

Missouri Association of Rural Education

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.

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

MARE 2004 Calendar

February 27-28, 2004
Annual MARE Conference
Board/Membership Meeting
Holiday Inn
Lake Ozark, MO

April 5, 2004
Board Meeting**
10:00 a.m.
Jefferson City, MO

May 3, 2004
Board Meeting**
Jefferson City, MO

July 30-31, 2004
Summer Board/Planning
Meeting
Holiday Inn
Lake Ozark, MO

October 4, 2004
Board Meeting**
10:00 a.m.
Jefferson City, MO

October 20-23, 2004
NREA Convention
Indianapolis, IN

December 6, 2004
Board Meeting**
10:00 a.m.
Jefferson City, MO

** Board Meetings are held at the PSRS Building in Jefferson City

Executive Director's Report

Dr. Ray V. Patrick

The "Great Race" is on as school districts across the state face the budget challenges of FY-05. Myself along with Randall Relford and other lobbyist representing other educational organizations and areas of the state will begin the task on Tuesday, January 20 of trying to convince both houses of the legislature that education is still a major priority of this state. From time to time, you will receive email messages from a variety of sources on the need to contact your area legislator on one or more issues. I would encourage each of you as well as members of the board and district staff to make this a priority this year. This is an election year, and votes do count.

On February 16, "President's Day," plans are underway to have the largest education rally in Missouri history at the State Capitol in Jefferson City. The "Kids First" rally will be held on the south side of the Capitol from 1:00 to 2:00 p.m. that day. This will be an opportunity to send a message to legislators and the public that in order to achieve the high standards expected of our students today, we must fund our schools adequately. The website: www.missourikidsfirst.org will provide you a guide in planning your school district's participation.

The annual MARE Conference is now only a month away. If you and members of your board/staff have not registered for this outstanding two-day event, it is not to late. Registration costs only \$100, which includes all the meals on Saturday. On page 11 of this newsletter is the schedule of programs that will be available.

As I am putting the finishing touches on this newsletter, preparation is under way to attend the annual American Association of School Administrators' (AASA) Rural & Small School Leaders Legislative Meeting in Arlington, Virginia. In conjunction with this meeting, the National Rural Education Association (NREA) will be holding its annual legislative committee meeting. Topics for discussion this year is the "White Paper" that NREA has developed dealing with the problems that rural schools face in the implementation of "No Child Left Behind". Other topics will include on going discussion of funding increases for Title I and IDEA. Of particular interest at this years session will be the discussion on re-authorizations of the School Lunch Program, Perkins Career and Technical Education, Higher Education Act, and Head Start. Mary Kusler, Senior Legislative Specialist, AASA is the leader of this meeting. Mary Kusler will be our luncheon speaker at the annual MARE conference. If you have not had the opportunity to hear Mrs. Kusler speak on national issues, you are in for a treat.

Should you have an educational concern, ideas for service programs, or simply want more information about MARE services, please contact the MARE office (660) 747-8050 or your regional representative.

Missouri Association of Rural Education

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2003-2004

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Executive Director

- Ray V. Patrick—*Executive Director*
 Phil Dorth—*Associate Director*

Superintendency Search

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

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

MARE Superintendency Searches

Dr. Frank Dean Cone
 Metro North Mall
 400 NW Barry Road
 Suite 205, Office 108
 Kansas City, MO 64155-2730
 Office Phone: (816) 235-4632
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WHEN IS A PART-TIME EMPLOYEE EMPLOYED PART-TIME?

Tom Mickes
Doster Mickes James & Ullom, LLC

I recently had the privilege of representing a school district before the Board of the Non-Teacher School Employees Retirement System of Missouri. The case involved a retired teacher's claim that she should receive retirement benefits for a period of time during which she taught three hours per day. The appeal was heard by the Non-Teacher Board because, at the time of the teacher's employment, part-time teachers were not included in the Teachers Retirement System.

As you likely will recall, in order to be eligible for retirement benefits, a teacher must "devote at least twenty hours per week to such employment." §169.600 R.S.Mo. Some additional clarification is provided in NTRS regulations where the phrase "regularly employed" is defined as:

...being employed in a position which continuously requires services for at least twenty (20) hours per week for the school term or for that part of the term which remains at the time of his/her employment, or for a specified period within the term.

On their face, the statute and regulations seem clear.

Facts in the Appeal

In the case reviewed by the Board, the teacher taught every day from 8:00 a.m. to 11:00 a.m., or a total of fifteen (15) hours per week. In order to make up the five (5) hours per week necessary to qualify for retirement benefits, the teacher claimed that she was required to perform other duties. For example, the teacher alleged that she was required to arrive at school thirty (30) minutes before school; that she was required to attend monthly faculty meetings and monthly department meetings; and, most importantly, devoted 2 ½ to 3 hours per day at home preparing for her classes. Obviously, if the teacher was credited with this additional time she would have qualified for retirement benefits.

Analysis

The primary thrust of the teacher's claim was that she spent a substantial amount of time preparing for her three hour daily teaching assignment. The preparation time claimed in this case was unsupervised and was totally unverifiable. How much time was spent in at-home preparation? What was the nature of the at-home preparation? How productive was the at-home time? The District had no way of determining the answer to any of these questions. In fact, the teacher's argument would have required her employer to simply take her word for how much time she spent at home preparing for class. In this case, the teacher claimed that she spent between 12 ½ and 15 hours per week in at-home preparation activities – for a total of 27 ½ to 30 hours total employment – far exceeding the 20 hour requirement.

If the teacher's arguments were upheld, every teacher, statewide, who was required to teach three hours or more would be deemed to be full-time for pension purposes. However, consider a teacher who taught only two (2) hours per day or ten (10) hours per week. This two hour teacher could clearly claim to prepare for 1 ½ - 2 hours at home per day, an additional 7 ½ to 10 hours per week. Crediting the teacher with thirty (30) minutes before school each day would entitle this teacher to retirement benefits. And is it too much of a stretch to consider a teacher who taught one hour per day to be full-time?

In this case, part-time teaching employment was considered in the context of retirement benefits. However, the implications are far broader. Most districts provide district paid benefits only to full-time employees. The distinction between full and part time is in practice based upon at school student contact time. But what about at-home prep time?

In addition, tenure as a teacher may be acquired on a part-time basis. Typically, part-time credit is based upon how many classes a teacher taught as a percentage of a full-time assignment. Questions have already arisen concerning whether or not an at-school prep period should be credited to a teachers' part-time assignment. Under the argument advanced by the teachers in this retirement appeal, time spent preparing for instruction would also be credited. The net result would be the elimination of part-time status. All teachers would be full-time. The cost and effect of this liberal crediting of work time would be profound.

Resolution and Preventative Maintenance

On December 15, 2003, the NTRS Board issued its decision. The Board denied the teacher's appeal and found that the teacher did not satisfy the twenty (20) hour requirement. Inferentially, the Board declined to credit the teacher's at-home preparation time. However, the Board did not close the door on the prep time issue, but simply stated there was ". . . insufficient documented evidence that you [teacher] satisfied the requirements for membership in NTRS for all relevant time periods" (emphasis added). This is not a final decision as the teacher has thirty (30) days within which to file an appeal in Circuit Court.

A decision against the District in this case would open the door for lawsuits by every retired part-time teacher against their districts for back pension contributions. Such a decision would also dramatically increase the amount of pensions paid out by the Retirement Board. Since the recent decision may be appealed, and since the NTRS Board's decision left open the possibility of a home preparation argument where "sufficiently documented," there are steps districts can and should take to minimize liability.

I would first recommend a review of each district's part-time teacher contracts. Many districts in their contracts and related notice documents quantify the teaching assignment as a fraction (i.e. 1/2 contract, 4/7 contract). Use of a fraction is not precise and allows questions about what is a full time assignment. Rather, I would suggest that the contract specify the number of hours of actual instruction (i.e., 3 hours per day or 14 hours per week). Similarly, I would also not include an at school prep period for any part-time teacher.

Questions also exist concerning whether part-time teachers should receive credit for time allocated to before school supervision; for after school supervision and for faculty department meetings. In this regard, I would suggest making department and faculty meetings optional. Information from these meetings can be communicated verbally or in writing. I would also suggest that part-time teachers not be assigned before or after school supervision. The benefit from such assignment is more than offset by the potential liability for pension payments.

Finally, I would suggest review and modification of the District's part-time teaching employment policy. The District's policy should affirmatively state that preparation for class, grading of papers and related activities away from school are not credited as work time for benefits, pension or tenure purposes. If meetings are optional and/or before and after school supervision is not required, this information should be conveyed in district policy. MCE policy updates will include these revisions. A draft copy of this policy addition is included in this article. These steps will minimize the possibility that your district's part-time employees will be viewed as full time by the courts and result in significant pension liability.

MARE Board Training 2004 Schedule

Central/East Central Missouri

Dr. Robert V. Hoffman (816-537-9946)

(Spring Training Site to be announced later.)

Southeast Missouri

Mr. Philip Dorth (573-392-4271)

Poplar Bluff School District

May 6, 2004 - 6-10 p.m. May 7, 2004 - 6-10 p.m.

May 7, 2004 - 8 a.m. to 4 p.m.

Southwest Missouri

Mr. Don Neidt (417-646-8293)

Norwood R-I School District

May 1, 2004 - 8 a.m. - 4 p.m.

May 15, 2004 - 8 a.m. - 4 p.m.

(Continued on page 10)

PERSONNEL SERVICES**Policy 4103****Employment and Assignment****Staff Employment**

(New paragraph to be added to Policy 4103)

The Board may elect to employ certain certificated individuals on a part-time basis, as needed. Part-time certificated employees will be contracted on a class by class basis not as a percentage of full-time employment. Part-time employees will not be provided the benefits provided to full-time employees. In addition, part-time certificated employees who do not teach at least four hours per day will not be eligible for pension benefits.

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MARE now endorses the Forrest T. Jones & Company, Inc., Long Term Care Insurance Evaluation Service to its members.

M.A.R.E. MEMBER SCHOOLS SPECIAL ANNOUNCEMENT

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Representatives will be contacting member schools in the near future. For immediate action, please contact Ted Ferguson at 800-553-2672 or Jeff Stanley at 800-368-6711.


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Reflections on The Winter of 2003 SNOW DAYS

By Randy Dewar
Central Missouri State University

As we face another Missouri winter we can reflect on one of the toughest decisions forced upon a Superintendent of Schools – THE SNOW DAY.

The winter of 2003-2004 is off to a snowy start. As always, there has been heavy snow in many areas and little or no snow in other regions. While the state has not experienced a massive ice storm, like in 2002, icy roads have still been a factor in decisions to cancel school or delay opening in the morning.

A feature in The School Administrator, February 2003, presented some common sense thoughts on what to do and what not to do in calling a snow day. The response from readers across America was surprising. Missouri school leaders are not the only superintendents worrying over snow day decisions. Some thoughts, gained over 20 years of experience, are most appropriate for the rural superintendent who is moving children over many miles of country roads. Our city/suburban counterparts will have limited understanding of the challenges of gravel and even dirt roads with one-lane bridges that, if plowed at all, are plowed by the resident farmer who lives nearby.

The short and slick summary of the article, “The Snow Day: One Tough Call” from The School Administrator is a good reference for rural superintendents in the future.

Eight Common Mistakes

Mistake #1. Calling off school on the basis of a weather forecast

The weathercaster can be wrong. When he is, he can laugh it off with his next forecast. The superintendent who called off school can't laugh it off. The television weather report may cover weather that is sufficiently far away to make the forecast inaccurate for rural areas. Find a reliable source for weather reporting that is very local to your area, and then wait until the forecast becomes reality before calling off school.

Mistake #2. Delaying an obvious call until the morning

If the weather is already bad and the roads are getting worse, call off school the night before. This saves parents from last minute childcare concerns and it saves the superintendent from getting up so early the next morning to make a snow day call that was obvious the previous night.

Mistake #3. Failing to recognize the dangers of extreme cold

Sometimes it is too cold for school. Marginal roads slow bus routes. Children at the end of the route are waiting longer and longer for the bus to arrive. Extreme cold with wind chill places these children at risk of frostbite. It is also important to be sure that buses will start in the extreme cold.

Mistake #4. Passing the responsibility to someone else

The decision to close school, or not, belongs to the superintendent. Enjoy your exalted position. Stand up and make the call. Passing the blame/credit on to someone else will not win friends. People will still hold you responsible.

Mistake #5. Getting stuck in the snow and being unable to call in to cancel school

Our friends in the city can rely on a quick cell phone call to communicate. They may not understand that in rural areas a cell phone tower may be too far away or hidden by hills and trees. Be careful where you roam on a snowy day. Better yet, have other people check things out for you. Make sure that you can communicate your decision.

Mistake #6. Making a decision without sufficient road reports from a variety of locations

There are too many miles of back roads for one person to check. Have people in strategic locations check out their own area and report back to you. Remember that conditions in one end of the district may be totally different than those in the opposite end of the district.

It is wise to check with neighboring districts to see if they have made a decision. There is comfort in numbers.

Naturally, the superintendent will check with the person in charge of transportation. One big difference here is that, in rural areas, the superintendent may well be in charge of transportation (and everything else).

Mistake #7. Calling a snow day because the private schools are closing

This mistake is less likely in rural areas because private schools are less likely in rural areas. However, it would be a mistake to base a decision on what private schools are doing. Many private schools rely on private vehicles for transportation. They are also under a different set of rules for the school calendar and days of attendance.

Mistake #8. Accepting calls at home from community members regarding the snow-day decision

Advise callers to tune in to the radio or TV. If you start answering inquiries, you will never stop. On a snowy and cold Missouri morning your phone must be open for real business calls.

Your Plan For Snow-Days

This is a good time to reflect upon the winter and how your plan for making the snow-day call has worked. Between winter storms you will want to reflect on the potential for running partial bus routes or starting late on an adjusted snow-day schedule.

Find a process that assures accurate listing of riders and busses. Give thought to the number of snow-days built into the school calendar for next year. Reflect on those who call you with road conditions and decide if their advice was sound and whether they should be a part of your system of decision making for next year. Add people to report on areas where you feel uncertain. Review your calling tree to be sure that it works even better next time.

Three Final Thoughts For the Rural Superintendent

First, respect the decision of the parent who decides to keep a child at home because of winter weather. It is the parent's responsibility to do what they think is right to keep their child safe.

Second, when in doubt, call off school. Err on the side of caution. There will be a better day to hold school.

Then, plan to get to your office and be ready to take the calls. Snow-day or no snow-day, you are in for some free advice. Enjoy your exalted position!

Randy Dewar was a superintendent for 20 years in Missouri, Wisconsin, and Oklahoma. He now teaches Educational Administration courses at Central Missouri State University, Lovinger Hall 4106, Warrensburg, MO 64093.

**MARE Associate Membership
2003-2004**

Below are listed the Associate Members of MARE. These members are important to the MARE organization in their long-term interest in the welfare of the Rural School Districts in Missouri. Please consider all the business associates when you are in need of services. Let them know that you saw their information in our newsletter when you contact them.

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Glencoe, MO 63301
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(660) 327-5308

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Gossen Livingston Architects

Al Osborne
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(816) 474-1100

TAC Americas

Valerie Houchin
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St. Louis, MO 63105
(573) 547-8130

American Trust Group Holding

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Sunrise Beach, MO 65079
(573) 374-9991

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Lenexa, KS 66215
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Southern Bus & Mobility, Inc.

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John Kuecker
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Sedalia, MO 65302
(660) 826-1764

Robert W. Davis & Associates, Inc.

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Chandler, AZ 85225
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National Investors

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204 West Rollins
Moberly, MO 65270
(660) 263-5630

Thomeczek Law Firm, LLC

James G. Thomeczek, Attorney
1120 Olivette Exec. Pkwy, Ste 210
St. Louis, MO 63132
(314) 997-7733

Trane

Tim Schryver, Ed. Segment Leader
2275 Cassens Court, Ste 105
Fenton, MO 63026
(636) 305-3764

Forrest T. Jones & Co., Inc.

Harvey Day, Insur. Specialist
3130 Broadway
Kansas City, MO 64111

Cornerstone Energy

Larry D. Kilpatrick, Manager Consum. Accts.
12637 W. 82nd Terr.
Lenexa, KS 66215
(913) 322-1776

WestHall Software Solutions

Adam Hall/Leonard W. Hall
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St. Louis, MO 63102
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North Kansas City, MO 64116
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Kansas City, MO 64111
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We Welcome the following new Associate Members

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8020 N. Lydia Avenue
Kansas City, MO 64118
(816) 468-8880

MARE Board Training**2004 Schedule**

(Continued from page 4)

West Central Missouri

Dr. Frank Dean Cone (816) 235-6632
UMKC-Northland Facility - Kansas City, MO

March 18, 2004 12 noon - 8 p.m.
March 19, 2004 12 noon - 8 p.m.

Northeast Missouri

Mr. Leroy Huff (660) 465-8531
Shelby Co. C-1 School District

April 14, 2004 6-10 p.m. April 21, 2004 6-10 p.m.
April 28, 2004 6-10 p.m. May 5, 2004 6-10 p.m.

Northwest Missouri

Mr. William Casey (660) 382-5128

ITV Sessions - North Mercer (Host District) - Cainsville School District - Gilman City School District

April 21, 2004 6-10 p.m. April 28, 2004 6-10 p.m.
May 5, 2004 6-10 p.m. May 12, 2004 6-10 p.m.

Other Sites

Dr. Ray Patrick (660) 747-8050

MARE Annual Conference - Holiday Inn- Lake Ozark, MO

February 27, 2004 8 a.m. - 4 p.m.
February 28, 2004 8 a.m. - 4 p.m.

K-8 Annual Conference - Chateau on the Lake - Branson, MO

April 14, 2004 6 - 10 p.m. April 15, 2004 8 a.m. - 4 p.m.
April 16, 2004 8 a.m. - 12 noon

Check our website: moare.com - for changes/updates. (Registrations may be faxed or completed on line at the MARE website.

"It's All About Learning"
MARE Annual Conference
February 27 & 28, 2004
 (Tentative Schedule)

Friday - February 27

8:30 a.m. to 4:30 p.m. Board Training Session

9:30 - Noon MARE Executive Board Meeting - 9:30 a.m. to Noon

Registration Opens 10:00 a.m.

1:30 - 3:30 First General Session School Law Issues Mr. Tom Mickes

3:45 - 4:45 Current Legislative Issues SAC Lobbyist Mr. Randall Relford

6:30 Hospitality Room Open (Sponsored by L.J. Hart & Company and Control Technology Solutions)

Saturday - February 28

7:15 Registration Open

7:15 - 8:30 Breakfast

8:30 - 4:30 Board Training Session

8:45 - 9:35 First Round of Small Group Sessions

<u>Program Title</u>	<u>Presenter</u>
How to Survive a Natural Disaster	Kenneth Spurgeon
Building Improvements with Tight Budgets	Scott Ririe
Long Range Planning for Capital Improvements	Roger Adamson
Is your School District missing out on its share of \$36.5m	Stacy Dye
Natural Gas Pricing Options	Larry Kilpatrick

9:45 - 10:35 Second Round of Small Group Sessions

What do I do with all this data?	Charles Brazeale
Integrating Technology with Wireless Classrooms	Megan Ools
The ADA and Public Schools	Kent Johnson
Legal Issues	Doster, Mickes, James, Ullom Law Firm
Plan NOW for Long Term Care	Mark Iglehart

10:30 - 3:00 Vendor/Associate Displays (The hour before lunch is set aside to especially visit the Vendor/Associates)

11:30 - 1:00 Luncheon NREA Legislative Issues Mary Kusler (AASA Legislative Specialist)

1:10 - 2:00 Third Round of Small Group Sessions

Lessons on Sustaining Small, Rural Schools	Charles Brazeale
Reform Mathematics	Jason Vaughn
Handheld Computers in the Classroom	Mark Yehle
Special Education Legal Issues	James Thomeczek
Southwest Center on Curriculum	Bob Collier

2:15 - 3:05 Fourth Round of Small Group Sessions

In Search of more Math and Science Teachers	Mark Volkman
Expenditure Reduction Process	Dr. Matt Spencer
No Child Left Behind	Mark Alexander
Alternative Technologies to Access the Internet	Greg Heifner
Missouri Center for Safe Schools	Dr. Glenn Berry

3:15 - 4:15 Annual MARE Membership Meeting/Door Prizes

4:20 - 5:20 Committee for Educational Equality Update

6:00 - 9:00 Annual MARE Banquet/Awards Program John Irvin - Keynote

Missouri Association of Rural Education

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

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Centerview, MO
64019

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

Board Training Registration

Name: _____

Address: _____

Phone #: _____

School District _____

Session Location _____

Date: _____

Mail to: MARE, 201 South Holden Street, Suite 202, Warrensburg, MO 64093. Fax: (660) 747-8160.

Email: rpatrick@iland.net or rpatrick@moare.com
Register online at moare.com

YES!!!! I want to be a member of MARE

_____ K-12 Schools — \$200 yearly

_____ K-8 Schools — \$100 yearly

_____ Not for Profit Corporations & Institutions — \$100 yearly

_____ For Profit Corporations (Associate Membership) — \$250

_____ Individual Member from Non-Member Institution — \$25

_____ Student Membership — \$1 yearly

_____ Newsletter sent to district board members — \$35. yearly

_____ School District Six Digit School Code

Name: _____

Title: _____

School/Organization _____

Address _____

Address _____

City/State/Zip _____

Email Address _____

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