

# MARE

Spring 2013

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 2012-2013

**May 6, 2013**  
**Board Meeting**  
**Jefferson City, MO**  
**10:00 a.m.**

### **El Dorado Springs, MO – Civic Center & Community Building**

Friday, May 3 (8:15 a.m. – 4:15 p.m.)  
Saturday, May 4 (8:15 a.m. – 4:15 p.m.)

### **Shelby Co. R-IV (South) – Shelbyna, MO**

Friday, May 3 (8:15 a.m. – 4:15 p.m.)  
Saturday, May 4 (8:15 a.m. – 4:15 p.m.)

### **Unionville, MO – Putnam Co. R-I**

Friday, May 31 (8:15a.m.–4:15p.m.)  
Saturday, June 1 (8:15a.m.–4:15p.m.)

### **Sedalia, MO – Holiday Inn Express**

Friday, June 7 (8:15 a.m. – 4:15 p.m.)  
Saturday, June 8 (8:15 a.m. – 4:15 p.m.)

### **Poplar Bluff, MO – Holiday Inn**

Friday, June 28 (8:15 a.m. – 4:15 p.m.)  
Saturday, June 29 (8:15 a.m. – 4:15 p.m.)

### **Stanberry, MO – Stanberry R-II**

Friday, July 19 (8:15 a.m. – 4:15 p.m.)  
Saturday, July 20 (8:15 a.m. – 4:15 p.m.)

### **Camdenton, MO – Sleep Inn & Suites**

Friday, August 16 (8:15 a.m. – 4:15 p.m.)  
Saturday, August 17(8:15 a.m.–4:15p.m.)

### **Lake Ozark, MO – The Resort at Port Arrowhead**

Thursday afternoon – February 20, 2014  
(1:00 – 5:00 p.m.)  
Friday, February 21 (8:15 a.m. – 4:15 p.m.)  
Saturday, February 22 (8:00 a.m. – 12:00 Noon)

## **MARE Represented in Washington D.C. at the annual NREAC Legislative Forum**



On February 4, MARE Executive Director Ray Patrick spoke, to the Senate Democratic Steering Committee in Washington D.C. He was asked to speak, in his capacity as the Co-Chairman of the National Rural Education Advocacy Coalition (NREAC), about the importance of education technology in rural schools. His remarks follow.

Good afternoon, my name is Ray Patrick and I am the Executive Director of the Missouri Association of Rural Education. Our association represents rural teachers, support staff and ad-

ministrators in 375 rural districts in Missouri. The districts are classified as either K-8 or K-12 and there are also 10 Charter schools sponsored by the University of Missouri – Kansas City. In addition to the many hats that I wear, I am currently in my second term as a school board member of a rural district.

I would like to speak to you about the importance of education technology in rural schools. Education technology, telecommunications and connectivity are crucial resources to school districts as they work to prepare America’s students for an increasingly global and competitive work place. Unfortunately, recent policy and funding trends at the federal level have failed to demonstrate an adequate commitment to education technology. When it comes to the federal government and its intersection in education technology, two programs come to mind: the E-Rate program and the Education Enhancement Through Technology program (Title II, Part D of ESEA).

The E-Rate is a discount program administered by the FCC. It is not federally appropriated. The E-Rate provides \$2.3 billion in discounts annually for advanced, affordable telecommunications services, Internet access and internal connections to public libraries and public and private schools. Since its creation in 1998, only once has that funding cap been enough to meet program demand. In FY-12, E-Rate demand (just over \$5 billion) more than doubled what is available.

The promise of the E-Rate is straightforward: to assure that all Americans, regardless of income or geography, can participate in and benefit from new information technologies, including distance learning, online assessment, web-based homework, enriched curriculum, increased communication between parents, students and their educators, and increased access to government services and information. The E-Rate provides discounts to public and private schools, public libraries and consortia of those entities on telecommunications services, Internet access and internal networking. E-Rate discounts are provided through the Federal Communications Commission by assessing telecommunication carriers for a total of up to \$2.3 billion dollars annually. Applicants do not receive funds directly. They receive a discounted price. Discounts range from 20 to 90 percent based on local poverty levels. Schools and libraries must pay the undiscounted portion of their telecommunications bill themselves.

Roughly 97% of school districts are currently receiving E-Rate dollars. These dollars are critical to rural areas, used for connectivity as basic as phone and fax, as well as internet connectivity, is outside of federal appropriations and not subject to the sequester. The bad news is that the program is capped and the funding available is well below demand. In fact, we have reason to believe that demand is artificially low. School districts with lower poverty rates---who have historically not received funding for Priority two services--- have stopped applying for Priority Two, as it is a waste of time to complete an application for which there is

(Continued on page 15)

**Missouri Association of Rural Education**

**Officers and Board of Directors**

**2012-2013**

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- Secretary Philip C. Dorth
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**MARE Superintendent Search**

The MARE organization is available to all school districts throughout Missouri to facilitate superintendent 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 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	\$2,500	2501 - 3000 students	\$5,000
501 - 1000 students	\$3,000	3001 - 3500 students	\$5,500
1001 - 1500 students	\$3,500	3501 - 4000 students	\$6,000
1501 - 2000 students	\$4,000	Above 4000 students	\$6,500
2001 - 2500 students	\$4,500		

If a school district is current in their annual membership with MARE, the above professional chares 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 a full year's membership in the MARE organization for that school district.

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

**MARE Superintendent Searches**  
**Dr. Ray V. Patrick**  
 201 South Holden St., Ste 202  
 Warrensburg, MO 64093

Phone: (660) 747-8050  
 Cell Phone: (660) 909-5118  
 Fax: (660) 747-8160  
 Email: [rpatrick@moare.com](mailto:rpatrick@moare.com)

MARE will provide the following services to school districts wishing to conduct their own search:

- Listing of the opening in the MARE Focus (emailing to all Missouri districts)
- Listing of the opening on the MARE website (home page with link) and MO Administrator Jobs site
- Sample sets of interview questions (no cost)
- Set of Missouri School District mailing labels (cost - \$10.00) or will provide by email for district download at no charge.

## Bright Futures Holden – Connections for Success

by Julie Brunner, Bright Futures Holden Community Coordinator

As a school leader, each day you see students who are lacking some material or motivational resource that gets in the way of higher achievement. Maybe the student does not have the food or clothing needed, or the desire and connections required to break the cycle of poverty. Over the years at Holden R-III, we did our best to connect students with the resources they needed to succeed, but it was difficult to engage the entire community in the effort and sometimes the same people – teachers, administrators, and counselors – shouldered more of the burden than they could reasonably bear. At Holden R-III, we have a new way to help connect students with needs to people and groups in the community who are eager to help. Bright Futures Holden inspires community partnerships that open a way for all children to learn, lead and serve to their full potential now and in the future. Bright Futures Holden connects students and schools with existing community resources. Student needs of materials, mentoring and motivation are matched with community resources of time, talent and treasure. The results are amazing- improved community involvement, improved student and staff morale, and improved student outcomes.

It started out with a problem in Joplin, Missouri, in 2010. One out of every four students in Joplin dropped out of high school and did not reach graduation. And, it started with a mandate from the Joplin Schools Board of Education in the spring of 2010 to Dr. CJ Huff, the new superintendent –get the graduation rates up! Like so many communities across the country, many Joplin students struggled with poverty and often a lack of parental involvement. Teachers spent much of their time and often their own money trying to meet students' basic needs. It became evident that to meet the strategic goal of graduating more Joplin students, their most basic needs would have to be met. This was a community issue, not just a school issue. For the whole community to flourish and thrive, the schools needed to supply citizens who would flourish and thrive. To solve the problem would take a community effort. Joplin schools worked with the community to develop a program called Bright Futures that connected community resources with students and families in need through the school system.

Within the first year, unexpected and exciting results occurred. The dropout rate decreased. Attendance increased. And, student and staff morale increased. As the program evolved in Joplin, word spread. Holden established an affiliate community in 2012. Harrisonville, Webb City, Aurora, Carl Junction, Carthage, Cassville, Neosho, Seneca, and Webb City in Missouri, along with Liberal, Kansas, have all adopted this model for community connections.

Holden R-III became an affiliate in 2012 after Superintendent Wade Schroeder learned about the program in Joplin. A group of community leaders gathered to consider this initiative, and they made the decision to move forward with the idea. That led to a larger community meeting where we identified an amazing number of community resources – businesses, faith-based organizations, community groups, and individuals eager to provide help locally to students in need. According to Jeff Spangler, Development Director of Bright Futures USA, “Bright Futures is a framework of support and communication that allows communities and schools to identify student needs and match those needs with existing resources in the community. When kids succeed, communities flourish!”

The program is successful in part through the use of social media. When a school employee notices a student with a need, they request help from the building guidance counselor. Sometimes the need can be met with existing resources within the building. If not, the request is routed through the guidance department connection to the Bright Futures Community Coordinator. If the need is for something that is not already available from an existing service or resource, then Facebook and email become very important. The coordinator posts the need – without any names or identifying information – on Facebook and also distributes the request via email. Upwards of 1500 people read these messages during an average week. Some pastors and group leaders read the requests at their gatherings, reaching even more people. Sometimes within just a few minutes, a reply comes in. We try to take care of material needs, like shoes, clothing, or hygiene supplies, within 24 hours. We have helped students who needed extra tutoring, helped with blankets during cold weather, connected people with emergency resources, and provided gently-used musical instruments for students who could not afford to purchase their own. Sunday school classes have provided books, hats, and hygiene kits for our students. “We are so happy to have a way to help these students anonymously so they can have a better chance at life” was the way one of the donors expressed it. It also serves as a great way for organizations and businesses to let the community know who they are and what they do. This builds community and helps everyone in the long run.

None of us get through this life without a little help from someone. We all need a hand-up at some point. Bright Futures Holden provides a framework for providing a hand-up for students with needs from those who can help. Whether you are an educator, a parent, a businessperson, a human services provider, a faith-based organization representative, or a community member, you have a vested interest and investment in the students in your community. Consider becoming an affiliate. “Like” our Bright Futures Holden Facebook page and find out what we are doing. Contact Julie Brunner, 816-345-0269 for more information about Bright Futures Holden or Jeff Spangler for more information about Bright Futures USA either through their website, [www.brightfuturesusa.org](http://www.brightfuturesusa.org) or at 417-625-5200.



# THIRD ANNUAL MARE SCHOLARSHIP GOLF TOURNAMENT

Date: *Tuesday, July 30, 2013*

Location: *Eagle Knoll—Columbia, MO*

Located on Highway 63, between Columbia and Jefferson City, MO

*(Following the annual Commissioners Meeting)*

Proceeds generated by the players and business sponsors will go to support the MARE Scholarship program for Juniors or Seniors attending one of Missouri's College or Universities, with plans to teach in a Missouri Rural School District upon Graduation.

**Watch for Official Announcement and Details.**

## MARE Associate Membership

Companies/Organizations	Contact	Phone Number
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Missouri Retired Teachers Assn.	Jim Kreider	(877) 366-6782
Missouri Rural Water Association	John Hoagland	(417) 876-7258
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## Hiring Retirees:

### Compliance with Working Restrictions for Retired PSRS Members

By Duane Martin and Rachel England

In recent years, PSRS has begun to closely examine whether school districts are meeting the established restrictions on employment of retired PSRS members. School districts that fail to meet these restrictions could be subject to large monetary penalties. Moreover, if a “retired” PSRS member does not meet the retirement restrictions, then PSRS may cease to pay that member’s benefits, and the member may be required to repay past benefits received.

Due to the significant financial consequences that could result from failure to comply with retirement restrictions, school districts should carefully check for compliance with the working restrictions before hiring an administrator or teacher who has retired and who is receiving PSRS retirement benefits. In order for a retiree to work for a school district while still receiving benefits, and in order for the district to avoid paying contributions for that retiree’s post-retirement work, there are three primary restrictions imposed by State law and regulations which must be met. First, a retiree who is hired by a school district must have at least a one month break in service prior to working for the district and must not sign an employment contract prior to receiving his/her first benefit payment. Second, the retiree cannot work more than 550 hours in a school year. Finally, the retiree must earn no more than 50% of the salary and benefits which non-retired employees of the same skill and education level receive for working the same position in a full-time capacity.

#### Working after Retirement Restrictions

The first working restriction applicable to retired PSRS members is the “break in service” restriction. A retiree must cease working, or have a break in service, prior to accepting a post-retirement position. A retiree cannot receive retirement benefits unless he or she has, in fact, stopped working for a period of time. The State regulations specify that “termination from employment prior to the effective date of retirement is required to be eligible for retirement benefits.” In order to comply with the “break in service” restriction, a retiree must not be employed by a school district for a one-month period after his or her effective date of retirement.

In addition to not working for a one-month period of time, a retiree cannot be under a contract for employment with a school district prior to receipt of his/her first retirement benefit payment. A retiree has not had a “break in service” if he/she has signed an employment contract before he/she begins receiving benefits. In practical terms, the restriction on executing contracts with retirees severely limits districts that would like to hire retirees for part-time teaching positions and other vital positions. Although school districts must determine hiring needs each spring and issue contracts by May 15<sup>th</sup>, employees who retire on June 30<sup>th</sup> may not be issued contracts in May. Those employees will likely receive their first retirement benefit in July, and thus the Board may not vote on whether to offer those employees a contract until the August Board meeting.

The second working restriction applicable to retired PSRS members is the “550 hour” restriction. Retired employees may not hold full-time positions, and their working hours are strictly limited. Under the State regulations, a retiree may work a maximum of 550 hours in a single school year.<sup>4</sup> The retiree could work additional hours for a non-school district employer, as hours worked for non-PSRS employers do not count toward the 550 hour restriction.

Finally, retired PSRS members are subject to a “50% earnings limit” restriction. A retiree may earn only up to “50% of the annual compensation payable under the district’s salary schedule for the position, given the employee’s level of experience and education.”<sup>5</sup> All compensation a retiree receives, including several categories of insurance benefits, counts toward the earnings limit. Employer-paid medical, dental, and vision insurance premiums for the retiree are included in the calculation of the retiree’s compensation. Premiums paid for other insurance benefits, such as life and disability insurance, are not included in the calculation of a retiree’s compensation. Further, premiums paid for family member coverage are not included in the calculation of a retiree’s compensation.<sup>6</sup>

Specific rules apply when calculating the 50% earnings limit for positions that are not subject to a salary schedule or for new positions. If your district does not utilize a salary schedule, or if the position in question is not subject to your district’s salary schedule, a retiree may earn up to 50% of the annual compensation paid to the person or persons who last held the position.<sup>7</sup> If the position did not previously exist, a retiree may earn up to 50% of the annual compensation payable for the position within the district that is most comparable to the position filled by the retiree.<sup>8</sup>

When a retiree is employed in more than one position with a school district, the 50% earnings limit is calculated using the highest paid position in which the retiree works at least one-fifth of the time. The applicable law states, “In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occu-

<sup>1</sup>16 CSR 10-5.010(2)

<sup>2</sup>16 CSR 10-5.010(2)

<sup>3</sup>16 CSR 10-5.010(2)

<sup>4</sup>Mo. Rev. Stat. § 169.560; 16 CSR 10-5.010(6).

<sup>5</sup>Mo. Rev. Stat. § 169.560

<sup>6</sup><https://www.psrsmo.org/Employers/EmployerReportingResource/June2012.pdf>

<sup>7</sup>Mo. Rev. Stat. § 169.560

<sup>8</sup>Mo. Rev. Stat. § 169.560; 16 CSR 10-5.010(6).

(Continued from page 7-Hiring Retirees:)

pied by the retiree for at least one-fifth of the total hours worked during the year.”<sup>9</sup> For example, if a retiree works as a librarian for 10 hours a week at \$15/hour, and as a recess aid for 15 hours a week at \$8/hour, then the retiree cannot earn more than a full-time librarian with comparable experience and education earns on an annual basis.

### The Critical Shortage Exception to the Retirement Restrictions

In general, the “critical shortage” exception allows a school district to hire retired teachers on a full-time basis where the district has been unable to fill open positions with non-retired teachers, without causing the retired teachers to lose their retirement benefits. Under Missouri Revised Statute § 169.596, there are several requirements that a district must meet in order to utilize the “critical shortage” exception. Further, the law places limits on how many retired teachers a district can hire and the length of time that retired teachers may work.

In order to employ retired teachers under the “critical shortage” exception, a district must meet the following six requirements:

1. The district must not have offered early retirement incentives for either of the previous two school years.
2. The district must post the vacancy or vacancies for at least one month.
3. The district must solicit applications through the local newspaper, other media, or teacher education programs.
4. The district must make a good faith effort to fill positions with non-retired employees.
5. The district must determine that there is an insufficient number of eligible applicants for the advertised position(s).
6. The district must declare a shortage of certificated employees.

If these six requirements are met, then the district may employ retired teachers, and those teachers will remain eligible to receive their retirement benefits. Before hiring any retired teachers, a district must notify PSRS in writing that the above six requirements have been met.

If the District hires retired teachers, then it must comply with the following restrictions:

1. No more than 10% of the district’s teaching staff can be retired teachers – at

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<sup>9</sup>Mo. Rev. Stat. § 169.560

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(Continued from page 8-Hiring Retirees:)

least 90% of the district's teachers must be non-retired.

2. The district cannot employ more than 5 retired teachers at one time.
3. Any retired teachers hired by the district must work on a full-time basis.
4. Retired teachers may only work for up to two years. (The two years of employment do not have to be consecutive; there can be breaks in employment so long as the total time worked by the retired teacher does not exceed two years.)

Finally, if a district hires retired teachers under the critical shortage exception, it will be required to make contributions to PSRS on all compensation and benefits earned by the retired teachers. Retired teachers are not required to make contributions during the period of critical shortage employment, and retired teachers do not earn any additional credit.

**Record Keeping Requirements**

When a PRSR member works after retirement, specific records must be kept by both the district and the retiree. The district and the retiree are required to maintain a log of all dates worked, hours worked, and wages earned by the retiree.<sup>10</sup> The district and retiree must provide a copy of the work log upon the request of PSRS. The likely effect of a school district failing to comply with the record-keeping requirements is that, if it is a close call as to whether a retiree exceeded the 550-hour or 50% earnings limit restrictions, a presumption will be made that the retiree did exceed the restrictions.

**Penalties for Failure to Ensure Compliance with Working after Retirement Restrictions**

The State regulations indicate that school districts are responsible for determining employee eligibility for participation in PSRS and calculating and submitting the correct contribution amounts to PSRS.<sup>11</sup> However, PSRS takes the position that both the employer and the retiree are responsible for ensuring compliance with the working after retirement restrictions. That being said, when the working restrictions are violated for a

<sup>10</sup>16 CSR 10-5.010(6)

<sup>11</sup>See 16 C.S.R. 10-4.005(1)-(3)

(Continued on page 12)

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(Continued from page 9-Hiring Retirees:)

specific retiree, the school district is the only party required to pay past contributions owed. The penalties imposed on retirees include discontinuation of benefit payments and the repayment of previous benefit payments received.

Under the State regulations, a retiree's benefits are affected if the retirement restrictions have not been met. In the case where a retiree's employment exceeds either the 550-hour or earning limit restrictions, payment of benefits to the retired employee will cease until the employment terminates or a new school year begins. In the case where there has not been a one-month break in service, or where a retiree signed an employment contract prior to receiving his/her first retirement benefit payment, the retiree will be required to repay any benefit payments received.

For school districts, the penalty for failure to comply with the retirement working restrictions can be financially devastating. In the case where a school district has employed a retiree, but failed to comply with the retirement restrictions (and thus incorrectly determined that a retiree is not eligible for participation in PSRS), the district must pay PSRS for any contributions that should have been made by *both* the district and the employee during the retiree's "post-retirement" employment. Errors by districts in reporting of eligibility for PSRS membership, assigning of employees, and in remitting contributions will be corrected retroactively, provided the district has certified that an error was made, provided evidence adequate to support the correction, and remitted any balance due from the district and retiree. In addition, the school district is required to pay interest owed on both its contribution amount and the retiree's contribution amount. The State regulations provide that "any correcting remittance of contributions for a district will include the total interest, if any, which would have been credited to those contributions by the retirement system had the contributions been remitted on a correct and timely basis" and that "any matching employer contribution remitted in such an instance shall be equal to the total amount remitted for the retiree, including interest."

The regulations indicate that, if a school district owns up to an error in compliance with the retirement restrictions, and submits information to PSRS concerning the error, then the penalties imposed on the district will be limited to past contributions owed by both the district and the retiree, plus interest. The regulations further indicate that, if a district fails or refuses to remit the "full amount of both the employee's and employer's contributions which are due the retirement system," then PSRS will initiate a lawsuit to recover "twice the amount [of contributions] withheld." The language of the regulations implies that suits for double recovery are instituted only in situations where a district has willfully withheld contributions from PSRS. However, it is unclear under which specific circumstances PSRS will seek double recovery of past owed contributions. For this reason, when a school district discovers that a retiree has not met or is not meeting the retirement restrictions, it should immediately consult private counsel and begin working with private counsel to report the error to PSRS and to provide necessary information to PSRS. It is likely that PSRS will be more willing to negotiate alternative resolutions with a district and to seek minimal penalties when a district has brought the error to the attention of PSRS rather than attempting to conceal the error.

<sup>12</sup>See <https://www.psrsmo.org/Employers/EmployerReportingResource/September2012.pdf>

<sup>13</sup>16 CSR 10-5.010(6)

<sup>14</sup>16 CSR 10-5.010(2)

<sup>15</sup>16 C.S.R. 10-4.005(2)

<sup>16</sup>16 C.S.R. 10-4.005(3)

<sup>17</sup>Mo. Rev. Stat. § 169.030; 16 C.S.R. 10-3.010(6)

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## National Rural Education Advocacy Coalition

### 2013 Legislative Agenda

The Missouri Association of Rural Education is a founding member of the National Rural Education Advocacy Coalition. The Coalition was founded after the passage of No Child Left Behind that sent almost all of the new Title I and other Title funding to big districts through inequitable formulas. Small and rural schools, however, still had to comply with all of the Act's requirements. SSDA and other states' small school district organization wanted to increase their federal advocacy on numerous federal issues in order to better protect small and rural school districts. The Coalition has a legislative advocacy team in Washington DC as part of the American Association of School Administrators advocacy staff. The Coalition is part of the active SSDA federal advocacy program. The following is the Coalition's 2013 legislative Agenda.

#### 2013 Legislative Agenda

For 2013, NREAC identified four major federal advocacy priorities: funding, re-authorization of ESEA, education technology, and school safety.



#### 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 opposes competitive grants, recognizing the unique capacity issues that impede the ability of rural districts to apply. NREAC opposes the shift toward competitive funding as the primary vehicle for funding America's public schools, especially rural schools.

✓NREAC believes any competitive funds slated for a 'rural set-aside' or 'rural-only' competition should instead be directed to the Rural Education Achievement Program, a proven formula program that supports rural school innovation.

✓NREAC is opposed to sequestration and urges Congress to act to avoid the draconian, across-the-board cuts.

#### Elementary and Secondary Education Act

✓NREAC advocates for complete reauthorization of ESEA this year. Reauthorization should emphasize that the federal government's role is not to set curriculum or make local education decisions, tasks that should be left to states and school districts.

✓NREAC supports the Formula Fairness campaign in its efforts to end Title I formula discrimination against disadvantaged rural students. NREAC supports the All Children Are Equal Act and its inclusion within any ESEA reauthori-

zation as a way to eliminate the unintended negative consequences of number weighting within the Title I formula.

✓NREAC advocates for key eligibility changes to the REAP program to ensure more rural districts are able to receive the critical funding they need.

✓Re-authorization must include the creation of an Office of Rural Education Policy within the Department of Education.

#### 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 opposes the proposed expansion of E-Rate eligible applicants beyond the current K-12 institutions.

✓NREAC strongly supports maintaining E-Rate as an element of the Universal Service Fund.

✓NREAC supports increasing the current \$2.25 billion funding cap (beyond the rate of inflation) for the program to meet ever-increasing demand for technological services in schools.

#### School Safety

✓NREAC believes all school districts have a responsibility to maintain a safe and healthy learning environment for students, but believes geographic and economic challenges in rural communities make this reality more difficult.

✓NREAC believes Congress must target funds directly to rural school districts to ensure they have strong emergency management plans, mental health professionals as well as school resource officers, and security equipment.

✓NREAC encourages Congress to consider funding existing federal programs, such as the Safe and Drug Free Schools Program and the Readiness and Emergency Management for Schools Program, before creating new programs.

✓NREAC believes that decisions as to who is armed within a district in emergency situations is a local decision.

(NREAC Legislative Forum — Continued from page 1)

not funding. Actually for FY-13, only funding available is to cover Priority One services, leaving no money at all for priority two services, the funds so critical for internal connections within the school.

After making a few trips to Washington in the early 2000's time frame, it was brought to my attention that several schools in Missouri were not participating in the E-Rate program. Beginning in 2005 MARE, in conjunction with an associate member specializing in the E-Rate application process, provided workshops around the state in an attempt to assist rural school districts in completing and filing the 1<sup>st</sup> application. Today, every few Missouri rural school districts do not participate in E-Rate funding.

In preparation for my talking points today, I enlisted comments from the MARE member schools as to their thoughts and concerns about their participation in the E-Rate program. One superintendent shared the following:

“We are a very small school district consisting of two facilities located in two separate towns, student enrollment of around 270, 36 staff members with an annual budget of \$2.4 million. Our district finds it extremely difficult to afford the ever-changing world of technology. Due to the cost involved, our computer stations are always outdated and slower than most other work stations around the world. Furthermore, our antiquated school buildings and remote, rural location makes connectivity and internet infrastructure equally challenging. Money that is spent for technology must replace other vital spending due to the extreme chokehold on Missouri public schools.”

“The E-Rate program allows our district to recoup between \$10,000 and \$12,000 annually on telephone service, long distance, internet services, and maintaining a school web-site. With these few E-Rate dollars, it frees up money for other crucial items in the budget. Our district would like to keep pace with technology by replacing textbooks with ‘devices’ to decrease the cost of instructional delivery. Current MANDATES for MAP and EOC testing online push bandwidth capabilities to the limit. The district is looking to upgrade our bandwidth which will come with substantial costs.”

There are many rural districts in Missouri working hard to provide students with a robust learning environment, rich with technology in preparing them to be *college & career* ready in the 21<sup>st</sup> century. Unfortunately, there are new barriers that obstruct our ability to do this. Historically, the Ed Tech Program (Title II Part D) has played a critical role in supporting districts in their efforts to provide professional development to staff to support the integration and use of technology to enrich both teaching and learning. Unfortunately, that program has had ZERO funding for the last two years, leaving school districts – cash strapped and cutting budgets, as was mentioned in an earlier report by Joe Bard on the potential impact of sequestration – left with nothing to provide professional support. This also means that ESEA – the premier K-12 general education bill – provides **nothing** to support education technology in schools.

This proves especially problematic for schools, as we look to prepare for all that is coming down the pike in terms of technology needs: common core assessments, bandwidth to support online/virtual learning and professional development, ensuring staff know how to use, implement and integrate technology in all aspects of instruction/teaching/learning. In rural areas, this problem is even more acute. Access to online learning is one of the ways we have been able to enrich academic offerings, by partnering virtually with other schools. Absent E-Rate or the PD of ed tech, the opportunity wouldn't exist.

There is a growing importance of technology in classrooms – for every grade, in every subject and for all types of learners – to ensure that students are *college and career ready* and to access the accelerating roll-out of online assessments. Increased professional development opportunities lead to learning gains. A 2007 U.S. Department of Education Study of professional development found a correlation between 30 and 100 hours of professional development for educators and positive gains in student achievement. Teacher retention is augmented by greater professional development. According to a 2011 MetLife Survey, 86% of teachers with high job satisfaction reported adequate opportunities for professional development compared to 72% of teachers with low job satisfaction.

The federal government, particularly the US Department of Education's National Education Technology Plan, placed a strong emphasis on technology professional development in the past decade but no longer provides any funding support for such activities. Between 2001 and 2010, schools used at least 25% of all Enhancing Education through Technology (EETT) funds for technology professional development, but often much more. In 2008, nearly 86% of states said in a State Educational Technology Directors Association report that professional development was the major emphasis of their EETT competitive grants. Annual appropriations for EETT ended in 2010 and all EETT stimulus funds were to have been spent by September, 2011.

Online professional development courses offer excellent opportunities for educators to receive the training that they need 24 hours each day, seven days each week. However, a recent survey indicates that only 25% of teachers make use of online professional development courses. For technology to be fully integrated into classrooms and to ensure that students are *college and career ready*, it is critical that school administrators are confident in their abilities to use technology and thereby lead change in their schools and districts. The federal government MUST INVEST in building leadership skills and capacity for technology to truly take hold in our nation's schools.

Comprehensive education technology programs have shown great success in improving student achievement, reducing drop-out rates and improving graduation and college going rates.

Looking ahead, here are some items to keep in mind when it comes to rural schools and education technology. Simply being connected may not be enough. A district – particularly a rural district – may have an internet connection. But is it enough? Schools have proven acutely efficient at getting by and making due, and that is something that cannot be overlooked here. There are explicit system recommendations as it relates to the common core assessment consortia, and it should be pointed out that the minimum requirements are notably lower than the ideal requirements. One

(Continued on page 17)

# 2013 Outstanding Rural Education Award Winners

## *Rural District Administrator Rural Support Staff Member*



*Bruce Johnson, Stanberry R-II*



*Lori Cook, Adrain R-III*

## *Rural School District Rural Secondary Teacher*



*Festus R-VI, Festus, MO*



*Raelynn Kershner, Ballard R-II*

## *Rural Middle Teacher Rural Elementary Teacher*



*Karla Gates, Braymer C-4*



*Phanda Matthews, Johnson Co. R-VII*



***Rural Building Administrator Rural Senior High Student***



*Sonya Fuemmeler, Glasgow*



*Alicia York, Lonedell R-14 - St. Clair R-III  
Rural School Board Member*

(NREAC Legislative Forum — Continued from page 15)

Missouri rural district superintendent asked the following question:

“How are districts to get connectivity needed for the new on-line assessments? Research is showing there is a need for 100 mbps for every 1,000 students. Our district currently has 12! We have no fiber-optics lines coming in to campus to help increase connectivity – actually not even available in our area.”

“To keep up for on-line assessment, my district will be required to go wireless to have enough devices. Current estimate is \$169,000 just to service the High School and Middle School buildings with the backbone needed.”

In a recent summary report of a survey conducted by the Missouri Association of School Administrators, the following was reported:

383 schools responded (currently 522 schools in the state)

This survey was completed by all sizes of school districts, representing all areas of the state.

When asked: “Does your district have the capability to administer the tests?”

Yes, we believe we have the technology – 42%

NO, we do not have the technology – 39%

Not Sure – 18%

When asked what are the main obstacles related to computer-based assessments:

65% of the districts cited the time needed to test all students.

44% indicated that hardware was a problem.

37% cited bandwidth as an obstacle.

18% concerned about facility issues.

ONLY 13% indicated that they had no obstacles to conduct computer-based assessments of their students.



*Steve Heideman, Lonedell R-14*

The message from the information presented today is we may or may not be ready today or a year from now. Moreover, technology is constantly changing, to the point that as soon as something is implemented, it is outdated. This represents a cost burden. It also highlights the importance of flexibility in funding: efforts to support education technology should be careful to support education technology should be careful to recognize that the rollout of anything will be unique in rural school districts and that flexibility in both implementation and funding is the only way to guarantee success and maximum efficiency.

Thank you for your time.

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## Is Leadership For The Dogs?

I love animals...especially dogs. We have four dogs at our house. The only one we were supposed to have is Hershey, an eight-year-old Chocolate Lab that I actually paid money for. She is as smart as most labs out there, but also wilder than most as well. She gets bored easily, so gets into trouble quite often. Taking care of her is a challenge but the rewards are great. The other three dogs are strays, one of which just showed up at our house one day and the other two we found down our gravel road off in the ditch when they were very small puppies, due to a dumping I am sure. Anyway, I have learned a lot from these dogs over the years, especially Hershey, about leadership, communication, collaboration, and trust.

I take Hershey pheasant hunting once in a while. I learn more about shared leadership with her than any workshop I have ever been to. I may be considered her “master” but ordering her around and giving constant commands or keeping her on a leash right next to me so I can be in control does not help us find more birds. We have that kind of shared leadership in which I let her do what she does best, and does better than me, which is find birds. This produces much better results than me trying to control what she does every minute when I actually don’t know very much about finding birds in the first

place. If she can pick up the scent better than I can, why should I control where she goes?

At the end of the day when I put her up in her kennel, all I have to do is shake my red Folgers coffee can with food in it and up into the kennel she goes, and sits and waits for me to feed her. Some people may say I am tricking her into getting into the kennel, but I think it is trust. I trust her to come to me when I shake that coffee can and she trusts me to feed her when she gets in the kennel. That didn’t happen the first time because I didn’t know where she was going to go and she certainly didn’t know what I was doing by rattling a can. It took practice and repetition. She didn’t learn it the first time, but she definitely learned it faster than my other dogs. I had to take longer, be more patient, and revise my process in order to teach them. If I quit giving her food when she went in the kennel, I would lose that trust we have developed. I wonder how long it would take to get her trust back after I lost it or if I ever would completely get it back?

We can all learn a lot from each other and help each other tremendously if we communicate, collaborate, and trust.

*Mike Ringen, FliteLeaders, LLC*

## The Tale of the Backpack: Seizure of Property in the Public School Setting

By: Natalie A. Hoernschemeyer, Esq.  
Thomas A. Mickes, Esq.

Mickes, Goldman, O'Toole, LLC



A high school student filed suit claiming that his property was subjected to an illegal and unconstitutional seizure when he was briefly separated from his backpack and books during a random search of his science classroom by the local deputy and drug dog. However, on March 4, 2013, the Eighth Circuit, in the case of *Burli-son v. Springfield Public Schools*,<sup>1</sup> ruled in favor of the district, its superintendent and principal, as well as the local sheriff, and against the student in a case which defines the contours of a "seizure" under the United States and Missouri Constitutions in a public school setting. The facts surrounding this case are as follows: The student was a freshman at the district's Central High School during the 2009-2010 school year. In the spring, the high school was subject to a search for drugs by the Greene County Sheriff's Department in conjunction with

district procedure for drug detection surveys and searches. The district created these procedures in order to address what the district stated to be a known drug problem within the confines of its schools. The student, bolstering the district's concern about drugs in its schools, testified that he knew a lot of high school students who were using drugs. The drug survey was conducted in accordance with the school district's policies.

On the day of the search, the student was notified that his particular science classroom was one of the randomly chosen classrooms to be sniffed by a drug dog. The students and the teachers were instructed by the school police officer to leave all backpacks, purses, and any other personal items behind as they left the classroom.

(Continued on page 21)



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(Continued from page 20)

The student left his backpack and books in the classroom and went into the hallway. Once the room was cleared of students, the deputy sheriff took the drug dog into the science classroom and conducted a “drug dog detection activity,” which lasted approximately five minutes. The drug dog did not alert to any illegal drugs in the classroom. The deputy who handled the drug dog during the activity later testified that no student possessions were searched in the classroom. However, the student felt that the pockets of his backpack had been unzipped. Thereafter the student filed a lawsuit against the district, district officials and local sheriff.

On appeal before the Eighth Circuit, the student argued that his property was seized in violation of the Fourth Amendment of the U.S. Constitution and Article 1, Section 15 of the Missouri Constitution.<sup>2</sup> The Fourth Amendment protects the right of the people “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Judge Murphy writing for the Court, noted that seizure of property under the Fourth Amendment occurs when there is “some meaningful interference with an individual’s possessory interests in that property.” Judge Murphy wrote that the Fourth Amendment demands that seizure of property “be reasonable” and whether the seizure is reasonable depends on the context. Significantly, in the instant case, the context is a public school setting where a student’s privacy interest is limited because students have a lesser expectation of privacy than members of the general population.

Judge Murphy wrote that “assuming that [student’s] belongings were seized in this case” when the student’s backpack and books were left in his classroom for approximately five minutes and while the drug dog survey occurred, it found that such seizure was part of a “reasonable procedure to maintain the safety and security of students at the school.” The Court noted that the student was only separated from his belongings for a very brief period of time and the purpose for such separation was to avoid any potentially unsafe interac-

tions between the dog and the students, and to avoid any type of embarrassment to any of the students if the drug dog alerted to their particular belongings.

Additionally, the two other Circuit Judges joined the opinion of the Court, but filed concurring opinions examining the question of whether a seizure actually occurred. Judge Loken’s concurring opinion stated that he agreed that if separating the student from his backpack for five minutes was a seizure, it was objectionably reasonable and thus, did not violate the student’s Fourth Amendment rights. However, Judge Loken went further to state that he believed that no seizure ever occurred of the student’s personal belongings in violation of the Fourth Amendment. Judge Loken reasserted that under the Fourth Amendment, “seizure” of property occurs when there is some “meaningful interference” with an individual’s possessory interest in that property. Therefore, he noted that since the Fourth Amendment requires some “meaningful” interference, the term “meaningful” excludes an “inconsequential interference” with an individual’s possessory interest. Therefore, Judge Loken stated that, in his view, the act of the student leaving his backpack in the science classroom while he waited in the hall for the drug dog to briefly sniff the classroom was at most an “inconsequential interference.”

Judge Colloton who also filed a concurring opinion noted the difficulty in deciding whether an actual seizure occurred, and therefore he found it prudent to resolve the appeal based solely on the reasonableness of the school’s procedure under the circumstances.

The *Springfield* case, while providing guidance for Missouri public schools, demonstrates the difficulty even our courts have in determining whether a seizure of property has occurred in our public school setting.

<sup>1</sup>2013 WL 776816 (8<sup>th</sup> Cir. March 4, 2013)

<sup>2</sup>Before the district court, the student claimed his property was also subject to an unlawful search, but the district court ruled that “[w]hile there may [have been] an issue as to whether [student’s] belongings were searched because [student] had alleged that his backpack had been unzipped when he returned to the classroom, none of the named defendants could be liable because they had not performed the alleged search and neither [student] nor his backpack had been seized.” The student appealed to the Eighth Circuit the district court’s conclusion that there was no seizure, but he did not appeal the district court’s determination that there was no search. Accordingly, this article is limited in scope to the analysis of the seizure of the property, not whether there was a search.



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