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Just got off the Gettysburg battlefield after a tour with participants at the ASBO Eagle Institute and I have a few “lessons learned” to share.

How can a battle that happened more than 150 years ago teach us anything relevant? You’d be surprised!

The logistics of this battle are overwhelming: 160,000 troops, tens of thousands of horses, artillery, supplies, medical stations, hospitals, food, water, all concentrated in a small town of 2,400 people that happened to lie at a major crossroads.

This battle that saw 46,000 casualties turned out to be a pivot point for the Civil War, as it stopped General Lee’s advance into Pennsylvania. It was by no means the end of the war, but it did mark the turning point in favor of the Union army.

Here a few lessons learned that are useful today:

Be a leader. Communication took days and the means were not reliable. Today, it’s easy to pass the buck up the line. Why make a decision when you can ask someone else with the flip of a cell phone? Perhaps our communication tools are inhibiting the growth of true leadership. It may be time to nurture and train your staff so they can make decisions without feeling the need to “pass the buck.”

Solicit input. No matter what your length of service or experience, during a battle or crisis, get good heads together and solicit input.

General Lee was far senior in rank (and age) to those who served him. By virtue of his seniority, his staff was inclined not to disagree with him, nor offer opinions. Consequently, the decision to assault the Union army during Pickett’s charge was not heartily challenge and as a result, the Confederates were mowed down by the thousands as they marched straight into a battery of artillery and guns.

On the other hand, General Meade, commander of the Union Army of the Potomac, was appointed to the position just days before the battle. His approach was quite different; he gathered all of his major staff and had a meeting to discuss the best strategies.

Practice humane leadership. Colonel Chamberlain, a Union leader from Maine, treated a group of deserters humanely and later convinced them to fight for the Union cause, probably helping him hold Little Round Top, a major battleground.

The ultimate goal of leadership is to make yourself irrelevant. Yup, you heard right. Do such a great job of developing your subordinates and empowering staff that you can leave to pursue your next big thing and the organization will thrive without you!

Let’s Talk Leadership

By Erin K. Green, MBA, RSBA

The Tasks of Effective Leaders

So what are your tasks as an effective leader? Consider these suggestions from the Center for Creative Leadership’s Campbell Leadership Descriptor Guide:

1. Vision—Set the direction.
2. Management—Set goals and focus resources.
3. Empowerment—Select and develop subordinates, allow them to accept challenges.
5. Feedback—Observe, listen, share.

Do you fulfill these tasks to the best of your ability every day? And just as important: have you nurtured your staff to step in when you are not available?

The ultimate goal of leadership is to make yourself irrelevant! Yup, you heard right. Do such a great job of developing your subordinates and empowering staff that you can leave to pursue your next big thing and the organization will thrive without you!

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Learn from CoSN’s Keith Krueger what five strategies and a three tactics allow you to leverage ARRA funds to get more while spending less.

Find out how to get the most bang for the buck from ARRA funds while avoiding potential liabilities for misuse. Patricia Guard from the U.S Department of Education shares solid strategies.

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— Siobhan McMahon, Managing Editor

Colophon: During production of this issue, Siobhan went to Skyline Caverns and read Sarah’s Key, Pat gulped at the cost of college textbooks, and Lauren spent time outdoors kayaking and wine tasting.
It has nearly been two years since the economic crisis began to rear its ugly claws. At that time, ASBO International mobilized a team of experts from the United States and Canada to examine potential and long-range effects the crisis would have on schools.

At that time, discussions around the table included much speculation and projection based on the current and best information we had. We know a lot more today, but the projections and conclusions we came to in 2008 are not much different from what has actually occurred.

Two years ago, economists projected that the recession would be around for at least a year. ASBO advised school business officials to plan on the current economic issues being around for at least three years. We based this advice on the fact that schools are typically funded on a formula model that includes property tax as one component.

Because homes were just beginning to go into foreclosure, property tax revenue would take a much longer time to rebound; it would take even longer for schools to begin receiving any property tax recovery.

Economist’s projections have expanded in terms of recovery. Property tax revenue will continue a steady decline as property re-assessments are scheduled and the full effect of foreclosures and rising unemployment are felt at the local level.

ASBO International continues to warn school business officials that any property tax revenue will lag substantially once recovery has begun.

So What?

What does this mean? We know that school districts cannot look to state education agencies to help shore up any deficits, especially in light of the fact that most states used ARRA funds intended for sustainable educational reform to balance current state deficits. We also know that any expectation of federal dollars in the future diminishes as the days go on. And, we know school systems must rely on their own creativity and ability to manage budgets.

The bottom line is that budget cuts will be long-term and that the most significant sources of revenue for school districts continue to be diminished. It is more imperative than ever that we think about alternate sources of revenue, public/private partnerships, community involvement, and even the core mission of our schools.

The key to achieving a reliable new foundation of support is well-designed strategies for revenue generation and cost shifting/sharing. Opportunities for increasing revenue and sharing costs exist, but are much more difficult to recognize than those for cost cutting.

In the midst of the worst economic time in our history and severe budget reductions, it becomes difficult to implement educational reform and maintain any kind of professional composure. One thing we do know, is that those who think and act rationally during irrational times are the ones who have the highest probability of surviving these challenging times. Keep focused on the children in our school systems.

The Importance of Being Rational

By John D. Musso, CAE, RSBA
Perhaps now is the right time to revisit the issue and define just what things we really do have zero tolerance for in schools.
Back to the Beginning

The concept of zero tolerance dates back to the mid-1990s when New Jersey was creating laws to address nuisance crimes in communities. The main goal of these neighborhood crime policies was to have zero tolerance for petty crime such as graffiti or littering so as to keep more serious crimes from occurring. The media commended this same ideology when New York City Mayor Rudy Giuliani took to cleaning up Times Square by fighting the nuisance crimes in the largest tourist spot in New York.

Next came the war on drugs. In federal law, zero tolerance became a seizure tool that allowed federal agencies to seize vehicles, planes, and boats used to transport even the smallest amount of drugs into the country. Again, not a bad idea if one is fighting a major influx of drugs.

States began to follow suit with laws such as mandatory sentencing when guns were used during a felony. Zero tolerance became a standard for adding jail time for such offenses.

Students would follow the rules because they knew exactly what would happen if they didn’t.

In the 1990s, opponents of zero tolerance began to question how a court could possibly make the punishment fit the crime if the circumstances of the crime were not allowed to enter into the equation. This would soon become a sticking point as the policy made its way from the courtroom into the classroom, from the state house all the way down to the school house.

As zero tolerance policies were enacted, many districts believed they would create a status quo for school climate. By taking away the administrator’s ability to determine punishment for each case, they would eliminate issues such as favoritism and would force schools to comply with pre-determined disciplinary consequences. Students would follow the rules because they knew exactly what would happen if they didn’t.

Fighting Back the Fears

After the shootings at Columbine High School in 1999, guns in schools became a major element of what could now be called the zero tolerance culture. If you brought a gun to school you would be expelled automatically.

Again, many experts and parent groups applauded these types of hard-line stances on protecting our children. Soon the states were establishing the same initiatives surrounding drugs in school. But soon questions arose about the definition of a drug. Districts struggled to understand what the legislature meant by “no drugs in schools.”

“No guns” slowly changed to “no weapons” and again the terminology opened itself up to interpretation. One person’s idea of a weapon did not coincide with another person’s idea and challenges started to crop up in court.

Still, the legislatures and school boards around the country were fighting the public battle to stop violence and drug abuse in schools, so taking a hard line was a popular position.

Scant data was made public about the success of these early initiatives in the traditional law enforcement community. Public opinion supported these approaches and applauded their use in making a community safe. It was hard, according to researchers, to develop data based upon what the crime rates might have been if the laws had not been enforced using zero tolerance policies.

What did become clear, however, was that correctional institutions were beginning to burst at the seams based on the mandatory sentences passed down under zero tolerance. While prison overcrowding became an issue for the penal system, high drop out rates and suspension and expulsion rates began to have an effect on education. How could a school district strike a balance between taking a hard line on crime in school yet still meet its constitutional role of educating a child?

Zero Tolerance Today

During the past few years, many school districts have become embroiled in bitter media battles over zero tolerance policies.

One school district received national attention when it suspended a student for bringing a cake knife to school to cut a birthday cake, although the student never actually handled the knife. That same district was criticized for putting a six year old in an alternative education setting for bringing a Cub Scout knife to school to use while eating his lunch.

Is the issue here a question of zero tolerance policy or does it center on a building administrator’s definition of the term “weapon”?

Sometimes the issues that surround zero tolerance are not about enforcement, but rather about the initial assessment and decision (usually by a school administrator) to take action under the auspices of zero tolerance.

Robin Case is the Delaware Department of Education associate for school climate and discipline. She checks every case of reported crimes that occur in schools. When there is an issue, Case notes, it is often in the way an administrator at the school level defines the offense.

“It can be a real challenge to find a way to share a consistent view of what is a crime and what is not,” Case says. These judgment calls can be made in haste by sometimes inexperienced and often overwhelmed school
administrators. The end results can be difficult for districts and the public to reconcile.

“In the end you simply cannot legislate good old fashioned common sense and experience,” Case says.

Organizations Speak Out

The American Bar Association weighed in on the topic of zero tolerance in 2000. In a report to their members, a committee on zero tolerance noted, “zero tolerance is a perverse version of mandatory sentencing, first, because it takes no account of what we know about child and adolescent development, and second, because at least in the criminal justice system (despite ABA policy) when mandatory sentences exist, there are different mandatory sentences for offenses of different seriousness.”

The report noted that the entire educational process is supposed to recognize the growth and learning of each student—something that can easily be lost under zero tolerance.

How could a school district strike a balance between taking a hard line on crime in school yet still meet its constitutional role of educating a child?

Experts who work in the field of juvenile justice tend to agree. Detective Nick Terranova of the Delaware State Police Youth Aide Division is charged with investigating crimes that involve school students.

“Zero tolerance in its original form was meant to serve as a deterrent against drug crime,” Terranova says, “but in its current form it can sometimes hinder both the schools and our own ability to look at the circumstances behind the crime.”

In one case he investigated, a student brought a weapon into the school for the purpose of committing suicide. “My heart truly went out to this student and his family,” Terranova says. “He wasn’t a criminal but rather someone in desperate need of help and support.”

In 2008, the American Psychological Association released a report that highlighted the fact that little data exists regarding zero tolerance in schools may actually point to the fact that these policies have a negative effect on school climate.

The report, published in the December 2008 issue of American Psychologist magazine, notes that students with high suspension and expulsion rates, such as minority students, suffer even greater rates of disciplinary action under these policies. The report highlights the fact that disciplinary actions in these schools are even higher, which would lead to the question: how much of a “deterrent” is zero tolerance?

Now What?

If your district has a standing zero tolerance policy, remember that education is the key. Make sure all staff members share the same definition of what offenses meet the requirements to fall into a zero tolerance issue. If they are not sure, have them check with a district office person who has a clear understanding of the law or policy your district uses. Make sure those definitions for what constitutes a weapon or drugs are clearly defined in your policy. Review your old policies to make sure they are still applicable today.

The most difficult issue is not simply the definition of what each offense represents, but what your organization believes is its responsibility to educate and its stance on school climate.

In the community that your district serves, is marijuana use so common in the community that a zero tolerance policy toward a small amount would lead to a significant number of students not being able to receive educational services? Again, these are decisions that have to be made locally and based on what your community may need or desire.

Everyone wants schools to be safe and crime free. But when do we stop serving as an educational institution and start serving as part of the criminal justice system? Today’s educators are challenged to decide where to draw the line between tolerance and zero tolerance.

Yes, you need discipline in your school so you can educate your students, but you also need understanding and compassion. Take the lead in your district by really looking at your zero tolerance policy and asking yourself if it truly serves a purpose as it is written. If not, step up to the plate and recommend changes.

Brian N. Moore, RSBS, is supervisor of public safety for Red Clay School District in Wilmington, Delaware, vice chair of the ASBO’s School Facilities Committee, and a member of the ASBO Editorial Advisory Committee. Email: brian.moore@redclay.k12.de.us

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Canutillo Independent School District, TX
Dallas Independent School District, TX
El Paso Independent School District, TX
Fairfax County Public Schools, VA
Collaboration and the Collective-Bargaining Process in Public Education

By Matthew Noggle, Ed.D.

In the vast majority of school districts, the collective-bargaining process has evolved little during the past few decades. Teachers unions have successfully represented teachers’ economic and job security interests by linking them to collective bargaining and procedural due process rights, but district administrators continue to make the decisions about educational delivery and quality (Kerchner, Koppich, and Weeres 1998).

For the most part, neither side seems to recognize much need for a collaborative bond. In fact, very little information is available about how collaborative labor-management models are established and maintained.

However, in many districts, teachers unions and district administrators are beginning to incorporate collaborative actions to their collective-bargaining processes and daily interactions. Teacher contracts are beginning to include nontraditional issues such as teacher professional development, teacher quality, instructional delivery, student achievement standards, and educational reform (Koppich 2005; Urbanski 1998).

In Miami-Dade, Florida, the school district and its teachers union use a joint committee that meets regularly to update the teachers’ contract with recent initiatives that have evolved and to establish the course for future initiatives and other changes (Kerchner and Koppich 1993). In Rochester, New York, and Hammond, Indiana, the contract includes language that permits a more timely response to issues that demand more imme-
diate attention (Urbanski 2003). In those districts, as well as others across the country, issues no longer fester until contract negotiations resume; rather they are addressed at the time, when the issue is significant.

One study of collaboration between school district administrations and teachers unions revealed that collaboration emerged from a discontent with the adversarial status quo. The initial foray into collaboration did not necessarily include collaborative contract negotiations at all sites, although all districts eventually incorporated some form of collaborative interest-based approach to their collective-bargaining process. Some adopted a formal type of interest-based bargaining and received formal training to implement it, while others incorporated less formal collaborative principles to their collective-bargaining process (Noggle 2010).

The commingling of teacher and administrative roles via contract negotiations transformed the school districts in this study. Teachers unions were no longer fixated solely on financial gains. Administrative leaders began to share control over traditional administrative functions and draw on the expertise of their teaching staff, allowing greater latitude for teachers to improve their craft and that of their peers.

The essence of collaborative bargaining is rooted in a joint emphasis on communicating interests and avoiding taking positions.

By shedding traditional positional posturing, teachers union leaders and district management successfully negotiated improved salary compensation, site-based decision making, peer review programs, and improvements to teacher quality and student academic performance and secured significant grant funding for their respective districts (Noggle 2010).

The essence of collaborative bargaining is rooted in a joint emphasis on communicating interests and avoiding taking positions. Both parties should view the final negotiated agreement as a flexible, living document, subject to change as needed. This approach allows districts and unions the opportunity to address problems as they arise rather than waiting for formal negotiations to resume.

When the process is collaborative, contract negotiations are often shorter, less time is spent on labor relations, and fewer grievances are filed between contracts. Discussions throughout the district remain focused on educational issues rather than contractual issues (Doyle 1992).

Expanding teacher authority through shared decision making cultivates greater ownership in the successes of the district (Ilg 1999). Collaborative bargaining also opens other avenues for collaboration and problem solving. In the many districts that espouse collaborative bargaining, representatives from labor and management meet regularly, not just during negotiations. This approach to meeting between rounds of formal bargaining can provide a forum to settle contract issues, solve problems, and consider proposals.

A district’s readiness for collaborative bargaining depends in part on both sides having an impetus for change.

A district’s readiness for collaborative bargaining depends in part on both sides having an impetus for change (Noggle 2010). If either side is satisfied with the traditional approach, collaborative bargaining will not succeed. If either side expects to win at the other team’s expense, collaborative bargaining will not succeed because the premise of collaborative bargaining is that neither side wins unless both sides win (Doyle 1992).

References


Matthew Noggle, Ed.D., is a teacher in suburban Philadelphia, Pennsylvania. Email: matt419@comcast.net
The Privatization of Public Education

By Richard Hunter, Ed.D.

For-profit education is not a new focus for public schools in the United States. It has been around for several decades, has stimulated considerable controversy, and has been heralded by some as a panacea for improving learning for the nation’s public school students.

For-profit schools are run by private, for-profit companies or organizations often referred to as educational management organizations (EMOs). For the most part, for-profit or privatized schools are funded by the local, state, or federal government and offer free education to public school students (Bracey 2002).

These EMOs offer “hard services” and “soft services” (Russo and others 1995). Hard services include books, supplies, food service, and transportation. Many public school districts contract with for-profit companies to provide services in these areas and have done so for many years. Soft services include administration and instruction. When EMOs offer soft services, they take over the operation of the school and provide principals, teachers, and classroom instruction.

Supporting Privatization

Why is public education being privatized? Murphy (1996) identifies several reasons, including the following:
• A rising tide of discontent about public education’s ability to properly educate students
• A perception that government is attempting to do more than it should with regard to education in the United States
• Poor performance in the public sector, including education
• Prolonged budgetary pressures
• The resurgence of the political right and its influence over government
• The expansion of pro-market forces
• Increased interest in the political system’s pointing us toward greater privatization of government services.

People believe that public education, which they associate with the government, is inefficient and the private sector is efficient. Thus, if government services are privatized, efficiency will increase and scarce resources will be saved.

Governments and school districts contract out services for other reasons: to solve labor problems, to produce higher-quality services, to reduce implementation time, to promote shared risk between the government and the private sector, and to help the government avoid local political problems sometimes associated with labor unions (Hunter 1995).

Opposing Privatization

Arguments against contracting with for-profit companies for hard or soft services are embedded in the following statements:
• Political implications must be considered because sometimes there is great opposition to privatizing government services. Opposition often comes from employee unions, but it can come from parents as well.
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• **Decreased managerial control** accompanies contracting out services. For example, with regard to school bus transportation services, I’ve experienced a situation in which a for-profit company would not pick up students during inclement weather because of a labor agreement with the union. Consequently, many students were forced to walk home in the snow.

• **The quality of services** can suffer with for-profit companies that are concerned with making money and reducing costs. For example, in the Baltimore City Public School District, the for-profit company eliminated special-education services in the schools they were contracted to operate because those services were too expensive and cut into their profits.

• **The reliability of services** can be suddenly interrupted when the company providing the services goes bankrupt or experiences a shortfall of cash.

• **The potential for improprieties** increases because of possible corruption in the bidding process. The favored company may be incapable of providing the services specified in the contract (Lyons 1995).

Another reason people oppose public school districts’ hiring for-profit companies is the cost of the contracted services often increases dramatically after the company’s initial contract. Some attribute this rise in cost to the underbidding by for-profit providers who want to get the initial contract and demonstrate to school districts that there are greater efficiencies in contracting out. Unfortunately for school districts, such an increase happens after they have disposed of their equipment and personnel and no longer have the ability to provide the services they have contracted out to the for-profit company. Thus, the for-profit company has the school district over a barrel, and the district is forced to pay increased costs for the services (Hunter 1995).

**People believe that public education, which they associate with the government, is inefficient and the private sector is efficient.**

The National Education Association (2010) offers yet another argument against for-profit companies by indicating that public officials are less accountable to the patrons of school districts when services are taken over by private contractors.

Bracey (2002) argues that a war is being waged on public schools in the United States and identifies the ene-
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and maintains that the public education system is too be taken over by privatization? Bauman (1996) says no (King and Martinez 2010). Is public education likely to may significantly expand the opportunities for EMOs to grants to states under the Reach for the Stars program in 2006–07. These data suggest the growth of privatization in public education may have slowed and appears to be stabilizing (Molmar and others 2007).

On the other hand, the increase in the number of charter schools advocated by the Obama administration in grants to states under the Reach for the Stars program may significantly expand the opportunities for EMOs to provide more “soft services” to public school districts (King and Martinez 2010). Is public education likely to be taken over by privatization? Bauman (1996) says no and maintains that the public education system is too large and entrenched to be privatized.

The Future of Privatization

The number of public schools being operated by EMOs increased from 18,375 schools and 180,632 students in 2002–03 to 24,483 schools and 227,740 students in 2004–05. However, the number of EMO-operated schools declined to 23,457 schools and 218,675 students in 2006–07. These data suggest the growth of privatization in public education may have slowed and appears to be stabilizing (Molmar and others 2007).

On the other hand, the increase in the number of charter schools advocated by the Obama administration in grants to states under the Reach for the Stars program may significantly expand the opportunities for EMOs to provide more “soft services” to public school districts (King and Martinez 2010). Is public education likely to be taken over by privatization? Bauman (1996) says no and maintains that the public education system is too large and entrenched to be privatized.

WHAT SCHOOL DISTRICTS DON’T KNOW

This fall, the Center on Education Policy recently released a report highlighting the extent to which school districts have experience implementing the four federally mandated school reform models meant to “turn around” the nation’s lowest-performing 5% of schools: the turnaround, restart, closure, and transformation models.

According to the report, School Districts’ Perspectives on the Economic Stimulus Package: School Improvement Grants Present Uncertainty and Opportunity:

More than one-third of the nation’s school districts were unfamiliar with the four models, and few districts had implemented any of them. Fewer than 12% of the nation’s school districts had implemented any of the models in one or more schools.

Fewer than 12% of districts had received assistance from the state for any of the four improvement models. More districts—although still a small minority—had received state assistance with the turnaround and transformation models, rather than with the restart and closure models.

Districts that implemented the models had varying degrees of success with them. For three of the models (turnaround, restart, and closure), there were no differences in the estimated percentages of districts that had positive results versus those that had unknown, mixed, or poor results. For the transformation model, roughly 91% of the districts that tried this model had positive results.

Conclusion

There has and will continue to be great concern over the lack of effectiveness and efficiency of the public education system. The majority of this ire should be directed at the schools that primarily serve low-achieving minority group students (Hodgkinson 1991).

Most of the for-profit or privatization projects that provide “soft services” are located in school districts that serve such populations, although evidence suggests that for-profit companies do not have a corner on the market of educational strategies and are not succeeding any better than regular public schools at educating these student groups.

Perhaps we should reform the public education system by devoting more resources to equalize expenditures for all student groups, regardless of their race, ethnicity, community, or individual wealth. All systems are failing to properly educate the children of the poor, including all types of public and private schools, and charter schools, as well as schools that are managed by for-profit companies (Lubinski and Lubinski 2006).

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Richard Hunter, Ed.D., is a professor of education at the University of Illinois at Urbana-Champaign and a member of the ASBO Editorial Advisory Committee. Email: rchunter@uiuc.edu

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Litigation and School Finance: A Cautionary Tale

Charles J. Russo, J.D., Ed.D.

In the most recent school finance case, Connecticut Coalition for Justice in Education Funding v. Rell (Rell 2010), a plurality of justices held that since the plaintiffs’ challenge to the state’s system of funding was subject to judicial review, the dispute had to be remanded for a trial on the merits of their claims.

Overview of School Finance Litigation

The Supreme Court of California’s decision in Serrano v. Priest (Serrano I 1971), the first major school finance case, generated more reaction than any other such litigation in a state court. In Serrano I the court found that a funding plan that dictated that the quality of a child’s education was based on a school system’s wealth discriminated against poor students by violating the Equal Protection Clause of the Fourteenth Amendment and the state constitution. While the United States Supreme Court essentially repudiated Serrano I a year and one-half later in San Antonio, the Supreme Court of California ultimately reaffirmed its initial judgment in Serrano v. Priest II (1976) under the state constitution.

Shortly after Serrano I, a federal trial court in Texas applied its rationale in striking down the state’s system of funding public education. However, in San Antonio Independent School District v. Rodriguez (1973) the Supreme Court reversed in favor of Texas, rejecting the plaintiffs’ claim that the system was discriminatory because per-child costs bore a rational relationship to the state’s goal of educating students. In often-quoted language, the Court noted that “[e]ducation, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected” (p. 35). The Court added that since the legislature and local school boards were better prepared to address school funding, it would defer to their authority.

Since San Antonio, school finance has been litigated exclusively in state courts, ordinarily under the equal protection clauses of their constitutions. Starting with Serrano I, school finance litigation passed through three stages (Thro 1994). The cases during the first phase, Serrano I and San Antonio, focused on the federal constitution. The second stage, starting in New Jersey with
Robinson v. Cahill (1973) and including Serrano II (1976), involved litigation fought on the equality provisions in state constitutions. The third wave began with Kentucky’s Rose v. Council for Better Education (1989), initiating a series of disputes that emphasized educational adequacy under state constitutions.

Because of litigation, state supreme courts frequently order legislatures to modify their funding formulas when discrepancies vary greatly between and among school systems, usually when plans fail to narrow the gap between poor and wealthy districts. The courts usually grant legislatures time to redesign their plans but still commonly result in multiple rounds of litigation.

**Connecticut Coalition for Justice in Education Funding v. Rell**

Connecticut Coalition for Justice in Education Funding v. Rell (Rell 2010) represents the third round of litigation to reach the state’s supreme court on the adequacy of financing public schools. In Rell, the plaintiffs filed suit alleging that the state’s public schools did not offer substantially equal educational opportunities to all students and that African Americans were disproportionately affected.

In Rell, the seven-member court handed down a judgment in excess of 100 pages. At its heart, Rell was a three-justice plurality opinion, meaning that it is not binding precedent since a majority of members of the court failed to agree on exactly the same rationale.

At the outset of its analysis, the three-justice plurality cited Connecticut’s first school finance case, Horton v. Meskill (1977), which declared that the state had the duty to “provide a substantially equal educational opportunity to youth in its free public elementary and secondary school” (Rell at 210, citing Meskill at 375). The plurality asserted that almost 20 years later, in Sheff v. O’Neill (1996), the court acknowledged its role “in ensuring that our state’s public school students receive that fundamental guarantee” (Rell at 210). Relying on Scheff, the plurality rejected the state’s contention that Rell was a non-justiciable political question. Instead, the plurality identified the issue before it as whether the legislature met the state constitutional mandate to provide an appropriate education.

The plurality further described its task as resolving whether the state constitution provides public school students with “the right to a particular minimum quality of education, namely, suitable educational opportunities” (Rell 2010, p. 211). In its more than 40-page opinion, the plurality divided its analysis into six sections, discussing the key passage from the state constitution, article eighth, § 1, according to which “[t]here shall always be free public and elementary schools in the state. The general assembly shall imple-

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ment this principle by appropriate legislation”; its holdings and dicta or non-binding statements of law; state constitutional history on school finance; a review of federal case law; relevant case law from other states; and economic and sociological public policy considerations.

In its rationale the plurality included the substantive requirement that the state offer students an education affording them a variety of overlapping opportunities such as entering higher education, participating fully in the democratic activities of voting and jury duty, and finding productive employment. Reversing an earlier order to the contrary, the plurality concluded that since Rell did not present a political question that was exempt from judicial review, it had to be returned to the trial court for further proceedings to consider how the state could provide “suitable educational opportunities” (Rell 2010, p. 211) for all children in Connecticut.

Justice Palmer’s concurrence agreed with the majority’s ultimate outcome but disagreed to the extent that he believed that the legislature, not the judiciary, is responsible for defining an adequate education. In focusing on constitutional issues, Justice Schaller’s concurrence echoed similar concerns in questioning whether a trial court has the ability to evaluate the nature of an adequate education.

Justice Vertefuille’s dissent agreed with the plurality that Rell was justiciable but disagreed as to the meaning of the disputed state constitutional text. Justice Vertefuille reasoned that since the language did mean to ensure that public schools always existed in Connecticut, but was not designed to establish a suitable educational standard, the court should have affirmed the earlier order dismissing the case. Justice Zarella, joined by Justice McLachlan would have dismissed the suit as non-justiciable, cautioning that the plurality set a dangerous precedent by further blurring the lines between the separation of powers between the legislature and judiciary.

**Reflections**

As well-intentioned as the plurality’s judgment in Rell appears to be in its quest to provide a quality education for all public school students in the state, its remanding the case for a trial opens a proverbial “can of worms” for three reasons. Whether viewed together or separately, these points can serve as part of a cautionary tale for officials and others who are interested in public education.

First, in remanding Rell for proceedings that are likely to stretch out for years, the court delayed the creation of an equitable funding solution to better serve the educational needs of children. The parties should thus strive to reach a non-judicial agreement on how to reform the state’s school funding formula.

Second, regardless of how the litigation plays out, the plurality may have created extra difficulties in failing to set an appropriate standard defining the limits of an “adequate education.”

Third, pursuant to language in the disputed provision of the state constitution that was highlighted by the dissent, that control over public education is a legislative prerogative, vociferous debate will continue over the fundamental question of whether school finance reform should be directed by elected political officials or the judiciary.

As a practical matter, evidenced in the majority of school finance cases during the past 40 years, a host of practical issues remain even if the court or Connecticut General Assembly could devise an acceptable funding formula. On the one hand, a funding formula still cannot adequately address such intangibles as parental assistance in helping their children learn, teacher quality, student motivation, and creating an ethos in schools and communities that encourages students to strive for higher achievement.

Turning to tangible factors, even if lawmakers or judges can devise an equitable formula to provide additional funding to pay for newer school buildings, facilities, books, and equipment, based on the experiences of other states where school finance litigation has occurred, it is unclear whether these extra expenditures are likely to have much of an impact on student achievement in communities that are economically depressed. Such a result is particularly questionable in Connecticut, since it ranks eighth in national averages in per pupil funding at $11,885 per child, well above the national norm of $9,963 (Mitani, 2009, citing National Center for Education Statistics).

Clearly, insofar as funding is not necessarily the sole factor in seeking to increase student achievement, legislators and jurists need to be mindful of the need to seek a holistic solution.

The major additional costs associated with school reform that emerged in concurring and dissenting opinions in Rell, and which are examined in the next paragraph, are of course focused on Connecticut. Even so, this discussion can serve to caution school business officials and others who are interested in public schools. Hopefully education leaders can rely on Rell to avoid some of the issues that emerged in Connecticut’s more than 30-year seemingly never-ending cycle of legislation being litigated, revised, and re-litigated because of the tremendous financial costs that are likely to arise in such a sequence of events.

Citing a 2005 report released by the plaintiffs in the run up to Rell, Justice Palmer noted that the study suggested that if the state were to meet the standard of education desired by the coalition, it could cost an addition $2.2 billion per year. Palmer commented that this total was “approximately 92% more than the amount that the state actually spent” (Rell p. 267) during the 2003-04 school
year on which the sum was predicated. Palmer was quick to concede that it may well have been premature to use such an estimate. Yet, given annual inflation and related cost increases, it is hard to imagine that this amount would be less and could impose a major strain on already highly taxed citizens during a down economy.

Without referring to this study, but maintaining that the plurality overstepped its bounds, Justice Zarella’s dissent observed that “[i]t will require the legislature to appropriate at least $2 billion per year in additional funding to ensure that Connecticut schoolchildren will be provided with the resources allegedly required for a suitable education” (Rell, p. 301).

Rell should encourage education leaders to promote legislative solutions rather than ask judges to resolve the essentially political question of how best to finance public schools. Such an approach should be speedier and more cost-effective than engaging in years of protracted litigation.

Clearly, if legislatures cannot balance the complex combination of educational, funding, legal, and sociological questions associated with providing suitable financial resources for schools, the courts must intervene. However, to the extent that judicial action often takes years and consumes untold resources without moving any closer to the goal of providing equitable funding for public schools, then perhaps leaders of good faith can come together to devise plans to better educate America’s children.

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Charles J. Russo, J.D., Ed.D., is Panzer Chair in Education and adjunct professor of law at the University of Dayton (Ohio), and chair of ASBO’s Legal Affairs Committee. Email: charles.russo@notes.udayton.edu
Nepotism: A Policy of Convenience?

By Robert Ruder

Nepotism is one of those words that makes us cringe. The hint of such behavior within an organization immediately raises suspicions of unethical behavior despite well-written, comprehensive policies and procedures. School districts are not immune to the damage that can be done to even the most highly regarded and well-respected organizations.

Yet despite well-written and comprehensive policies, the possibility of nepotism may envelop a district in an ominous cloud that challenges a district’s hiring practices and organizational structure. Accompanying that cloud may be the threat of exhaustive investigations and a critical local media.

An exposé by Jennifer Gollan and Megan O’Matz that appeared in the March 6, 2010 Sun-Sentinel sent seismic waves through the Broward County School District in south Florida. Frequently criticized by the media for an endless string of questionable practices, the district saw its public trust erode even more by charges of nepotism. In a time of heightened fiscal accountability, the lack of community support and diminished trust further complicate and challenge the primary responsibility of school entities: to educate children.

The investigative report related the following details of the situation:
• A transportation manager had 15 relatives, 6 family friends, and her pastor working with her. She did not supervise them directly; they were employed several layers beneath her within the organization.
• The manager of custodial services and grounds supervised his son.
• Two brothers were employed as managers in the maintenance department while two other brothers—one a manager, the other a supervisor—were employed in the same department. A wife of one brother was employed in the district’s equal educational opportunities department.
• A database analysis revealed that of the 37,550 school district employees, 2,400 shared a home telephone number with another employee.

Legal and legislative issues
The newspaper’s investigation into alleged nepotism brought to light the possibility of mismanagement within the school district that included sexual harassment and kickbacks in exchange for obtaining positions. While nepotism is not illegal, its perceived existence within the school district prompted district administrators to review existing policies to address the concerns of the district employees and the community.

While nepotism is not illegal, its perceived existence within the school district prompted district administrators to review existing policies

Further exacerbating the problem was the charge by a union official that the son of a supervisor completed the district’s three-year apprenticeship program in two years. The official indicated that there have been two or three other similar scenarios out of 50 apprenticeships within the district in recent years.

The decision by an eight-member district committee that allowed the employee to circumvent the three-year apprenticeship requirement opened the door for a lawsuit initiated by a journeyman carpenter who claimed he was required to spend four years in the apprenticeship program when the district hired him almost 30 years earlier. A federal jury awarded the carpenter $200,000 after hearing his claims of nepotism, racial discrimination, and violation of rights under the Americans with Disabilities Act. The school district is appealing the jury’s ruling.

A Widespread Problem?

Gretchen McKay of the Pittsburgh Post-Gazette said it was difficult for her to identify a school district in Pennsylvania “where at least one teacher isn’t related to a board member, administrator, or another employee.”

Working around the suspicion of nepotism by eliminating district policy is a tactic that Pennsylvania school districts have employed, according to McKay in her 2003 article, “Nepotism Loosely Regulated by State, School Districts.”

According to McKay, in 1998, the Ringgold School District eliminated its anti-nepotism policy, allowing the school board to renew the contract of the high school’s baseball coach who was the son of a board member. The neighboring Bethel Park School District used an override clause in its nepotism policy to allow the district to hire a relative of a district employee. Other districts within the region have allowed greater latitude in their nepotism policies to be able to draw well-qualified personnel into the communities that attract few applicants for vacant positions.

An article in the Atlanta Journal-Constitution announced that two Georgia school board members are hoping to overturn the state’s newly adapted nepotism provision that prevents them from seeking reelection. Reporter Kristina Torres shared with the paper’s readers in a January 2010 article that a suit has been filed in federal court. The provision bars someone from serving on a local school board if he or she has an immediate family member working in the same school district in a variety of administrative positions. One plaintiff’s wife is an assistant principal and another’s daughter is an assistant principal in their school systems.

The Grand Rapids, Michigan, school board pondered the need to generate a nepotism policy after a youth advocate in the school system who was also the son of a school board member was convicted of having sexual relationships with students. After discussing whether a nepotism policy was needed, the school board indicated that it had “no plans to create a policy against hiring relatives.”

With or without official board policy, nepotism exists in various shades of gray in school districts.

Dave Murray of the Grand Rapids Press reported in the February 19, 2010 issue that the school board secretary felt that banning the relatives of school board members from employment would “tie the district’s hands.” The board secretary also said: “We looked at how many people we have on the payroll who are related to another employee, and realized that we have some really great employees. Telling someone we couldn’t hire them just because of who they are related to would put a real crimp in our ability to get the very best people we can get.”

In Gallup, New Mexico, members of the Gallup–McKinley County School District began wrestling with their nepotism policy in 2004. A February 28, 2004 article written by Zsombor Peter of the Gallup Independent spoke to the possibility of the school board’s waiving its policy that restricted the family of school board members from competing for district contracts.

Prompting this discussion was the consideration of waiving the existing policy so the wife of a school board member could participate in a bidding process that provided diagnostic and special-education services to McKinley County students.
The school board tabled the decision as it considered expanding the waiver beyond this particular case to allow the families of board members to participate in bidding for future contracts without having to seek a waiver for each contract. Two board members who supported the waiver nonetheless expressed their concerns that “granting the waiver, even if it meets legal conditions, would carry the appearance of nepotism and potentially discourage others from applying (or bidding).”

The nepotism policy of the New Mexico School Boards Association (www.nmsba.org) reflects the thinking of the current board:

A person who is the spouse, father, father-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of a member of the Board or Superintendent may not be initially employed or approved for employment in any capacity in the District. The local school board may waive the nepotism rule for family members of a local superintendent. Nothing in this section of the policy shall prohibit the continued employment of such a person employed on or before March 1, 2003.

No, school employee may be the immediate supervisor of one’s spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter-in-law, brother, brother-in-law, sister, sister-in-law.

With or without official board policy, nepotism exists in various shades of gray in school districts. Districts eager to develop comprehensive policies that encompass every possible scenario to avoid charges of nepotism may feel as if their mission is akin to herding cats. Other districts committed to easing or eliminating policies designed to address nepotism will find their goal just as difficult but a bit more precarious and potentially expensive as employees or candidates for positions seek legal recourse for not being promoted or not being hired.

There appears to be no one-size-fits-all answer for all school districts as they address this issue, which can be unifying or divisive. Regardless of a district’s thinking, a review of case law is a wise place for prudent district policy makers to begin the decision-making process. Keeping in mind the adage “If it walks like a duck, quacks like a duck, looks like a duck, it must be a duck” may keep the process well grounded and moving forward.

Robert Ruder is a retired school administrator and writer in Lancaster, Pennsylvania. Email: rruder@aol.com
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New construction and renovation projects are strewn with legal land mines. The possibility of lawsuits hovers like a black cloud over personnel issues. Opportunities for transportation or food service issues to crop up are continuous. And school business officials often are called on to weigh in on issues involving equal education and unhappy parents.

Our attorneys handle most of the issues related to any litigation pending against our schools or districts; yet there is one area in which we are on our own: depositions. During a deposition, the district’s attorney can offer advice and moral support, but little else. It is a stressful process and the best preparation is to learn a little bit about this portion of the legal process.

Overview and Process
A deposition is one of the most important elements in a civil case. Specifically, it is a pretrial discovery device in which one party’s lawyer questions another party or witness in the case in order to gather information. It’s a game of Twenty Questions.

During the actual deposition, you are not there to defend your school or district; you are not in control; you are not there to clarify issues. It is definitely not a time to get on your soapbox. The goal of the deposition is simple from your perspective: answer the questions and do no harm.

By the time you are ready to start the deposition process, you will already have begun the litigation process by filing various documents. At some point, your attorney will notify you that opposing counsel wishes to depose you, to find out as much as possible about you and what you know related to the case.

The actual deposition usually takes place in the lawyer’s office with several people in attendance, including the opposing party’s attorneys and maybe the client. Your attorney should be with you to protect your rights. In addition, a court reporter will take down the conversation verbatim.

The opposing counsel will be gauging you as a witness, determining whether you will be credible at trial, whether a jury will like you and, more importantly, believe you. If the attorney concludes that you will make a good witness for the defense, he or she will likely want to avoid trial.

Getting Ready
Depending on the complexity of the case, you may want to start preparing for your deposition about a week before the scheduled date. By preparing any earlier, you may risk forgetting the information that was covered; preparing closer to the date may significantly increase your anxiety level.

A good attorney will thoroughly review all documents related to the case: all the pleadings, the complaint, the answer, and any expert designations. This information will

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You’ve Been Served: Surviving a Deposition

By Nan Wodarz, Ed.D.
help you fully understand the background of the case and why you were deposed.

Your testimony at the deposition must be consistent with all previous testimony and signed, sworn statements. If testimony is inconsistent, your credibility will suffer.

With the help of your attorney, try to anticipate the tough questions and prepare answers for them. Ask your attorney to question you in the same manner that opposing counsel would. Learning to respond under pressure, in a confrontational setting, will help you prepare for the stress you will experience on “game day.”

Although the actual deposition is less formal than a court appearance, it should still be treated with the same level of seriousness. Dress as you would for court or a job interview. Make sure to get a good night’s sleep and set up the necessary safety measures to ensure that you arrive at the designated location on time. Being late is not an option.

**Interacting with the Attorneys**

Your attorney will remind you that you are “on” any time the opposing counsel is present. Make sure you are mentally prepared to begin. Then follow these tips.

- **Don’t be intimidated.** Clearly, the whole process is intimidating, but come in confident and ready. Remember, everyone is there to complete a business transaction.

- **Don’t tell little white lies.** This tip is especially important if you are prone to exaggeration. Your testimony must be correct. Any white lies will come back to haunt you. The deposition is conducted under oath and is the equivalent of court testimony. A person who doesn’t tell the truth during a deposition can be cited for perjury.

- **Follow your attorney’s advice.** Many people get into the heat of the situation and stop listening to their attorney. This is a time when you do not know best. So even if you disagree with your attorney’s advice, follow it anyway and then discuss the issue privately.

- **Don’t expect your attorney to do a lot of hand-holding.** Your attorney may interject to get clarification or to lead you to a more clear answer if he or she believes your answer was too vague. However, most of the time, he or she will be quiet.

- **Pause before answering.** After you are asked a question, wait several seconds before responding. This pause will allow your attorney to object to the question if appropriate and will give you time to gather your thoughts.

- **Speak clearly, using proper grammar.** Don’t say um, ah, yeah, or nope because all utterances will be transcribed exactly. Pauses are not recorded, so take your time answering.

- **Listen to the entire question.** Don’t try to anticipate the question or interrupt the attorney. Listen for categorical words like always, never, all, every, or none. Responding to questions with these words can be problematic.

- **Ask for clarification.** Never answer a question that is unclear. Ask the lawyer to rephrase the question or, if the question has multiple parts, to restate each part as a separate question.

- **Don’t guess at an answer.** If you have trouble answering a question, don’t guess. Rather, say, “I cannot recall” or “I do not remember.” There is a difference between these responses and “I don’t know.” This distinction is especially important when asked to estimate time or distance. If you must answer, use the phrase, “My best estimate is. . . .”

- **Answer only the question that was asked.** For a variety of reasons—like pent-up anger, a desire to be in command, nervousness, or a need to impress the lawyer—people who are being deposed often offer boundless information. Random information that does not directly address the question may lead to the discovery of additional information that is counterproductive to the case. Do not elaborate or volunteer information.

- **Don’t argue or use sarcasm or flippant remarks.** Opposing counsel may attempt to provoke you. Don’t play into his or her hands as it might indicate that you will behave the same way at trial, which could work in his or her favor.

- **Relax.** If coffee makes you jittery, skip it that day. Arrive comfortable and ready to go. A cordial, professional manner will go a long way toward helping your cause.

- **Don’t write or draw anything.** There are no rules that require you to draw a picture, diagram, or map, even if opposing counsel asks you to. Anything that is written during the deposition may become part of the permanent record. And unless you are a gifted artist, you will likely make errors in content or scale that could be problematic in the future.

- **Take a break.** As long as a question isn’t pending, ask for a 10-minute break. Sometimes it is a good idea to break once an hour so you can find out how you are doing and get advice from your attorney.

- **Don’t chat.** When taking a break at the beginning or end of the deposition, avoid chatting with the opposing parties or within their earshot. They are alert for any information that can help them, and your job is to give them as little information as possible. Remember, you are never “off the record.”

**Types of Questions**

Attorneys have an arsenal of questions. An overview of the types of questions they may ask will be helpful.
**Sandwich questions** are three-part queries consisting of a compliment, the actual question, and a closing compliment. For example, “Mr. Smith, I notice that you are the senior director of human resources and you are president of the local HR Association. Please give us an overview of the major objectives of your affirmative action program. Also identify how your program has served as a model for other firms.” Flattery and criticism are tools used to sway the answers based on emotion. When a general question is asked, give a general response.

**Close-ended questions** limit the range of responses so the lawyer can obtain specific answers. For example, “Did you write this memo dated January 15, 2008?” Do not immediately answer the question, even if you know you wrote the memo. Ask to see it and read it before answering the question in its narrowest form. If you wrote it, dictated it, or composed it, you will simply answer “yes.” Say no more.

**Open-ended questions** cannot be answered with a simple yes or no. This questioning strategy is effective because it takes advantage of people’s desire to talk, often revealing important information. For example, “Please describe the performance appraisal system.” This is a general question so the response should be general as well. A good response would be, “A written performance evaluation is conducted on each employee once a year. After the evaluation is made, it is discussed with the employee and the evaluation becomes part of the employee’s permanent record.” If more specific information is needed, you will be asked.

**Machine-gun questions** are simple queries, fired in rapid succession, that require quick, simple answers. You get into a rhythm of question and answer and if you stop thinking before you answer, you may suddenly find yourself having to dig out of a hole.

**Compound questions** require two-part answers. This type of query puts additional stress on you in that you will need to separate the questions and then answer each individually. Request that the attorney ask each question separately.

**Probing questions** look for more details on something you said previously. For example, after answering a question you may be asked, “Why did you say that?” This type of question is like a fencer’s foil thrust forward in hope of drawing blood. The best defense is to deflect the thrust. Respond, “Because I thought it was important.”

**Leading questions** are worded to elicit the desired answer. They may begin with, “Isn’t it true that . . .” or “Would it be fair to say. . . .” Think carefully before answering and give your attorney time to object.

**Loaded questions** address key points in the lawsuit and may possibly damage your case. In fact, a loaded question is often preceded by a true comment so the implication of the answer is easy to recognize. You should ask your attorney to try to anticipate any loaded questions that may be asked and practice answering them.

**Nonquestions** are actually statements followed by a pause. It is easy to presume that a question was asked and attempt to answer it. Always listen for the question; if the attorney makes a statement and pauses, ask, “What is the question?”

**Hypothetical questions** speculate about a given condition or situation. These questions often begin with phrases like, “Let’s assume that you . . .” or “If you were in his position. . . .” These questions have no place at a deposition. If you allow the proper wait time, your lawyer will undoubtedly object. If there is no objection, try to deflect the question using a phrase like “I have too little information on which to make a decision.”

**After the Deposition**

A few weeks after the deposition, your attorney will receive a copy of the transcript. You have the right to review and amend the transcript. The recorders are human and may have made an error, which you will want to correct. You should request a copy and read it carefully. If you notice any inconsistencies, let your attorney know right away.

You don’t “win” a deposition. The best you can hope for is to survive and do no harm.

Nan Wodarz, Ed.D., is the director of the Robinson School in Condado, Puerto Rico. Email: nwodarz@robinsonschool.org
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Automated Employee Training: Efficiency and Effectiveness

By Laurie Boedicker

New legislation or modifications to existing federal and state education legislation often mandate more training for district staff and more documentation to prove compliance. These regulations come with heavy penalties for non-compliance; yet these initiatives are usually unfunded, thus making it difficult to ensure that staff members receive the training they need.

Highland Local Schools in Ohio faced these challenges during the past couple of years. In addition to providing standard training “refreshers” about issues such as bloodborne pathogens, sexual harassment, and hazardous materials, Highland had to provide expanded safety and violence prevention training in accordance with legislation enacted in 2007. According to House Bill 276, elementary certified staff required training in child abuse detection, violence prevention, substance abuse prevention, and positive youth development.

Highland is a small school district, so it is difficult to coordinate design and delivery of this kind of training. Responsibility for executing these legislative mandates tends to funnel down to one person who is already stretched thin.

**Responsibility for executing the mandates issued by different state or federal agencies tends to funnel down to one person.**

The challenge intensified when the district had to comply with two 2009 state laws: House Bill 1, which expanded HB 276 to include middle and high school certified staff; and House Bill 19, or Tina’s Law, which extended the safety and violence prevention training for staff to include the identification and prevention of teen dating violence.

Employees must complete at least four hours of the in-service training within two years after beginning employment and every five years thereafter.

This situation became a challenge for Highland because we do not have the resources to hire an administrator for personnel. To address this need, we replaced most of our live, site-based, training with online staff development.

**Going Online**

Highland Local Schools introduced online training to faculty and classified staff in August 2009. It proved to be the right choice for our school district. Initially, we had concerns about the online training, such as whether staff members would be able to work comfortably with the online technology and whether these Web-based courses would be effective.
School districts have lagged behind other industries, businesses, and professions in using online technology to streamline important functions, such as training. However, only 3 of more than 350 staff members requested assistance and there were no negative responses to moving the live training online.

Much has been made of the fact that while today’s students are digital natives, the adults running schools are best described as digital immigrants. To address the concern that district staff might be uncomfortable with the technology, we provided a brief demonstration of how the new system worked. Once participants learned how to log in using their unique passwords, they found the point-and-click format easy to navigate.

With regard to the effectiveness of online training, individuals who had attended training in the 2008–09 school year said the new online model was much more engaging.

School districts have lagged behind other industries, businesses, and professions in using online technology to streamline important functions.

Highland previously used a train-the-trainer model for all professional development. The district sent a team of teachers for training and then had those teachers train the rest of the staff. However, staff members admitted that when they were sitting in a room listening to the annual refresher course on bloodborne pathogens, they didn’t pay attention.

The online courses require users to interact with the content, which means they need to focus in order to get to the end of the module. With the online courses, users can quickly review the information they already know and concentrate on the information they had not retained, which is the purpose of a refresher. The built-in questions checked for understanding and documented more than seat time.

All assigned modules met with the approval of in-house experts. For example, our head school nurse examined the system’s courses on first aid, students with diabetes, seizures, and so on.

Time Savings and Compliance

The state set a deadline for staff to complete the refresher courses and the new safety and violence prevention training, so Highland had to ensure that all teachers were trained by that date. The new training system provided five modules so teachers could do one module per week. Since part of the training time window was during the winter break, staff members could train at their own convenience.

Employees who were on leave received emails with links to their compulsory courses so they could fulfill their training while they were home. The new system also allowed employees hired in the middle of the school year to complete the training within a limited time window to ensure compliance with the laws.

We previously had to spend a great deal of time manually verifying the participation of each staff member. Now the system automatically tracks who completes a particular course, and at the end of the year, we print out specific tracking reports to send to the appropriate agency or file as required. Using the capabilities of its new system, Highland Local Schools achieved 100% compliance with its training requirements in the 2009–10 school year.

School districts receive little if any guidance from relevant state agencies regarding the implementation of policies and training. In these days of shrinking budgets and staff, it is imperative that administrators find the most efficient methods for delivering quality professional development and documenting compliance.

Highland Local Schools has realized the benefits of automated online training, which frees up administrators’ time and resources so the district can continue to focus on improving student achievement.

Laurie Boedicker is director of curriculum and instruction for the Highland Local Schools in Medina, Ohio. Email: boedicker@highlandschools.org

EFFECTIVE ONLINE TRAINING

Here are some points to consider when implementing online training systems in your school district:

• Look for a vendor who closely monitors existing and new state, local, and federal education legislation.
• Ensure that the online modules are easy to use. We arranged the demonstration as a precaution, but most of our staff would have been able to click through and complete the modules without the demonstration.
• Make computers available so employees can access the online courses and ask questions if needed. We plan open lab time during which staff members can complete the required training with assistance available.
These are challenging times for America’s schools and the people who run them. The pressure is on to raise test scores, improve graduation rates, and prepare students to compete in a global economy. But lower tax revenues, smaller budgets, and higher operating costs are just a few of the factors that are forcing schools to do more with less as educators strive to create a learning environment in which students, teachers, and staff can excel.

Complicating matters is the fact that the average public school building in this country is 42 years old and almost 75% of the nation’s schools were built more than 30 years ago. The Government Accountability Office estimates that 14 million American students—about one in four—attend schools in buildings that are unsafe or below standard.

Meanwhile, the National Center for Education Statistics says the number of students in U.S. schools will grow about 8% to nearly 60 million by 2018. Enrollment in some Sun Belt and Mountain states will increase by 20% to 30% or more in just a decade.

We cannot build ourselves out of the predicament caused by aging buildings, rising enrollments, and shifting demographics. But clearly, the solution includes building a significant number of new, energy-efficient, high-performance schools.

Building a Case

With an enrollment of about 7,600 students, Bryant (Arkansas) Public Schools serve a thriving bedroom community about 20 miles from Little Rock. Bryant made Money magazine’s list of the “100 Best Places to Live” in 2009; quality of education was one criterion the magazine considered in making the selection.

But despite performance that includes test scores 25% above the national average and a 2009 graduation rate of more than 87%, Bryant Public Schools faced challenges familiar to educators across the country. The student population has been growing about 3% per year, making Bryant one of the fastest-growing districts in Arkansas. By the early part of this decade, it became clear that Bryant needed to increase capacity to meet the community’s current and projected education needs.

“New schools aren’t built very often in small communities like ours,” says Richard Abernathy, Bryant’s superintendent of schools. “So when voters passed a 2003 millage increase to fund seven projects, including two new schools, we were determined to make the most of the opportunity. We wanted to build schools that create a truly exceptional learning environment for our kids. Every decision along the way has been made with that goal in mind.”

“Intuitively, we knew that ‘going green’ was the right thing to do,” Abernathy continues. “But to take that approach we needed to show that high-performance schools create a better environment for students and make economic sense for our community and taxpayers.”

Bryant officials created a compelling business case and gained stakeholder support to build Bethel Middle School, Arkansas’s first LEED (Leadership in Energy and Environmental Design) school. The district has since built a LEED-certified elementary school and construction is under way on an expansion to Bryant High School, which is also a LEED project.

Developed by the U.S. Green Building Council, LEED is a certification system that promotes the design and construction of energy-efficient, environmentally responsible buildings.

A Performance Edge

Even before voters approved funding for the new schools, Abernathy and his team began reaching out to key stakeholders, including school board members, state legislators, educators, and community members.

Abernathy and Assistant Superintendent Deborah Brück teamed up with an energy services company to assess the effect of green schools on student health, absenteeism, and academic achievement. There is a wealth of data tying factors such as HVAC (heating, ventilating, and air conditioning), lighting,
acoustics, and indoor air quality to an improved learning environment.

Bruick, who analyzed the link between high-performance schools and student attendance and achievement for her doctoral dissertation, approached the topic using the eight LEED criteria developed by the U.S. Green Building Council.

“I compared the perceptions of teachers from LEED-certified schools with those from schools that were not certified,” Bruick says. “Teachers overwhelmingly believe that the classroom environment affects learning and health. There are substantial differences in how teachers from LEED schools perceive the learning environment, particularly where indoor air quality and acoustics are concerned. They absolutely believe that the LEED schools provide a better environment for students and teachers.”

The correlation between high-performance schools and the bottom line is just as convincing. While the initial cost of building a green school is about 2% higher, that “green premium” is repaid many times over in the decades-long life span of a typical school. Coupled with building automation, lighting, and control systems, modern HVAC technology can help reduce a typical school’s energy costs by 30% to 40%.

The Green Approach

“Building a broad coalition of supporters was instrumental in our success in gaining approval to move forward with an expansion program based on LEED guidelines,” says Bruick. “We kept the school board apprised of our research activities and met regularly with board members to share our findings. When we were ready to move forward the board was behind us 100%.”

Abernathy included Bethel’s new principal and several teachers on the project design team, along with the architect, maintenance manager, commissioning agent, energy services provider, and other key players. He and Bruick began meeting regularly with board members, school administrators, teachers, parent groups, and other stakeholders to provide information about the benefits of building a high-performance school.

“We also reached out to members of the Arkansas State Legislature,” Abernathy says. “Deborah and I accompanied several legislators on a visit to a LEED-certified school in Texas so they could see the difference for themselves. They came back enthusiastic supporters of the high-performance concept.”

Collaborating with the Legislature

When it came time to finance the new building, Bryant Public Schools chose an innovative approach called a performance contract. Performance contracts enable school districts to fund new construction or building upgrades using future energy and operating cost savings.

“Arkansas law limited the use of performance contracts to energy improvements on existing structures,” Abernathy notes. “They could not be used for new construction. State Senator Shane Broadway was a member of our grassroots team and a huge advocate for building a LEED school in Bryant. He led the effort to get the law amended so we could use a performance contract to help finance the Bethel project.”

“The real value of a performance contract is that it considers the entire life-cycle cost of a project, rather than just the construction costs,” Abernathy continues. “First costs are really just the tip of the iceberg. To get a true picture you need to consider factors such as energy consumption and maintenance costs, along with the less tangible benefits of creating a better environment for students to learn and teachers to teach.”

When it opened in 2006, Bethel Middle School became the first LEED-certified school in Arkansas and one of just a handful in the nation. Among other features, the school’s design makes extensive use of natural lighting and acoustical panels to control noise. A highly efficient HVAC system works in concert with an automated building control system and sophisticated lighting and temperature sensors in each room.

Last year, Bryant Public Schools received LEED certification for a sec-
Social Responsibility

The two schools are expected to save taxpayers $19.8 million in energy and related costs over their projected 50-year life cycle.

“Our experience in Bryant is unique,” Abernathy says. “Many school districts face the same kinds of challenges that we faced and that we continue to face. Choosing a high-performance LEED approach to new construction was an obvious decision for us. Once they have done their homework, I think most districts will make the same choice.”

My advice is to learn all you can, make sure you involve your key stakeholders, keep the lines of communication open and—above all—consider the impact of every decision on the students.”

Bill Harris is the vertical market leader responsible for Trane’s K-12 and higher education business segments. © Trane

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Janis M. Prehn, Bloomingdale School District 13 (IL)
Opening Multiple Tabs in IE

By William Flaherty

Do you visit the same website regularly? You don’t have to type in the address every time you launch Internet Explorer. Here’s a short cut to opening multiple tabs.

2. In the Home Page box, type in the address (URL) for each website you would like to open whenever you launch Internet Explorer. You are not limited to any particular number. Type one address per line.
3. When you are done, click on Apply at the very bottom of the box.
4. Now close out Internet Explorer and re-launch. Each website has a designated tab, so click away!
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Follow the Lead

By Margit Weisgal, CME

There’s an adage about follow-up: “You are only as good as your last contact.”

So if you make a commitment at a trade show and never do anything about it, your credibility is lost.

What do you do with all those leads you collected during the last trade show? Did you stick them in the packing case with the booth as they were rolling up the aisle carpet or did you review them each evening, make notes, and put them in your briefcase—close at hand?

For the best follow up, you should start with an effective way to trap the information you collect at the show. Don’t rely on a scrap of paper or the back of a 2” x 3” business card. Instead, create a customized lead form for your own personal use. The time and expense involved in doing this is insignificant—you can use any computer word processing program—but the value is indisputable.

The lead form captures the contact information and details about the customer; it acts as a guide to asking the right questions before a presentation.

Creating this form is simplicity itself. The difficulty lies in determining beforehand what information is necessary for productive follow up. Certain requisites are elementary to every version: name, company, title, address, and other contact information. You can attach a business card to the form or complete it by hand.

Now, decide what you need to learn about a prospect or customer. One supplier only wants to work with customers who are located within a five-state region. Others might have national reps or customer service personnel and want to code the information so it can be passed on easily and tracked by the appropriate person. Some have minimum purchase requirements. Still others might prefer to work with distributors who have lots of sales people. Your requirements are yours alone. You just have to be able to define them.

If you have several product lines, you’ll need information about which products your prospects were interested in. Are sample kits available? Did they order one? Or several? Or specific samples? Is there a case study you need to send? Allow space for all this information on your form.

Somewhere near the bottom of the form, have a place to rank the contact. After the show, this will let you separate the leads into piles of those who need immediate attention—within 24 hours—and those who can wait a few days.

Probably the most important area is the space for “comments.” This is where you trap information that doesn’t fit any category, but might be the make-or-break difference.

Finally, put in an area that details what follow up actually happened after the show. For example, on what date did you send information? When did you follow up with a phone call? Was an appointment scheduled? What resulted from the phone call or appointment?

Remember, you are only as good as your last contact. The more you care about your customers, the more they’ll care about you. If you want to grow a great business, make sure your trade show contact is a seedling that sprouts.

Margit Weisgal, CME, is president and CEO of the Trade Show Exhibitors Association (TSEA).

About TSEA
Since 1967, TSEA (www.tsea.org) has been providing knowledge to marketing and management professionals who use exhibits, events and face-to-face marketing to promote and sell their products, as well as to those who supply them with products and services. Members benefit from access to education, networking, resources, advocacy and member-only discounts on products and services that all exhibit and event professionals use. To register for any TSEA education program at the member price or to join TSEA and enjoy the benefits all year at the discounted show rate please use promo code: XYZ SHOW
Spotlight on Brenda Burkett: Innovation in Oklahoma

Taking on her new role on the ASBO International Board of Directors is one more way that Brenda Burkett, chief financial officer for Norman Public Schools in Norman, Oklahoma, believes she can give back to the field. Now in her 20th year with the district, Brenda feels lucky to have found a community that staunchly supports education at all levels, from preschool through post-secondary. She explains that Oklahoma has been a leader in early childhood development: full-day kindergarten was implemented several years ago, and programs for four-year-olds are being established. A few districts are even reaching to set up programs for three-year-olds. At the other end of the education spectrum, Norman is home to the University of Oklahoma, with which the district enjoys a collaborative relationship.

Like many districts, Norman Public Schools struggles with a lack of education funding. Because up to 65% of funding comes from the state, schools are dependent on the state economy.

A State Question (SQ 744) on the ballot this November is the reason for much debate. SQ 744 would change the state’s constitution to require that public schools be funded at least at the same level as public schools in surrounding states. Many feel that if this passes, education will get more funding to be at the regional average per-pupil spending, but that will occur at the expense of other state agencies providing for state needs.

“Our state funding pie just is not big enough,” Brenda says. “We need this State Question to pass. Oklahoma’s children deserve to have the necessary tools to be successful—small class sizes, high-quality teachers, and up-to-date materials and technology. But the legislature also needs to address ways of increasing state revenues.”

Despite the challenges, the district continues to set and achieve important goals. It has received the Excellence in Financial Reporting Award from the Oklahoma State Department of Education three times in recent years.

Brenda, too, has set her goals high to improve different aspects of Norman Public Schools. Three years ago she launched a project that resulted in improved in-school health services for district students. Through a partnership with Norman Regional Hospital, the project provided 22 health care professionals to work in district schools that previously had shared only four health professionals among the district’s 14,500 students.

The innovative program has the potential to serve as a nationwide model and earned Brenda a Pinnacle of Achievement Award in 2008.
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