

From the Board Room

A newsletter for members of the Vermont School Boards Association, 2 Prospect Street, Suite #4, Montpelier VT 05602
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Articles printed represent diverse points of view and may be controversial in nature. It is the belief of the Association that the democratic process functions best through discussions which challenge and stimulate thinking on the part of the reader. Therefore, materials published present the ideas/beliefs of those who write them and are not necessarily the views or policies of the VSBA unless so stated. This newsletter is distributed at no charge to all members of the Association. Contact the Association by calling 802-223-3580.

Point ... Counter Point

Legislative Action on School Cost Containment—Premature

*by John Nelson,
VSBA Executive Director*

H.526, the so-called “school cost containment” bill rushed through the Legislature in the final hours of the just-concluded legislative session, sends an unfortunate message to 1460 school board members and the communities they serve. The message is that the countless hours communities devote each year to developing school budgets that match their educational aspirations with the ability of local property tax payers to pay are not sufficient. As a result, some communities will need to take what legislative leaders have called a “second look” before approving budgets that, for any reason, exceed a state-imposed limit.

Here’s what H.526 will do if it is fully implemented. Effective for FY2010 school budgets, districts that spent greater than the prior year’s statewide average per pupil education spending will be authorized to seek only a limited increase in per pupil expenditures without securing two favorable votes from the electorate. This allowable spending increase, based on statewide average spending and an inflationary index, will be referred to as the “maximum inflation amount,” or “MIA.” If a district board seeks to increase spending above the

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School Cost Containment Legislation is Necessary

*by Scott Mackey,
Harwood Union High School
Board Chair*

Several articles have appeared in Vermont newspapers recently criticizing legislation adopted by the General Assembly that tries to control local school spending. This legislation will, among other things, require additional votes for certain school districts that increase spending more than one percent above inflation.

Predictably, the Vermont Education Association, the Vermont School Boards Association, and others within the educational establishment have criticized the bill. The arguments against this legislation seem to fall into three categories. First, some argue that there is no spending problem. Second, even if there is a spending problem, it is because of mandates, fuel prices, and other “uncontrollable” costs like personnel and benefit costs. Third, some argue that this bill is an insult to local boards and a threat to local control.

Some argue that there is no “excessive” school spending because all school budgets have been approved by voters. This group also argues that we, as a state and a society, can never spend “too much” on education.

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MIA, it will be required to do so via a second article on the school district warning. Boards that in the prior year did not spend more than the statewide average will be able to request a budget increase of any size in one vote, as is currently allowed.

According to the Department of Education's initial analysis, roughly 75 school districts would have been subject to this 2-vote mandate when this year's budget votes took place this spring. This number does not include any of the state's 32 union school districts. Why? Because the state can't even report on per pupil spending for union schools at this point, and needs another year to do so. H.526 was passed in such a hurry that lawmakers didn't have a clear picture of how many school districts might ultimately be affected.

School board members wonder what the rush was all about. The premise that boards and community members only "think once" when preparing and approving school budgets is, of course, absurd. No one who has any inkling of the budget building process in school districts would assert that only one thought is given to securing the resources needed to fund the ever-growing agenda for public schools. School board members are accustomed to facing painfully difficult decisions about cuts in programs and personnel just to get a budget ready to go to the voters. It is simply demeaning to suggest that they give these things just "one thought."

Even proponents of the "think twice" idea say that H.526 will not result in reduced property tax bills "at least not right away," but that their intent is to "bend the curve of school spending." But the reality is that the "bend" in the curve of school spending has already started, and has in fact been on-going for the past few years. In the most recent four years, the state-wide annual rate of increase in school spending has declined from 6.6% to 4.3%.

But what about these "high spending" school districts targeted in H.526? Who are they, and why are they "high spending?" In its haste to forge a deal with Governor Douglas to show that it is "doing something" about a problem that has yet to be identified, the legislature didn't have time to fully answer these questions. It's tempting to conclude

that above average spending districts can easily reduce their spending. Before reaching any such conclusions, however, we should look at a few examples.

Voters in the town of Sandgate would have had to approve a "supplemental" budget of approximately \$83,000 over the state-imposed MIA. The premise of H.526 is that it will have a good effect on the board and voters in Sandgate, an above-average spender. They will have to "think twice" before voting that extra \$83,000. But Sandgate doesn't actually operate a school. It is one of the 89 school districts that pay tuition for their students to attend public or independent schools. Sandgate and the other tuition paying school districts have no say as to the amount of tuition they must pay to the schools selected by the parents of their students. Tuition payments are regulated by state statute, not by school districts that send students to tuition-receiving schools. H.526 imposes an impossible burden on towns like Sandgate. It asks them to "think twice" before budgeting for and paying tuition charges.

Other tuition examples involve school districts that operate elementary schools and pay tuition for their secondary students. Their only option when presented with tuition bills is to pay the bills and, if necessary to contain costs, cut the budgets for their elementary schools.

Tuition is just one of the subjects not adequately addressed in H.526. School districts also have widely disparate budget responsibilities when it comes to providing appropriate programs for students with special needs. Costs for students with special needs vary, depending on the types of needs students in individual school districts may have, and the numbers of those students residing in particular school districts. The neighboring towns of Brookfield and Braintree serve as an example. Both school districts educate roughly the same number of students, but Braintree has special education costs that are over three times the costs for special education incurred by Brookfield. H.526 has no sensitivity to this type of budgetary consideration.

In fact, the conditions for a town like Braintree may have worsened this year. At the same time that legislators are attempting to rein-in these "high spend-

ing" school districts, the state will limit the amount of money that it will provide to school districts to support school-based health programs and Medicaid-eligible special education costs. Schools will still be obligated to meet their commitments to qualifying students, but the state will bow out when it has reached its self-imposed cap. How convenient for the state, and how unfortunate for local property tax payers, who will have to "think twice" before budgeting to meet their obligations to students.

Transportation costs also vary widely across the state. Will it be fair, for example, to put the Sheldon school district in the 2-vote category when its transportation costs are approximately five times those of the Underhill town school district, a district with nearly the same number of pupils as Sheldon? Brownington spends ten times as much on transportation as the Orleans school district, even though Brownington and Orleans enroll essentially the same number of pupils. Due to increasing fuel costs, Brownington could find itself in the 2-vote category year after year, or else face programmatic cuts.

The fundamental problem with H.526 is that it has put the proverbial cart before the horse. When legislators convened in January, they promised to take a more thoughtful approach to the problem of increasing property tax burdens. They promised to first determine what the cost-drivers really are in education, what the expanding role of schools in areas such as student health and social services has contributed to school costs, and to then determine how to most fairly pay for the things we expect our schools to do. Unfortunately, in the last two days of the legislative session, the 2-vote mandate of H.526 was placed on the table, presented as a "compromise," and enacted without so much as one legislative hearing on its potential impact.

H.526 is not scheduled to go into effect until 2010 precisely because the data necessary to implement it is not available. What, then, was the rush to enact it this year? The bill calls for numerous studies and reports to be completed by the beginning of next year's legislative session. All of these reports will contain information that should have been available before. Instead, we have the bill without the information.

H.526 is the result of politics prevailing over good public policy, and unless it is revised next year, school boards, school officials and school district voters face a difficult and uncertain future. 🚌

Supporters of the cost-control legislation argue that school spending continues to rise at rates well above inflation even though student enrollments statewide are dropping. They also point to the expansion of employment at local schools to argue that spending is out of control.

To me, the numbers speak for themselves. It is an undisputed fact that school enrollments statewide are falling and school spending is growing faster than Vermont personal income growth. If this trend is allowed to continue unabated, two things will happen: property taxes will go way up and money will be diverted from other areas of the state budget to preK-12 education.

While some in the educational establishment would have no problem with shifting funds from other state programs to education, or with raising taxes on residents and businesses, the Legislature's job is to look at the bigger picture. In order for Vermont to attract capital investment, retain entrepreneurs and employers, and create well-paying jobs for young families, the state cannot simply keep raising taxes without being mindful of the impact of these taxes on the economy. Education is very important to the state's economy, but reasonable and sustainable tax burdens are also very important.

The second argument against this bill is that school boards are not to blame for spending growth. Cost increases are unavoidable because of state mandates, health care cost increases, fuel prices, and other factors. Mandates include federal special education laws and the "No Child Left Behind" law.

In my view, arguing that the new legislation usurps local control while at the same time arguing that costs are beyond local control is trying to have it both ways. Private sector companies have these same cost pressures without the luxury of increasing prices on their customers to recoup these additional costs. Likewise, many family incomes do not grow just because the cost of living does.

School costs can be controlled, although it will not be easy and boards will

not like the options. School boards can do what the private sector has done: reduce the rate of salary increases, offer less generous health insurance plans or require larger co-payments, and improve energy efficiency. Special education staffs can be directed to find innovative ways to service the needs of disabled children without the need for extensive and expensive one-on-one services. The federal "No Child Left Behind" legislation can simply be ignored if it is costing a local district more money than it is receiving back in federal funds.

The bottom line is that school board members - me included - would rather not have to make these tough choices. Most of us run for the school board because we care deeply about education. We want to vote for new programs, not take away programs from kids or fight with local unions about pay and benefits.

Prior to the passage of Acts 60 and 68, the old school governance model provided checks and balances on local school boards because local taxes and spending were so directly linked. The temptation for school boards to create new programs and services was tempered by the fact that local taxpayers would feel the direct hit from board spending decisions. Board members could gauge how and whether their local community could afford these new taxes.

Acts 60 and 68 changed that dynamic. Now, there are so many moving parts that it is impossible for board members to determine how spending increases affect local taxpayers. There is one tax rate for businesses and second home owners. Households with incomes below \$47,000 pay a capped amount of school taxes. Households with incomes between \$47,000 and \$90,000 pay a different capped amount. Households with incomes above \$90,000 pay still another amount. The system is so complicated that board members give up trying to estimate the impact on their local taxpayers.

Acts 60 and 68 provided equity, but at the price of local control. Local spending decisions are now divorced from the responsibility of raising the money to

pay for them. Is it any wonder that local spending has been growing rapidly?

Which brings me to the third argument against this legislation: that it usurps local control. The truth is that local control barely exists any more. Federal law dictates special education policy. The state has mandated policies for everything from bullying to smoking to weapons on school grounds. This year the Legislature took another whack at local control by mandating a statewide school calendar.

Now that the state controls the taxes that pay for education in Vermont, I believe the Legislature has a duty and a responsibility to set the parameters for local boards to determine budgets. Without state guidance, spending will continue to grow more quickly than Vermonters can afford and legislators will be forced to raise taxes or cut other programs to fund education.

Trimming the rate of growth now - and setting reasonable statewide parameters for local spending growth - will help avoid more drastic cuts in the future when property values stop growing at double digit rates and state revenue growth slows down. It will also reduce the likelihood of the type of property tax revolts that California, Colorado, Massachusetts, and other states have experienced - sometimes with dire consequences for public education.

The cost containment bill passed by the Legislature represents a tiny step in this direction. Many schools in the state - those spending below the statewide average - will be unaffected by the bill. For the others, taxpayers will have the opportunity to express their support or opposition to spending above a reasonable base amount, without casting a vote against the entire school budget. This sounds like a reasonable approach to me. 🚌

Scott Mackey of Waterbury chairs the Harwood Union High School Board of Directors. The views expressed here are his own and do not necessarily represent the view of the Harwood board or any members of the board.

Performance Pay: A Worthy Challenge

by Jeremy Gorman, *Wilmington Vermont School Board Member*



I read with interest and some concern your article about Pay for Performance from the Pennsylvania School Boards Association (Board Room, April 07). I can think of no other calling that eschews pay for performance. Perhaps the biggest employment area in which pay for performance is not used is civil service. I am convinced that that is why bureaucrats are held in such low esteem. My definition of a bureaucrat: *ANYONE for whom having the job is more important than doing the job. Failure to recognize good performance is an invitation to mediocrity.*

The argument that “pay for performance” will disrupt team integrity is specious.

Look at athletic teams like NBA and NFL. The teams perform well, and the superstars get outrageous salaries. The fights over pay are not between team players but between players and their managers. (Or, more honestly, between the players’ agents and management.)



The current system assumes that people only get better with experience, but there is no justification for that. Teachers want to get better, but what if they do? It doesn’t promote them. There is no Good Teacher, Excellent Teacher and Outstanding Teacher. There is only a teacher. If a teacher wants a promotion, he has to go into administration. But the skills for administration and for teaching aren’t the same. The most critical skill of a teacher is his ability to make a student want to learn—a cross-generational skill. The skill of an administrator is to get talented people to work together—an intra-generational skill. We move our best and most motivated teachers to administration, at which they may not excel. We seem to forget,

the foundation of a good school is its teachers. Good administration involves empowering them to do their jobs better.

Measuring a teacher’s performance not only gives them an opportunity to get better pay it also should provide a path to improvement. If they are weak in one area, and aren’t we all in some area, give them help in that area. We measure student performance but not teacher performance. Why restrict this resource to the student? They were in a class taught by a teacher. If they all

and you will give young teachers of excellence a chance to earn what they could outside the teaching profession. You would also establish a system of assistance to any teacher who finds a weak spot in his teaching skill.



One last problem. Teaching is about preparing children to meet the challenges that they will face in the future. Our world is changing, and our children will not face the same challenges we do. Testing children on the facts that they can cram into their heads will not prepare them for a changing society. We must teach and measure critical thinking - their ability to meet challenges and solve problems. Facts are the tools of critical thinking, very much like arithmetic is a tool of mathematics. Our tests should be oriented toward problem solving. Now that is no easy task! Writing a test of critical thinking is difficult at best, and challenging in any case. And grading that test is even harder. BUT, we must face the facts. That is the job of administrators and they should not shy from it. If administrators get paid more than teachers, let them earn it. Write tests that help the students, the teachers and the schools. We can then create a generation of people who will make a better future.

Now there’s a worthy challenge!



improved, the teacher did well. If not, she didn’t. Give a teacher the support she needs and tomorrow she’ll do better. And when she does, she should get paid.



I suggest a system like the hybrid system mentioned in the article. The NEA and the AFT oppose performance pay and oppose teacher performance measurement. Instead they push for an increase in starting pay—not top pay. So the most effective way is to superimpose on the current system a bonus plan based exclusively upon performance. You won’t offend the teachers unions,

VSA/VSBA Annual Conference

The VSBA/VSA Annual Conference will be held at the Capitol Plaza in Montpelier this year. Save the dates... November 1st and 2nd!
Come join us!

Member to Member

The VSBA has added a new page to its website. We realize the value of board members networking and asking and answering questions of one another. We have added a Member to Member page on our website. This page can be accessed through our homepage www.vtvsba.org. Select the Member to Member link.

Does your board have a situation that other boards have probably faced in the past or may be currently working

through? Why not place a question on the bulletin board for one of the other 1,487 board members statewide to respond. The questions and answers are anonymous. The answer can help your board and may help others with the same issue.

We would like to keep the questions generic and applicable to different boards. Please do not use names in the questions.

When submitting a question or answer, please place your name and board on the email for VSBA internal purposes only.

Each month we will showcase the questions and occasionally some answers (or strand of answers) in the newsletter. The answers are also posted on the web page directly below the question. 🚌

Share your knowledge!

New Question: This is a question posed by a fellow board member. If you have an answer please submit it.

Does anyone have experience with creating and using a capital fund for long-term expenditures? We got voter approval to create such a fund, and would like to hear from others what items they consider appropriate to come under such a fund and how much they allocate to a capital fund annually. Posted 06/13/07

See the answers or contribute answers at www.vtvsba.org (select Member to Member link)

School Leaders Differ on Value of Laptops

After the vote on laptop computers, grateful parents would come up to school board President Mark Lawson and thank him for what the Liverpool (N.Y.) Central School District had done.

"It was kind of like, 'Well, it's about time,'" Lawson recalled.

What is ironic in this technology-dependent age is that the parents weren't praising a decision to upgrade or expand the laptop program at Liverpool High School; they wanted to phase it out.

Liverpool, a district of nearly 8,000 students near Syracuse, is among perhaps a handful of school districts across the country that are rethinking the wisdom of providing students with their own laptop computers.



For Lawson and other board members, the reasons for the

decision were as much pedagogical as financial. "Yes, the computers were breaking down too often, adding to maintenance costs", Lawson said. "But, more fundamentally, they were actually getting in the way of instruction."

The district tried many times to "tweak" the seven-year-old program to make it work, Lawson said. "But we would keep hearing, over and over again from teachers who were trying to be helpful and improve the program, that the box itself is a distraction to what we're trying to do in the classroom."

Students have used the laptops to text-message one another (often in class), download music and videos, and even access pornography. Although the district is continually refining security systems to prevent students from logging on to inappropriate sites, the students always seemed to be one step ahead.

Liverpool's experience seems at odds with the general trend toward the acquisition of laptop computers. A July 2006 survey of the nation's top 2,500 school districts predicted that more than half of all student computers will be laptops by 2011, according to a report by the Hayes Connection and the Greaves Group.

At T. C. Williams High School in Alexandria, Va., all 2,000 students have laptops, and half the classes are paperless, said Principal Mel Riddile, a former National High School Principal of the Year.

"I see it as a leveling-the-playing-field kind of issue," said Riddile, who notes that 50 percent of his students qualify for free and reduced-price lunches.

"My two children have a computer at home," he added. "They have all the advantages. I can get tutors for them. I can get them homework support. But

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here, I need to educate all students.”

With the laptops, students have been able to access reading assignments 24 hours a day, Riddile said. Their reading comprehension has improved, and they’re doing more writing.

“It’s moved from a nicety, to a necessity, to a must in this school year alone,” he said.

But skeptics, like recently elected school board member Scott Newsham, say the Alexandria school system lacks the data to prove the program is successful. An environmental scientist, Newsham agrees that technology is important, but he said the district’s plan for wireless learning is more “aspirational” than research-based.

“I think the big challenge is: How do we integrate that technology into the curriculum so that it lives up to expectations?” Newsham said.

Lawson also favors expanding students’ access to technology, but he said Liverpool’s one-to-one laptop program is preventing it

from investing in other technology. Now, part of the \$250,000 saved from phasing out the laptop program will go to graphing calculators, he said.

Larry Cuban, a school technology authority and emeritus professor of education at Stanford University, said the handful of districts that have curtailed laptop programs have done so for two reasons: cost, and the absence of clear data showing improved student achievement.

“The lack of sustained evidence that one-on-one computing can produce achievement gains and the constant, nagging intrusion of all kinds of costs surrounding a program make it hard for many districts to continue,” Cuban said.

Indeed, unanticipated costs so hampered the Romoland school district in Southern California that its school board recently voted to phase out its one-to-one laptop program. A low-wealth district where 70 percent of the students qualify for free and reduced-price lunches, Romoland had limited “help desk” ca-

capacity for laptops that break down, said Technology Coordinator Gene Garcia.

Basically, Garcia and two interns were responsible for all laptop maintenance and training. “The laptop program pretty much became our whole job,” he said. The program began in the 2005-06 school year with the district leasing 300 laptops at a cost of \$160,000 for sixth-graders. This year, another 300 were leased for the next group of incoming sixth-graders. But with rising maintenance costs, it became impossible to extend the program to a third group of sixth-graders, as originally planned.

The setback does not mean Romoland has turned its back on technology. Garcia said one of his goals for the next school year is to provide teachers with better technology training.

But asked if a one-to-one laptop program could be successful, Garcia was unequivocal. “Absolutely,” he said. “With training and money, a laptop program could be good.” 🚗

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NSBA Legal Clips

Legal analysts say a Chicago appeals court ruling in January was probably less important as a precedent than as a stark reminder that the law provides little protection for schoolteachers who express their beliefs. When Bloomington, Indiana, elementary school teacher Deborah Mayer complained to federal courts that she had been fired for telling her students, “I honk for peace” and that her free-speech rights had been violated, the courts replied, essentially, that as a public school teacher she didn’t have any. Eight months earlier, the U.S. Supreme Court had decided in a case involving the Los Angeles district attorney’s office that government employees were not protected by the First Amendment when they faced discipline for speaking at work about controversies related to their jobs. The Chicago appeals court was the first to apply the same rationale to the classroom, an issue that the Supreme Court expressly left unresolved.

A recent case from a Los Angeles charter school offers more evidence of the limits teachers face in choosing curricula or seeking redress of grievances. The school’s administrators forbade seventh-graders from

reading aloud at a February assembly the award-winning poem “A Wreath for Emmett Till,” about a black teenager beaten to death by white men in 1955. In an online guide to teaching the poem in grades seven and up, publisher Houghton Mifflin recommends telling students that it will be disturbing; administrators said they feared it would be too much for the kindergartners in the audience, and then explained that Till’s alleged whistle at a white woman was inappropriate. When social studies teacher Marisol Alba and a colleague signed letters of protest written by students at the largely African American school, both teachers were fired. Vikram Amar, a professor at the University of California’s Hasting College of Law notes that that as far as the courts are concerned “public education is inherently a situation where the government is the speaker, and ... its employees are the mouthpieces of the government.” Whatever academic freedom that exists for college teachers it is “much, much less” for teachers in the public school K-12 setting. The Mayer ruling was disappointing but not surprising, says Michael

Simpson, assistant general counsel of the National Education Association (NEA), the nation’s largest teachers’ union. For the last decade, he said, federal courts “have not been receptive to arguments that teachers, both K-12 and higher education, have free-speech rights in the classroom.” On the other hand, says Francisco Negrón, lawyer for the National School Boards Association, if teachers were free to express their viewpoints in class, school boards would be less able to do their job of determining the curriculum and complying with government demands for accountability. Mr. Amar and others say the Mayer ruling could be influential elsewhere because there are few appellate decisions on the issue, and because the author, Chief Judge Frank Easterbrook, is a prominent conservative jurist. Mr. Simpson says the ruling, though within the legal mainstream, is bad for education because teachers are not “hired to read a script.” The case might interest the Supreme Court, and the NEA will probably file a brief in support of Mayer’s appeal should the justices take the case, he says. 🚗

Letter to the Editor

Ken Delay's article, *If Not School Boards, Then What?*, published in the March VSBA newsletter, advocates the status quo of publicly elected school board governance as "Adding Value to Local Control", where board members "must seize that control and exercise it in a way that makes a difference in each of our communities".

Then, in April's edition, *Navigating Board Politics*, Deryl Wynn reports that board members "must exercise the degree of diligence, care, and skill that an ordinary, prudent individual would use under similar circumstances... establish a general understanding of the district's organizational structure and chain of authority... understand the board's fiduciary responsibilities" and "use good judgment when making decisions for the district".

Here's the rub—it's a lot easier said than done. Try as we do, our schools need and deserve better management than the 'ordinary' care and skill of elected community members. Corporate boards typically consist of vested shareholders, company officers and independent business people, all with technical expertise commensurate to their charge. The typical public school board director has little, if any, experience managing a multi-million dollar institution, collective bargaining labor contracts, often vague and inconsistent financial accounting and ever more regulation by State and Federal mandates. The term 'Local Control' in such cases is an oxymoron – it simply doesn't exist.

What control do we have in our public schools? Must everyone run for the school board to be sure their children and communities are served in some semblance of what they deem reasonable? That's the proverbial Catch 22. Assuming you can get the requisite signatures on your petition and invest the time and energy to be elected, what are the odds of convincing other board members to agree with your fiduciary sensibilities? What are the odds of convincing your superinten-

dent or school principal (who, by the way, were hired by the incumbent board member you defeated in the last election) to agree with you?

Will you, as an elected board member, have the staying power of the school staff you manage? What are the terms of your contract? Do you have seniority? Are you prepared to spend hundreds of hours of your time training for and serving on your school board for a miniscule yearly stipend? Are you prepared to risk your standing in the community over the differences in opinion between your board, the school staff you manage and your neighbors; all the while foregoing advocacy on behalf of your own children or business in the exercise of the fiduciary "duty of care"?

Where does micromanaging begin and end in a system where personal interest runs pell-mell into social responsibility? Is it reasonable to expect an 'ordinary' parent or citizen to know how to "set policies aimed at raising student achievement" when all students have complex individual needs? How much Local Control does the community have when it elects a candidate, often by mere majority, and there are no requisite qualifications other than being an 'ordinary' citizen? What are the choices in districts where most citizens are already over-worked? Are those who supported a losing candidate simply out of luck until the next election?

As Deryl Wynn cautioned us; "in those instances in which there is no agreement, if board members lack practical ways of negotiating with one another and the board's position on the authority of the superintendent [or principal] is unclear, disaster is just around the corner, perhaps closer." Is risking 'disaster' inherent with the current system? Must we force this risk on everyone? Aren't there reasonable alternatives?

As with any business, schools should be managed by professionals who have

a vested interest in the success of the enterprise as well as the success of all individuals employed and served by it—it's that simple. But then who accepts fiduciary responsibility for our public tax dollars? What about Local Control? If not school boards, then what? Consider the ultimate in Local Control – School Choice Vouchers.

School Choice doesn't mean the end of public schools or elected school boards. But those of us who have served understand that we control only 20% of our school budgets and programs under the best of circumstances and arriving at a consensus on those line items we do control is ever more difficult because political debate intensifies as the scope of a board's deliberation shrinks. Is it any wonder that sports, arts and extracurricular programs are always the first to go in a contentious tight budget cycle? What incentives are there for superintendents, principals and staff to constantly strive to provide faster, better, less expensive education services when the board of directors has so little expertise and control? And speaking of disaster, is voting down an entire school budget a community's only recourse?

What better Local Control is there than School Choice? Individuals can choose the status quo and run for the school board, or, they can choose the school that best responds to their needs without sacrificing themselves on a political altar or risking the disaster systemically inherent in the conflict between personal interest and social responsibility?

School Choice – another reason why our children, our community and our public schools will be better with it. 🚌

*Jay Eshelman
Member, River Valley Technical Center
School District School Board*

Supreme Court Says Parents Can Act as Attorneys in IDEA Suits

A U.S. Supreme Court ruling that allows parents to represent their children's interests in federal lawsuits against school districts could encourage more special education lawsuits and costly legal actions.

In *Winkelman v. Parma City School District*, the court ruled 7-2 that parents have a broad range of rights in ensuring that their children receive a free, appropriate public education under the Individuals with Disabilities Education Act (IDEA).

The case centered on whether IDEA allows parents to act as their children's attorneys in federal cases, as Jeff and Sandee Winkelman attempted to do for their son.

NSBA had filed a friend-of-the-court brief in support of the school district, which includes three communities in the Cleveland suburbs. NSBA argued that IDEA offers parents who are unhappy with their child's individualized education program (IEP) other options, such as a records hearing, a state complaint, or mediation.

"While we understand the court's desire not to foreclose a parent's day in court, we are concerned that the decision may encourage parents to litigate rather than collaborate," said NSBA General Counsel Francisco M. Negrón Jr.

The decision could have major implications for districts' legal budgets, even if the numbers of lawsuits filed does not increase. To comply with court rules and ethics guidelines, Negrón said school lawyers now need to take extra steps and extra time to ensure that parents understand the intricacies of litigation, which could increase districts' costs.

Further, NSBA believes attorneys are best equipped to handle the nuances and complexities of federal legislation, particularly in such complicated areas as special education.

"Special education cases often amount to a battle of the experts," Negrón said.

"It is not certain that a non-lawyer parent will have the legal know-how to properly elicit or challenge testimony that will ultimately help the court decide what is in the best interest of a child."

The case began with a disagreement between the school district and the Winkelmans regarding the IEP and placement of their 6-year-old son, Jacob, who has autism. The Winkelmans eventually enrolled Jacob in a private school, but continued to press their case in a federal court.

While a district court ultimately found that the district had provided an appropriate education, an appeals court dismissed the Winkelman's appeal because they did not have an attorney.

The Winkelmans, however, argued that special education attorneys are expensive and hard to find, and many parents are so well-versed in their child's rights that they should be allowed to represent them. Their position was backed by the Bush administration and many disability advocacy groups.

Justice Anthony M. Kennedy wrote in the majority opinion that IDEA is clear in providing "independent, enforceable rights," including ensuring that a child receives a free and appropriate education.

The school district maintained that while IDEA allows parents to argue their case in due process and other administrative hearings, it does not allow nonparties to act as counsel in federal court cases.

In a partial dissent, Justice Antonin Scalia, who was joined by Justice Clarence Thomas, noted that the ruling could result in courts burdened by too many cases without merit. 🚗

*Reprinted from the NSBA School Board News
June 2007*

Protect Children from Lead in Drinking Water: New EPA Products Offer Schools Free Resources

You already know that lead poses a significant risk to young children.

You use lead-free paint on new projects, and many children have their blood tested for lead levels. But are you doing everything you can to keep them safe?

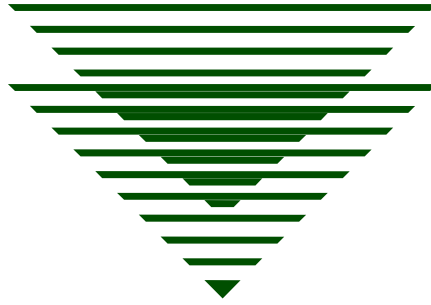
The U.S. Environmental Protection Agency (EPA) estimates that up to 20% of lead exposure comes from lead in drinking water. Because children are extremely vulnerable to the health risks from lead exposure, and because they spend a great deal of time in your facility, it is critical that you ensure that your drinking water does not contain elevated lead levels. Water entering your facility may meet EPA standards for lead, but some pipes or plumbing fixtures within the building may leach lead into the water. Lead testing is one way to ensure that children in your care are not being exposed to harmful pollutants. The following resources provide additional information on why you should test, proper methods of testing, benefits of testing, and how to fund your efforts.

◆ **What Your School or Child Care Facility Should Know about Lead in Drinking Water** is a free DVD highlighting the importance of lead testing programs. Using real life case studies and computer animation, it discusses the health effects associated with lead exposure, illustrates how drinking water enters a school or child care facility, and demonstrates the benefits and challenges of starting a lead testing program. The DVD also contains a bonus section to train personnel or volunteers to collect tap samples.

◆ **Water Quality Funding Sources for Schools: A Resource for K-12**

(EPA Continued on page 11...)

The Vermont Middle
Grades Professional
Development
Collaborative



The Vermont
Principals Association

Invite all Superintendents and School Board Members to join us this summer on Monday, June 25, 2007 at Castleton State College for a special event.

The Vermont Middle Grades Professional Development Collaborative conducts a middle grades Institute each year. This year, with support from the VPA, we are excited to have Dick Flanary join us as our keynote speaker.

Dick serves as the Director of NASSPs Office of Professional Development Services. He leads the design of professional skills assessment and leadership development programs for prospective and practicing principals as well as the development and delivery of the Breaking Ranks II and Breaking Ranks in the Middle leadership development-training programs.

We are inviting all superintendents and school board members to join us **at no cost** for this opportunity to hear a nationally recognized speaker on a topic that is so important in our schools today-middle level education and "*Breaking Ranks in the Middle*."

The keynote address will be from 9:30 to 11:00 with breakout sessions to follow for one hour. Please send an e-mail to mary.sullivan@uvm.edu if you are able to attend or have additional questions.

Who should attend?

Superintendents and any school board members of schools that support the learning of Vermont's 10-15 year old students!

Education, then beyond all other devices of human origin, is the great equalizer of the conditions of men - the balance-wheel of the social machinery . . . It does better than disarm the poor of their hostility towards the rich; it prevents being poor.

*Horace Mann, "father of the common school,"
Report no. 12 of the Massachusetts School Board, 1848.*

Vermont Household Budget Affordability Analysis

By Douglas Hoffer and Paul Cillo, Public Assets Institute

This analysis looks at two hypothetical three-person Vermont households to see where the families' money goes. Both households have two adults and one school-aged child. One family (Household 1) lives in the median-value Vermont home (\$176,000) and, based on information from the Vermont Department of Taxes, has a gross income of \$52,000. The other family (Household 2) has a gross household income equal to the average of the top five percent of Vermont income tax filers (\$357,934) and lives in a home assessed at \$280,578.

In Household 1, there are eight budget categories that each consume more than five percent of the household budget. Four of these (transportation, mortgage, food, and health care) taken together account for over half (53.3%) of the household budget. This family has no money left for savings or discretionary spending. In fact, even after paring it down, this budget slightly exceeds household income.

For Household 2, only three of the budget categories consume more than five percent of the household budget. The two largest budget categories are

federal income tax (20.7%) and state income tax (5.3%). However, after all the budgeted expenses are covered, this household has nearly forty percent left over in uncommitted funds to use for savings or for discretionary spending.

Comparing these two households sheds some light on the issue of affordability. An affordability policy that focuses on state income and school taxes as the problem misses the mark. For Household 1, the largest budget categories are not taxes, but transportation, housing, food, and health care, each consuming more than ten percent of the household budget. In addition to being among the largest budget items, housing and health care costs have increased faster than inflation in recent years. This means that this household can not continue to afford its current standard of living without increasing income or taking on debt. The other choice is to cut spending, which will likely reduce their standard of living.

For Household 2, affordability is not an issue. Even though federal and state income taxes are its largest fixed ex-

penditures, considering that uncommitted funds amount to nearly forty percent of income for this household, taxes or any of their other budget categories cannot reasonably be called a burden.

The comparison of these two households also illustrates the relative progressivity of various taxes. Federal and Vermont state income taxes are progressive - those with higher incomes pay higher rates. For example, Household 1's state and federal income taxes amount to 6.5% of household income compared with 26% for Household 2. The FICA/Medicare tax is regressive—the lower income Household 1 pays nearly four times what Household 2 pays as a percentage of income. School and municipal taxes on homes, even after income sensitivity is applied, are also regressive. Household 1 pays a higher percentage (2.4%) of income for these taxes compared to Household 2 (1.4%).

To view the complete report along with the data sources, graphs and footnotes for this analysis please visit www.publicassets.org

Managing the Physical Environment in a School Indoor Air Quality: Can You Answer Yes?

by Joe Zimmerman,
VSBIT Executive Director

Outdoor Air Supply

- ◆ Is the building ventilation system turned on
- ◆ Are all vents free of obstruction
- ◆ Is air flowing into outdoor intake

Air Handling Unit

- ◆ Is the system turned on
- ◆ Is air flowing from vents
- ◆ Are filters clean and properly installed
- ◆ Are dampers operating properly
- ◆ Is the drain pan clean and properly draining
- ◆ Are the unit coils clean

Air Temperature & Humidity

- ◆ Is thermostat properly set
- ◆ Are humidity levels comfortable (between 30% – 60% relative humidity)
- ◆ Does air seem clean and fresh

Housekeeping Sources

- ◆ Are housekeeping products used according to directions
- ◆ Are products stored in sealed containers or in vented rooms

Do You Have a Resolution VSBA Should Consider?

The success that VSBA realizes in the Legislature is due to the participation of our membership throughout the year. It begins in the spring and summer with the collection of legislative resolutions drawn from member districts.

The cycle will begin anew with this call for 2007 resolutions. This is a process that helps the VSBA represent board members throughout the state in an effective manner.

Each proposed resolution is received and reviewed by the VSBA Resolutions Committee, which is comprised of school board members from throughout the state. The committee makes recommendations to the VSBA Board of Directors, which review the Committee's work and can add its own proposals to the final slate of resolutions and position to be sent to the VSBA Annual meeting. The Annual meeting then uses a "one dis-

trict, one vote" format to finalize VSBA's legislative agenda.

Setting our legislative agenda is a thoughtful, deliberate process. It is an inclusive process which creates a strong legislative force for the needs of Vermont school children. This call for resolutions is the beginning of the road to the Annual Meeting, which will be at the Capital Plaza in Montpelier on November 1 & 2, 2007. **The deadline for submitting resolutions is August 15!**

Resolution proposals must be submitted by member boards.

Resolutions are statements of intended and desired actions on items of current needs or problems. Resolutions are in effect for one legislative term and may be submitted on any topic of statewide concern for school board members.

Try to be as clear and concise as possible with the wording of your resolution so the intent, as well as the requested action, is understandable. Include a rationale (or history) with your resolution. If your board would like help in drafting a proposal, please contact the VSBA staff. We are eager to get a wide array of perspectives, and we stand willing to help your board get the issues of importance to you on VSBA's agenda. Don't hesitate to call us.

Continuing Resolutions are statements of policy and purpose and, once adopted, remain in effect until amended or repealed.

A complete listing of VSBA's Continuing Resolutions and legislative resolutions are available on the VSBA website (www.vtvsba.org). If you need a hard copy please call the VSBA office at 800-244-8722. 🚗

(...EPA Continued from page 8)

2007-2008 School Board Professional Development

- 9/5/07 Orange/Washington Regional Meeting
- 9/6/07 Chittenden/Grand Isle Regional Meeting
- 9/10/07 Essex/Caledonia/Orleans Regional Meeting
- 9/13/07 Windsor/Windham Regional Meeting
- 9/17/07 Addison Regional Meeting
- 9/19/07 Bennington/Rutland Regional Meeting
- 9/24/07 Franklin/Lamoille Regional Meeting
- 10/8/07 Preparing the Budget @ VIT
- 11/1-2/07 Annual Conference @ Capitol Plaza
- 12/12/07 Conducting Board Hearings @ VIT
- 1/7/08 Passing Your Budget @ VIT
- 2/6/08 Improving Board Operations @ VIT
- 3/10/08 Board Member Swap Shop @ VIT
- 4/16/08 Governance Options and Enrollment Projections @ VIT

For more information regarding any of the above listed activities, please visit www.vtvsba.org or the April *From The Board Room* newsletter.

Schools and Child Care Facilities is a guide to help schools and child care providers identify potential funding sources for water quality related projects, as well as a variety of programs related to children's environmental health.

The DVD and funding document are just two of the newest products EPA offers in its 3Ts Program: Training, Testing, and Telling to prevent elevated lead levels in children's drinking water. To learn more about the 3Ts, download any of the 3Ts materials, or order a copy of the DVD visit <http://www.epa.gov/safewater/schools/guidance.html> or call the Safe Drinking Water Hotline 1-800-490-9198. For more information, contact: safewaterforkids@cadmusgroup.com. 🚗

2007 VSBA Resolutions Submission Form

VSBA Resolutions are the Association's official positions on important educational issues and are adopted by the membership for each biennium. These positions guide your Association Board of Directors and staff as they represent you in Montpelier and at the federal level. Resolutions adopted in November 2007 will remain in effect through the 2008 Legislative biennium but may be amended during the 2008 VSBA annual conference. The 2007 annual meeting will be on **November 1 & 2 at the Capitol Plaza**. Please check the current resolutions at www.vtvsba.org. If your board (not individual members) has additional suggestions for resolutions, please submit them for consideration by the Resolution Committee no later than **August 15, 2007**.

Resolutions may cover any topic of significant statewide or national concern. They address desired legislative or governmental initiatives. Please be concise and clear so the intent, as well as the requested action is understandable. It is the "Resolved" portion (or action requested) that is voted on, not the "Whereas" rationale, which should be used only to explain your board's position.

We encourage you to submit resolutions for consideration. Please remember that member school boards must approve a resolution for submission.

SPONSORING SCHOOL BOARD: _____

TOPIC OF CONCERN: _____

WHEREAS: _____

(please explain why the action you are requesting should take place)

ANDWHEREAS: _____

(further explanation if necessary)

BE IT RESOLVED: _____

(explain what action you desire)

NOTE: Resolutions may also be submitted from the floor at the business meeting, provided they are "in writing with sufficient copies for voting delegates. A majority of the voting delegates present must approve a motion to allow the resolution to be introduced for discussion." [VSBA Bylaws]

Your resolution(s) must be received at VSBA
by 5:00 p.m. August 15, 2007:
Vermont School Boards Association
2 Prospect St., Suite #4, Montpelier VT 05602
Fax to: 802-223-0098 or Email: klamb@vtvsba.org

VSBA Leadership Award Nomination Procedure

Nominations are invited for the 2007 VSBA Leadership Award. This honor may be presented by the Vermont School Boards Association to a school board member or an entire school board that has demonstrated extraordinary leadership as defined below. Nominations may come from individuals or organizations throughout Vermont including, but not limited to, school board members, school boards, school administrators, teachers, or community members.

A VSBA selection committee will review all applications and recommend to the VSBA board one individual and/or one board for receipt of this annual award. Final determination will be made by the VSBA Board of Directors and recipients will be honored at the VSBA Annual Conference in the fall. Individuals and boards nominated but not selected will receive certificates and recognition in the VSBA newsletter.

Eligible Individuals

1. Have served at least one full term on their local board
2. Are a current board member, or completed their service in the 2005-06 school year
3. Are not currently serving on the VSBA Board of Directors

Eligible Boards

1. Must be a current member of the Vermont School Boards Association
2. May not have any members currently serving on the VSBA Board of Directors

VSBA is looking for an individual board member or an entire board that has demonstrated some or all of these **qualities**:

- ◆ Has served their community for many years;
- ◆ Has served above and beyond the call of duty;
- ◆ Has helped to accomplish a major milestone;
- ◆ Has demonstrated a focus for all children in the district, including a focus on student achievement;
- ◆ Has worked well with fellow board members or as an entire board;
- ◆ Has pursued self-improvement and growth in boardmanship;
- ◆ Has worked tirelessly as an advocate for the district and its students.

Selection committee will **consider some or all the following**:

- a. How the member or board has demonstrated leadership in the district and community.
- b. How a single act or series of acts by the member or board has significantly helped the school district.
- c. What the member or board has done to keep the education and welfare of children as their primary concern.
- d. What the member or board has done to show excellence in boardmanship.
- e. How the member or board has used sound reasoning and strong ethics in decision making.
- f. How the member or board has used foresight in developing policies and plans that support the district vision and goals.
- g. How the member or board has displayed consistency in responding to issues, representing the best interest of all constituents.
- h. What the member or board has done to build good working relationships with students, staff and community.
- i. How the member or board has built productive relationships within the board.
- j. How the member or board has made the time and commitment necessary to become an informed and effective board member(s).

All entries must be on the Official Nomination Form.

- ◆ Attach a one-page statement indicating why the individual or board should be considered and what makes them especially effective in their role.
- ◆ Use the criteria listed in this document as a guide.
- ◆ Submit up to one-half page biographical statement on the individual nominee or a one-page biographical statement including each board member for a whole board nomination.
- ◆ Attachments in support of the individual or board nominee should be limited to no more than three pages.
- ◆ Applications that exceed a total of five pages will not be considered.

Completed nomination forms must be returned to the VSBA office no later than **August 15, 2007**.

AWARD NOMINATION FORM

(Form also available on-line at www.vtvsba.org)

Please selection one:

Individual Nomination

Board Nomination

Date:

Name of Nominee or Board:

Address:

Phone Number:

Email:

School District:

Number of years on the board (list nominees for board nomination):

Current Board Member [___] or Service Ended current School Year [___] _____

Nominated by:

Address:

Daytime Contact Phone Number:

Email:

Signature:

Attachments in support of nomination should be limited to no more than three pages plus the biography. Any applications that exceed a total of five pages will not be considered.

PLEASE RETURN TO VSBA, KERRI LAMB

NO LATER THAN AUGUST 15, 2007

FAX: 802-223-0098

Email: klamb@vtvsba.org

MAIL: 2 Prospect Street Suite 4, Montpelier, VT 05602