Ray Patrick, executive director of the Missouri Association of Rural Education (MARE). "We are finding rural kids tend to do pretty good if not outstanding in a community college, then moving on to a four-year college setting."

Ray says lack of high-speed Internet access is another challenge rural schools face, especially now that the state is requiring students to take annual state assessment tests online. "Every school in Missouri has Internet availability, so that is not an issue," he says. "Some of our smaller districts, they've got the Internet and they may have the computers, but the broadband that's coming down the line is not big enough to handle that many using it at once."

In 2004, MARE prepared a study that showed student achievement tended to be higher in rural schools. Their graduation rate was higher than larger schools. Likewise, discipline was less of a problem for rural schools.

Ray says that rural schools have started working better together. In northeast Missouri, for example, Gorin and other schools in the area combine their classes to create opportunities for the kids to socialize with larger groups.

Rural schools organize to promote professional development otherwise only available in St. Louis or Kansas City. "Fifteen years ago when I was in the business, we didn't do that," says Ray.

Missouri's electric cooperatives are big boosters of rural schools. Electric cooperatives have helped their schools succeed since the day they first turned on their lights.

Co-op employees teach electrical safety to students. They volunteer their time as mentors, coaches and referees. Electric cooperatives donate supplies to teachers and provide scholarships to help rural kids go to college.

They've also worked to improve the energy efficiency of schools on their lines. Rebates for ground-source heat pumps and energy-efficient lighting have saved thousands of dollars for these schools, money that instead can go toward improving facilities or offering better pay to faculty.

While challenges abound for rural schools, devoted teachers, administrators and parents are finding ways to make them work. Not all will share Gorin's fate, and that's a good thing for those who see benefits in small schools.



Gorin's faculty and students — all 23 — posed for this group shot. This will be the last class at the 145-year-old school district.



(Continued from page 17)

personal questions to the applicant about his or her religion even though the applicant could ultimately use such questioning as evidence in a discrimination suit.

**Furthermore, the EEOC's guidance** – as is often the case – raises more questions than it answers. What about other visual cues such as tattoos, jewelry, hair, and facial hair? Could they suggest a particular, or even general, religious belief and a corresponding need for accommodations? Given that all these items could be worn for reasons of religion, culture, or fashion, school districts will be left with the difficult question: “What is obvious?” Where do employers draw the line? How much can be asked before school districts effectively subject themselves to a discrimination suit?

While this is a religious discrimination case, the biggest impact may be on disabled applicants, or applicants who appear disabled. If the EEOC prevails, will employers be required to inquire into the health of applicants and their need for accommodations in the workplace, even though its guidance over the years has advised the opposite?

**While the Court's decision may provide employers with some guidance in answering these questions, many more unanswered questions may in turn be generated by the decision.** Until the decision is made, employers should generally continue to avoid asking applicants about religion, or making assumptions based on stereotypes. Nevertheless, if there is reason to believe that accommodation may be necessary—even if the applicant has not asked—the school district should seek legal guidance.



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(Continued from page 30)

First, questions regarding FMLA leave and/or pregnancy leave should be directed to the superintendent or the person designated by Board policy. The employee should be notified that the employee will be granted accrued leave in accordance with the policy.

**It is likely that this conversation will lead to questions about the employee's ability to take unpaid time off of work. Such inquiries should be explained in accordance with the district's policy on absences: If the employee is excessively absent in violation of the leave policy, a school district should treat those absences as any other male or non-pregnant employee's absences would be treated pursuant to the policy. If an employee must be terminated for excessive absences while on pregnancy leave, the process followed by the school district for the termination should be the same process required for any employee with excessive absences. This may be a message that is difficult to communicate to an employee requesting leave, but uniform application of a school district's leave policy, to pregnant and non-pregnant, female and male employees is one of the best steps a district can take to reduce the risk of future claims of discrimination.**

It is important to note that school districts that have made previous exceptions to their leave policies for non-pregnant employees may not have a reduction of risk simply by applying their leave policies to pregnant employees who do not qualify for FMLA leave. This is because a pregnant employee could potentially show that she received different treatment than non-pregnant employees in the past. Similar issues can arise in school districts that have sick leave pools or leave donation practices. For example, a pregnant employee who submits a request for two months of leave due to pregnancy-related medical complications whose request is denied would be able to use the school district's past decision to grant two months of unpaid leave to a male employee undergoing chemotherapy as a way to demonstrate that she was treated differently than a non-pregnant employee with respect to extended sick leave requests. A consultation with legal counsel in such situations is the best way to handle pregnancy leave requests for employees who are not eligible for FMLA leave under the law, in order to proceed in a manner that best protects the school district from the appearance of discriminatory treatment.

#### Conclusion

The Supreme Court will not hand down its decision in the *Young v. UPS* case until later in the year. In the interim, issues facing pregnant employees will continue to receive attention from the media. Issues may also receive attention within the courts, and cases that address whether certain kinds of leave policies, even when uniformly applied, have a discriminatory impact on pregnant employees, may arise. The landscape is ever-changing regarding pregnant employees and their rights under state and federal law. The entire document issued by the EEOC in July, referenced above, which covers a number of other related issues that can arise can be found at: [http://www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm#fn3](http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm#fn3).

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**FOR IMMEDIATE RELEASE Contact:** Amy Susan

Thursday, April 2, 2015 (573) 522-5058

## **DED makes available \$3.5 million low interest loans for community-led energy efficiency projects**

**JEFFERSON CITY--** The Missouri Department of Economic Development (DED) today announced today it is making available \$3.5 million in low-interest loans to public schools, public colleges and universities, local governments, public water and wastewater treatment facilities, and public hospitals for energy-efficiency and renewable energy projects throughout the State of Missouri.

The department's Division of Energy is accepting loan applications from April 1 through June 30, 2015, for loan amounts between \$10,000 and \$750,000. The interest rate for this cycle will be 2.5 percent, with a maximum 10-year-repayment. Loan applications will be evaluated on a competitive basis. If money remains after applications and have been reviewed and prioritized, consideration will be given to loans in excess of \$750,000.

“Energy efficiency is the best, cleanest and lowest cost resource, and the Energy Loan Program is a real testament to that,” said Mike Downing, director of the Department of Economic Development. “Applicants realize significant energy savings that translate into extra capital, which can be redirected to essential services. The awarded projects provide much needed improvements to facilities, encourage the use of green technology, reduce greenhouse gases, and help create jobs and stimulate local economies.”

Loans are repaid from energy savings achieved. Loans to public schools and local governments do not count against debt limits or require a public vote or bond issuance. Projects with the quickest payback, based on cost versus anticipated energy cost savings, will receive priority. For more information or to apply, visit.

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(Continued from page 11)

revoked in writing, as well. Oral consent and oral revocation are not sufficient, where written consent is required.

Conclusion

Who has the authority to act as a parent can be a complicated question. School districts should look to the law and court documents for guidance. But, it is also important to remember that the school district was not a party to the underlying court proceeding; therefore, it is not legally bound by the court orders. If the welfare of the student compels a departure from a court order, that may – **and the operative word is “may”** – be justified. But districts should not depart from a court order without good reason. Respect for the law is essential, and the district may be before that judge in another matter in the

future. It is never good for a school district to appear before a tribunal whose authority has flagrantly and without justification been ignored. Thus, school districts must be aware of governing law, comply with the law, obtain as much documentation as possible before making decisions about parental authority, and document all actions taken and the reasons for those actions with respect to the conundrum: Who acts as the parent?

Ms. Basi and Ms. Brasher are shareholders at Tueth Keeney Cooper Mohan & Jackstadt, P.C. Ms. Basi graduated from the University of Denver School of Law, with honors, and Ms. Brasher graduated from Saint Louis University School of Law, also with honors.

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