

MARE Winter 2014-2015 Yr.

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.

<p>Ray V. Patrick Executive Director 201 South Holden Street Suite 202 Warrensburg, MO 64093 Phone (660) 747-8050 Fax (660) 747-8160 rpatrick@moare.com Website: www.moare.com</p>	<p>A big Thank You to everyone that attended/participated and also presented at the 2014 MARE Fall Conference. After seeing a slight slump in the attendance over the last couple of years, we saw a slight increase in the Fall Conference registrations. The success of every conference, in addition to the attendees, also goes to those organizations/associations that support the program activities.</p> <p>A special Thank You to our Conference Sponsors: <u>Keynote Speaker</u> -- American Fidelity Assurance Company <u>Outstanding Awards Banquet Speaker</u> – Missouri EdCounsel, LLC <u>Monday Evening Reception with Exhibitors</u> – CTS Group Forrest T. Jones & Company L.J. Hart & Company <u>Program Printing</u> – Budget Plus Software <u>Refreshment Breaks</u> – Claim Care, Inc. Capstone Insurors Grandview R-II Virtual Summer School Midwest Transit Equipment SOCS (Website Solutions) USI Midwest, LLC <u>Tuesday Morning Breakfast with Exhibitors</u> – Pro Energy Solutions <u>Conference Photography</u> – Inter-State Studio & Publishing Company <u>Conference Lanyards</u> -- IMS</p>
<p>MARE Calendar 2014-2015</p>	
<p>Board Meeting • March 2, 2015, Jefferson City - 10:00 a.m. • May 4, 2015, Jefferson City-10:00 a.m. • July 25, 2015, Jefferson City - 10:00 Board Training • Feb 6, 7, 2015. Clinton, 8-4 • Feb 20, 21, 2015 Chillicothe - 8-4 • April, 8,9,10, 2015 -K-8 Conference - Branson</p>	<p>In the next three months, we will be in the planning stages for the 2015 MARE/K-8 Fall Conference. Please mark your calendars as the dates are October 25-27, 2015 (Sunday evening through Tuesday morning) to be held at The Country Club Hotel and Spa in Lake Ozark, MO. We are looking to have an outstanding joint conference with the K-8 Association.</p> <p>With the 2015 Legislative Session underway, it should be noted that several bills have been introduced that, if approved, can have a major impact on the daily operation of our school districts. The School Administrators Coalition representatives are doing a great job of tracking those pieces that are moving forward. Please be prepared to response to your respective legislators as bills are introduced and debated.</p> <p>In early February, Jerry Cochran and I will make our annual trip to Washington D.C. to participate in setting the 2015 Federal Legislative Agenda for the National Rural Education Advocacy Consortium (NREAC). The purpose of this consortium is to advocate for the children of rural America’s public schools. The consortium is committed to 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 a national impact. This year’s meeting will be especially interesting with the change in the control of the House and Senate.</p> <p>A new program added this school year to support Missouri school districts is the <i>Building Administrator Search</i> program. 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. School districts interested in more information about this program may contact the MARE office (660) 747-8050. This program is in addition to the already established Superintendent Search program.</p> <p>As always, please do not hesitate to contact us with questions or needed support for your school district programs.</p> <p>Ray V. Patrick, EdD MARE Exec. Director</p>

Missouri Association of Rural Education

Officers and Board of Directors

2014-2015

Officers

- President Eric Cooley
- Vice President Tim Boatwright
- Secretary Philip C. Dorth
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- Region G: Wayne Stewart (Glenwood R-VII)
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- Region I: John Dunham (Macon Co. R-IV)
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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 patrick@moare.com or call MARE Superintendent Search Services at 660-747-8050 to learn more about our service or to begin the search process.

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

The deadline is rapidly approaching for Missouri districts to get up to 85% E-Rate funding for Wi-Fi equipment and services to be installed between April 1, 2015 and September 30, 2016, according to Richard Senturia, E-Rate consultant for 85 Missouri districts.

Every Missouri rural district is eligible to request 2015 E-Rate funding up to \$150 per student for Wi-Fi equipment and services, to be installed between April 1, 2015 and September 30, 2016.

For example, a district of 1,000 students with 50% Free/Reduced lunch students can receive 80% E-Rates (\$120,000) to help pay for up to \$150,000 of WIFI equipment and services purchased between April 1, 2015 and September 30, 2016.

Senturia's firm strongly recommends filing your Form 470, requesting bids on Wi-Fi, **before Feb 1**, because the 2015 E-Rate rules are *more complex and time-consuming than any previous year*.

Districts have this opportunity because \$5 Billion in 2015 E-Rate funds are projected to be available, almost double the \$2.5 Billion allocated last year.

Even districts that have never received E-Rates for equipment in the past should review their Wi-Fi needs and consider requesting 2015 E-Rate funds for Wi-Fi equipment/services.

A MARE preferred vendor, **eRate Program, LLC offers MARE members 30 minutes of E-Rate consulting at no charge.** Call Richard Senturia directly at 314-282-3665 – **only before February 1.**

Districts can also receive an informative paper: "How to determine your Wi-Fi needs for 2015 E-Rate filings" by emailing mchervitz@erateprogram.com - **before February 1.**

Richard Senturia, CEO

eRateProgram, LLC

314-282-3665

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
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
Educationplus	Sandy Berg, Tom Post	(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
Mickes Goldman O'Toole, LLC	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	Stan Johnson	(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, Terry Holder	(417) 882-7821
Septagon Construction Company	R. Thomas Howard, Dennis Paul	(800) 733-5999
Software Technology, Inc	Dan Snodgrass	(417) 350-8601
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



Missouri Educators Unified Health Plan, Inc.
The Only "Group" Health Plan For Schools, by Schools Endorsed by MARE

MEUHP January, 2015 Executive Director's Report

Tom Quinn 573-881-3825 8550 Amazonas Dr, Jefferson City, MO
tquinn@meuhp.com www.meuhp.com

The Missouri Educators Unified Health Plan (MEUHP) had its first Birthday on January 1 as a SELF FUNDED plan, for schools, by schools! Although there was no party or special notice, it marks a tremendous milestone for our organization, originally incorporated as a non-profit in 2009. **We are the largest statewide health plan for educators with 114 member districts.** We could not accomplish this, nor can we sustain our program without committed members who know the need to stay unified toward our noble mission: a great overall health plan for Missouri educators that is best in class.

Having been on the job for 7 full months now, and getting fully immersed with the program, the membership and our TPA, I am excited for 2015 and beyond. We are currently in the process of evaluating all aspects for our program for our July 1 renewal. Our last series of Regional meetings focused on the present but more importantly on the future of MEUHP and how we will be positioned to deliver on our mission. Our [upcoming lunch meeting](#) on January 28 (Noon to 3:00 pm) at the Lodge of the Four Seasons with our independent actuary and Board of Directors will be an ideal time to find out more about the future of the MEUHP, ask questions and provide input directly to me and your [Board of Directors](#). We are proud of the structure and transparency of the MEUHP-it works very well! This meeting will be another opportunity for current members and non-MEUHP superintendents to kick the tires.

The MEUHP has a flexible benefit and rating structure and a track record of being able to bring an entire existing consortium into our membership format--without the loss of regional cohesiveness that some may fear.

The positive impact the Health Savings Account (HSA) plans have on MEUHP's bottom line was illustrated at our recent regional meetings. Also known as Consumer Driven Plans, they provide a structure whereby our members become more aware of and tuned into a shopping mentality for lower health care costs without compromising quality of care. Statewide our participation in HSA plans is at 65%, compared to the national average of less than 20%. This is something that the Board, FTJ and our Member Districts have worked together on for many years. As a recent example, FTJ Regional Director [Drew Beaugard](#) conducted a 30 minute in-service meeting at Scotland County. Superintendent Ryan Bergeson comments:

"Our people learned a lot about their MEUHP benefits in a short period of time. Drew did an outstanding job and even received a hug from one staff member at the end of the meeting. Topics covered included tips on how to manage your HSA, the new Online Doctor benefit, wellness incentives, preventative care benefits, and the many resources available on the website. This is definitely something I recommend that all MEUHP districts do. Health benefits are valuable and an expensive budget item. All employees need to know what they have and how much effort we make to provide their benefits package."

Thanks, Ryan. The message of "Consumer Driven" and employee benefit education is right on message for the MEUHP because HSA's and wellness will continue to be at the heart of our program. In fact, 99% of MEUHP member districts offer at least one HSA. MEUHP HSA plans are competitively priced, which in many cases allows for our member districts to contribute substantial dollars to the employee's HSA--which the employee owns.

As a rural school superintendent, I know you have a lot on your plate, so don't hesitate to let me know how can assist you. I encourage you to attend our meeting on the 28th at the Lodge. I confident this meeting will help you with your upcoming district level benefit discussions and budgeting.





State Issues

School Finance:

MARE Supports:

1. Increased appropriations for a fully funded formula fulfilling the promise made to Missouri Schools when the current formula was implemented in 2005.
2. Restoration of categorical funding (transportation, Parents as Teachers, special programs, safe school grants, alternative education/instruction program options, etc).
3. Stabilized funding for Small Schools with consideration being given to a District Size Modifier.
4. Increased funding in the area of technology for upgrades (computers, Internet connection, etc).
5. Providing adequate educational resources (funding) for district summer school programs.
6. The creation of a state funding source to support school facility replacement and/or improvements.
7. The implementation of the Common Core.
8. Efforts made to find new sources of revenue for Missouri public schools.
9. The ongoing evaluation of the Dollar Value Modifier on rural schools and if necessary freezing until the State Adequacy Target of \$6,131 is reached.
10. Opportunities to assist districts (through funding) wishing to share staffs or programs.
11. Allowing the local school district the option to provide a hiring incentive or salary schedule modification to attract/retain teachers based upon demonstrated need for teachers certified in identified shortage subject areas as well as recruitment of highly effective teachers in unaccredited districts.
12. Funds needed for school improvement to restore a district to full accreditation.
13. Reformation of Missouri tax credits to at a minimum allow for the establishment of caps on programs where feasible, identify sunset dates on ALL tax credits, NOT subject tax credits to appropriations, elimination of some tax credit programs.
14. Re-instatement of the 2.55 factor, after 31 years of service with PSRS.
15. Legislation removing school districts from prevailing wage requirements.
16. Creating educational standards for home-schooled students and institutes procedures for enforcement of those standards.
17. Increased professional development funding to train administrators to conduct effective and constructive evaluations of district staff. Funding to train board members to conduct effective and constructive evaluations of district superintendent.
18. On-going review of Missouri's approach to funding public education programs making such programs more equitable.
19. Maintaining the highest quality staff by implementing plans for their effective recruitment and retention.

(Continued on page 11)

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



REGISTER TODAY
for the Seminar of your choice

SPORTS CONCUSSIONS: Facts, Fallacies and New Frontiers



Seminar Content

- Concussion 201
- Return to Learn Protocols
- Concussion Screening Options
- Concussion Care With and Without a Licensed Athletic Trainer
- Concussion Policy Development and Implementation

**Sports Concussions:
Facts, Fallacies and New Frontiers**
for paid or volunteer coaches of school, community, or travel athletic programs

SPRINGFIELD

James River Church
WEST CAMPUS
January 15, 2015

ST. LOUIS

Spazio's Bistro - Westport
January 27, 2015

COLUMBIA

Stoney Creek Inn
February 5, 2015

KANSAS CITY

Gladstone Community Center
February 12, 2015

CAPE GIRARDEAU

Osage Community Centre
February 26, 2015

8:00 AM - 2:00 PM

FREE ADMISSION

Lunch Provided

Registration is required

Keynote Speaker

Mark Halstead, MD

Associate Professor, Orthopaedic Surgery
Associate Professor, Pediatrics
Director, Sports Concussion Program
Washington University in St. Louis
St. Louis Children's Hospital

Audience

- Coaches - All Sports, All Ages
- Athletic Program Administrators
- Athletic Trainers
- Game Officials
- School Nurses
- School Counselors
- PE Teachers
- School Administrators
- School, Community or Recreational Sports Team Personnel

Program Partners

- Department of Health & Senior Services
University of Missouri - Kansas City Institute for Human Development
- Brain Injury Association of Missouri
- Missouri Association of School Nurses
- Missouri Athletic Trainers' Association
- Missouri School Boards' Association
- Missouri State High School Activities Association

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 2265 Schuetz Road • Saint Louis, MO 63146-3409
 Phones: 314.426.4024 • 800.444.6443 • Fax: 314.426.3290
 email: Info@blamo.org Website: www.blamo.org

This project is/was supported by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) under grant number H21MC26919, Traumatic Brain Injury Implementation Project, Total Award: \$241,630 and 50 percent financed with nongovernmental sources. This information or content and conclusions are those of the author and should not be construed as the official position or policy of, nor should any endorsements be inferred by HRSA, HHS or the U.S. Government.

Clarify your Dismissal Policies and Practices to Keep Students Safe and Avoid Litigation

By **Betsey A. Helfrich**
Thomas A. Mickes



Keeping students safe is always a top priority. In order to protect students, we do active shooter training and tornado drills, but are we adequately training our front office staff to protect children during dismissals? A school district in California is wishing that they had done more.

Last year, a San Diego federal jury awarded a father more than \$2 million dollars in damages finding that the school district was responsible for allowing his young son to be improperly released from school. The student, Enrique, had been living with his mother, who had primary custody of him.¹ At some point, Enrique's mother was deported to Mexico and Enrique started living with his father full-time. It is disputed whether or not Enrique's father informed the school that his ex-wife had been deported, however school records were not updated to reflect that Enrique was now living with his father. One day, Enrique's mother called the school to report that Enrique had a doctor's appointment in 15 minutes, but was unable to get out of work to take him. She said that she would send her boyfriend to pick Enrique up. The school office manager stated that she did not know where the mother was when she called and the school phones did not have a caller ID function, so the office manager had no idea that the mother was calling from Mexico. The school's office manager checked Enrique's emergency card and saw that mom's boyfriend was not listed on the card as an authorized person who could pick Enrique up. Nonetheless, the office manager said that the boyfriend could pick Enrique up as long as he showed identification when he arrived. When mom's boyfriend arrived, Enrique seemed "happy to see him" and called the boyfriend by his nickname. The school checked the boyfriend's identification and released Enrique to him. There was no evidence that Enrique was taken against his will. When Enrique's father came to school later that day to pick up his son, he realized Enrique was gone. The boyfriend had taken Enrique to Mexico to reunite him with his mother. At the time this case went to trial, Enrique was still living with his mother in Leon, Mexico. Enrique's father sued the school district, the office manager, and the building principal asserting federal claims arising under 42 USC Section 1983 for a violation of his constitutional rights, deprivation of father-son contact, negligence and intentional infliction of emotional distress.

In the matter of *Ramirez et al. v. Escondido Unified Sch. Dist. et al.*, Case No 3:11-cv-01823-DMS-BGS, the case proceeded to a jury and after five days of hearing evidence and two days of deliberation, the jury awarded the father \$2 million in damages and Enrique \$850,000 against the school district. The principal was ordered to pay punitive damages of \$3,500 and the office manager \$2.00.

It is reported that in determining the verdict, the jury focused on the school district's policy as set forth in its handbook which read, "If a student needs to be dismissed during the day, the school will only let him or her be signed out by someone who is listed on the emergency card...We will not release your child to anyone not listed on the emergency card." As the mother's boyfriend was not listed on the student's emergency card, the jury apparently agreed that the school was negligent in not following its policy.

Obviously this case had very unique facts, however the message from juries is often routine: follow your board policies. Accordingly, take the time to review your published policies regarding dismissal practices. Does your published policy accurately reflect what is happening in your buildings, or is it time to re-visit and potentially revise your procedures? Also, ensure that all student and parent handbooks accurately reflect your policies and are consistent. Ensure that your building principal and office staff are on the same page about dismissals and how verbal requests for early dismissal will be processed. If unique situations arise, have procedures in place for how such matters will be handled. By clarifying and training regarding your dismissal policies, you can better ensure the safety of your students, as well as protect your staff from potential liability.

¹Factual background for this article was gathered from the following sources: "Father, kidnapped son win \$2.8M verdict," [The San Diego Union-Tribune](#), by Kristina Davis, October 2013 and Defendants' Points and Authorities in Support of Motion for Summary Judgment.

Outstanding Rural Education Award Winners - 2014



Rural School District - Paris R-II School District



Rural District Administrator - Steve Carvajal - Salem #80 School District



Rural Elementary Teacher - Travis Goosen - Otterville R-VI School District



Rural Building Administrator - Mitch Barnes - Braymer C-4 School District



Rural School Board Member, Teddy DeOrnellis - Paris R-II School District



Rural Junior High School Teacher - Julie Morris - Macks Creek R-V School District



Rural Senior High Student - Houston Bichsel - North Shelby School District



Rural Secondary Teacher - Joni Cook - Lakeland R-III School District

(Continued from page 7)

20. Increasing the bonding capacity to 20% for growth and facility costs.
21. Allow voters to approve bond issues with a simple majority.
22. Legislation that would provide for fair and equitable tuition and transportation rates for all schools statewide for K-8 and K-12. (With regards to ongoing school transfers – 167.131)

MARE Opposes:

23. Decreased funding for career, technical and vocational education programs.
24. Mandating new programs without appropriate funding for maintaining such programs.
25. Establishment of an arbitrary percentage of student performance in the employee evaluation process.
26. Legislation to limit the local school boards efforts to operate a school district.
27. The creation of any tax reform that would hurt the funding of public schools.
28. Tax modification (reduction) legislation that reduces the funding available to provide for state programs/services.
29. Replacing the Missouri income tax with a sales tax.

School Governance:

MARE Supports:

1. Legislation that defines the parameters of collective bargaining for public school employees while preserving the local boards' authority to make final decisions in the best interest of their respective districts.
2. Legislation to clarify the Human Rights Act so school employees may be protected when performing their jobs.
3. Mandating the utilization of seat belts on school buses on the basis that *scientific evidence* can demonstrate a marked increase in student safety and such a mandate would be totally funded (by the State) to include ALL costs associated with such legislation. (Funding to include additional equipment, equipment upgrades, personnel, etc.)
4. Flexibility in funding placement and spending until formula fully funded.
5. Greater flexibility and efficiency to those school districts that might deem it advantageous to consider the reorganization process, by allowing the creation of optional elementary unit districts and combined-high school unit districts.
6. The replication of any proven effective programs that would meet the needs of students specifically those living in poverty or those that would be considered "at-risk."

MARE Opposes:

7. Any requirement for PSRS/PEERS to combine/consolidate in whole or part and/or asset investments with any or all of the other state retirement system.
8. Any legislation that would dictate that the Commissioner of Education position be an elected official.
9. The restriction/removal of the Board of Education's local control of public school districts.
10. Forced consolidation of any school district.
11. Forced open enrollment, vouchers, tuition tax credits and use of public funds for non-public schools.
12. Mandating open enrollment of students to attend schools in districts in which their parents do not pay property taxes.
13. Establishing an arbitrary percentage of student performance that must be used in employee evaluations; reducing the probationary period for teachers, and basing teacher's pay solely based on evaluations until necessary funding is available for teacher evaluation and evaluator programs.
14. Legislation restricting/changing the basic governance, policies and services provided by educational support organizations to the local school district (i.e. MSHSAA, MUSIC, etc.).



Rural Support Staff Member - Kerri Loyd - Ballard R-II School District

ANNUAL ELECTION OF EXECUTIVE BOARD MEMBERS



Missouri Association of Rural Education Executive Board Members shall serve two-year terms and are eligible for re-election. Elections or appointments shall be scheduled by the executive board with new executive board members taking office effective July 1, which is the beginning of the new fiscal year, and seated at the summer board meeting.

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REGIONAL OFFICERS

Interested Candidates may file, in writing, with the Executive Directors office, or rpatrick@moare.com. All Regional Candidates' names will be listed on a ballot in the order received and mailed to the member schools in the counties making up that particular region. The candidate receiving the highest number of votes will be declared elected to a **two-year term**.

Dr. Tim Boatwright of the Halfway R-III School District is completing a two-year term in **Region "A"**.

Mr. Tim Crawley of the Neosho R-V School District is completing a two-year term in **Region "C"**.

Mr. Kenneth Cook of the Malden R-I School District is completing a two-year term in **Region "E"**.

Mr. Wayne Stewart of the Glenwood R-VIII School District is completing a two-year term in **Region "G"**.

Mr. John Dunham of the Macon Co. R-IV School District is completing a two-year term in **Region "I"**.

All are currently eligible for re-election unless the individual moves from the region or resigns/retires from their current position.

OTHER OFFICERS

Interested Candidates may file, in writing, with the Executive Directors office, or rpatrick@moare.com. The ten board members representing the ten determined regions of the state will then meet as a selection committee and select a member for each position from the list of declared candidates.

Mr. Ken Lenz Board of Education Member of the Malden R-I School District is completing a one-year term.

All are currently eligible for re-appointment unless the individual moves from the state or resigns/retires from their current position.

The MARE Executive Director has set the deadline for Interested Candidates to file for office on the MARE Board of Directors for Friday, April 27, 2015 -- 12:00 noon.

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Region A: Counties of – Bates, Vernon, Barton, Cedar, St. Clair, Benton, Hickory, Polk, Dallas.

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Region E: Counties of – Dunklin, Pemiscot, New Madrid, Mississippi, Scott, Stoddard, Cape Girardeau, Bollinger, Madison, Wayne, Butler.

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IS THIS STUDENT HOMELESS?

(A sequel to “Residency and Enrollment: Legal Rights and Practical Guidance”)

by

Michelle H. Basi and Celynda L. Brasher

Tueth Keeney Cooper Mohan & Jackstadt, P.C.

Introduction

The first installment of this series of articles addressed residency and enrollment, and the basic principles that govern those concepts. One of the exceptions to the general residency and enrollment requirements is the condition of being homeless. This article will explore the legal principles associated with a student’s homeless status and will provide practical guidance for school districts in serving homeless students.

Governing Law

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. 11431 et seq., is the primary source of governing law regarding homeless students. Section 167.020.1 of the Missouri Revised Statutes also provides state-level guidance. In addition, the Missouri Department of Elementary and Secondary Education and U.S. Department of Education provides guidance and assistance in the form of regulations, manuals, and personnel with expertise in this area. Guidance is also available from the National Center for Homeless Education, which is the United States Department of Education’s technical assistance and information center in the area of homeless education.

Under state and federal law, the term “homeless child” or “homeless youth” means a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence. This includes a child or youth who is (1) sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; (2) living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; (3) living in emergency or transitional shelters; (4) abandoned in hospitals; or (4) is awaiting foster care placement. The definition also includes a child or youth who (1) has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (2) is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or (3) is a migratory child or youth who qualifies as homeless because the child or youth is living in the circumstances described above.

Requirements for School Districts

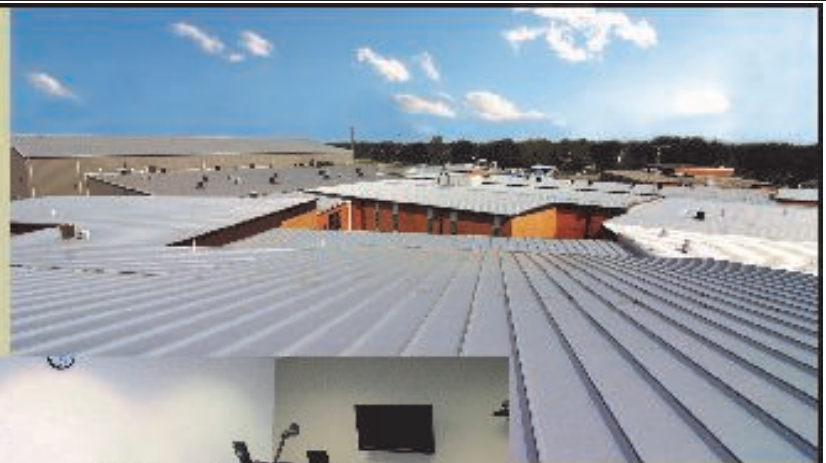
To ensure that homeless children and youth will be properly identified and served, the law requires that school districts (1) appoint a homeless coordinator and (2) enroll student immediately when the student presents as homeless. School district must enroll students who claim to be homeless without undue or unreasonable delay. The district may not require the student to wait until the new semester begins. Additionally, the coordinator must assist the student in obtaining educational, immunization, medical and other records. However, the student must be enrolled pending the receipt of the records. Furthermore, although students who are not homeless may be excluded from school, in most cases, if immunization records are not up to date, different rules apply to a homeless student. If immunization records cannot be obtained right away, the student must begin required immunizations and demonstrate satisfactory progress within ninety days of enrollment.

School districts are also required to review their policies to remove all barriers to enrollment of homeless students. They must also serve students in the school of student’s best interest, which is usually the school of origin or school requested by parent or guardian. Transportation must be provided to the school that best serves the student’s interests, if necessary. If school of origin and school of residence are in different districts, the districts must agree on how to cover costs of transportation, and if the two districts cannot agree, they must share cost of transportation equally.

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(Continued from page 17)

Protections for School Districts

Of course, school districts are permitted to investigate whether a student is actually homeless and to enforce generally applicable exclusion rules on the same basis as non-homeless students. Thus, school districts may take the following actions: (1) investigate (after enrollment) to determine whether student is homeless as defined by law; (2) remove the student if the student is proven not to be homeless; (3) enforce suspensions and expulsions from other districts on same basis as for other entering students; (4) conduct a hearing as provided under Mo. Rev. Stat. § 167.020 if there is reason to suspect student creates immediate danger to safety of others; (5) enforce district requirements for earning academic credit; (6) consider substantial periods of absence or non-enrollment in any school when making academic credit decisions.

Unique Questions

When a student is homeless, the parent may not be available to make educational or other decisions. The general rule is that a person acting as a parent in the absence of a parent may provide and receive personally identifiable student information, make educational decisions (including decisions pertaining to students with disabilities), authorize certain types of medical treatment, and act in a variety of other manners on behalf of the child. The specific topic of who makes educational and other decisions for students, including homeless students, will be addressed in the third and final article in this series.

Conclusion

School districts must be aware that homeless children and youth have special protections that do not apply to other entering students. In most cases, failure to enroll a homeless child or youth is a violation of state and federal law. Nevertheless, school districts have protections against fraud or danger that may be used to respond to fraudulent enrollment on the basis of homeless status when appropriate.

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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Spring Personnel Tips

By: Steve Book and Jessica Bernard



Springtime for public school districts in Missouri means warming temperatures and personnel issues. This is the time for administrators to make decisions and recommendations regarding the hiring and nonrenewal of staff.

The Fundamentals

There are important distinctions between the processes to non-renew an administrator and the process to non-renew a probationary teacher. A brief review of the differences is helpful.

Administrators

If an administrator is not re-employed in the same position on the same terms, then notice of nonrenewal is required. The motion regarding the administrator's continued employment must be made in the positive pursuant to statute. The notification must be made in writing and provided no later than April 15. If the administrator is not notified by April 15, he or she is re-employed on the same terms and in the same position for the following school year. Keep in mind that if an administrator has been re-employed five times in the district as an administrator, then additional due process rights apply. The administrator is entitled to a written statement of the reasons for the decision to non-renew, as well as a hearing before the Board of Education if requested.

In addition, consider whether the administrator is tenured as a teacher in the district. If the answer is yes, the administrator is entitled to a teaching position under the Teacher Tenure Act. An administrator may be tenured if he or she was first a tenured teacher who was then promoted to a supervisory position. Also, if the administrator gained tenure in another district, then joined your district in a supervisory position, the administrator is tenured as a teacher after being employed for two successive years as a principal or assistant principal. Be mindful that an administrator can never attain tenure in an administrative position.

Probationary Teachers

Probationary teachers may be non-renewed for any reason as long as it is not an illegal reason, i.e. based on a protected classification such as race, gender, disability, or age. Like administrators, written notice of the district's intent to non-renew must be given in writing by April 15. While not required by law, we recommend that the motion be made in the positive like administrators. Unless the decision to non-renew is based on a decrease in pupil enrollment, school district reorganization, or the financial condition of the district, the teacher is not entitled to a statement of reasons for the nonrenewal. However, a teacher may ask for a statement of reasons. If requested, the statement should then be provided in a concise manner based on summative evaluation criteria. If the Board of Education decides to non-renew a probationary teacher despite the administration's recommendation, ask the Board to provide reasons for the decision so that you are prepared to give those reasons to the teacher if requested.

Analyzing the Risk Associated with Adverse Employment Decisions

We continue to see increasing activity in discrimination claims pursuant to the Missouri Human Rights Act. For that reason, it is essential that districts analyze the potential implications of the nonrenewal of an administrator, teacher or support staff member. Before making a final decision, you should consider: (1) the employee's status; (2) the employment action; (3) the basis for the action; (4) the impact on the employee; and (5) areas of legal exposure. For example, there is very little potential risk in the decision to suspend an at-will employee without pay who has not worked with the district for a long period of time and was observed stealing district supplies at work. Such an employee does not have a legally-recognized expectation of continued employment, likely does not have a vested emotional tie to the position, and has provided a legitimate basis for suspension. On the other hand, there may be considerable risk in the decision to non-renew the only female teacher in a department who happens to be the oldest teacher on staff. The resulting job loss, and at least arguable appearance of an illegal motive (gender or age), create much greater risk for the

(Continued from page 21)

district. While it is impossible for a school district to completely avoid a charge of discrimination or a lawsuit, the most defensible position is one in which the documentation tells the story. Work with your administrators to identify a potential adverse employment decision as early as possible so that the district can adequately and appropriately document the basis for the action in the event that it must be defended.

Hiring Trend

It goes without saying that the culture of a school district is shaped by the successful hiring of positive and productive staff. Unfortunately, there are still legal risks associated with district hiring practices. We have observed a recent trend of charges filed by applicants who were rejected at least in part because of the presence of a felony on their background check. These charges and lawsuits argue that felony convictions disproportionately impact minority applicants, so that the reliance on the presence of a felony is discriminatory.

If an applicant's felony conviction or plea gives cause for concern about the safety of children, the district will be on strong ground to reject an applicant on that basis. However, be careful when rejecting all applicants with a felony on his or her record. For instance, if an applicant for a custodian position has one felony over twenty years old for a crime that does not involve the maltreatment of children, and otherwise has a clean record, the district should attempt to identify and document other reasons for rejecting the application. The EEOC advises that all hiring practices should be "job related for the position in question and consistent with business necessity." If you can identify and document a reasonable basis for the decision to reject the applicant, you will be in a much more defensible position should a charge of discrimination be filed.

In conclusion, it is important to make decisions regarding the hiring, placement and termination of staff in the best interest of students and the district. However, there are steps you can take to protect the district from employment-based legal claims. By using a consistent approach and documenting performance concerns, your district will be in great shape for the upcoming school year and beyond.



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