

NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation



Office 549 Court Street Reno, NV 89501
Mailing PO Box 14855 Reno, NV 89507
Phone 775/657-8411 Fax 775/453-1017

Supporting Success for All Students
through Local School Board Leadership



A Message from NASB's President



I want to begin this month's newsletter with a special thank you to all of the 52 school trustees and superintendents who attended the POOL/PACT and NASB School Safety Workshop in Carson City. We began the afternoon with a special welcome from Carson City Mayor Bob Crowell—himself a former school trustee. Each of the speakers gave us plenty of new information and food for thought as we consider additional safety measures for our school districts. I especially appreciated hearing from Salvador Arias [Kern County School District] about how social workers could be more effectively integrated into our school safety planning and from Theresa Campbell [Safer Schools Together] about digital threat assessment. We appreciate the opportunity to work with POOL/PACT collaboratively on this training and look forward to future opportunities for joint professional development.

Unfortunately, our dialogue about school safety issues will continue. We still have work to do to ensure that all of our students are safe at all of our schools all of the time.

Since the April newsletter, I have attended the National School Boards Association—along with more than fifty other Nevada educational policy-makers and staff. Wade Poulsen [Lincoln], Dr. Linda E. Young

[Clark], and I represented Nevada at the Delegate Assembly. You will read more about this later. Ty Mizer [Lincoln] and Dawn Miller [Storey] served on two of the important committees assisting the Delegate Assembly. I heard a number of powerful speakers who inspired me to return to Nevada with a renewed focus on success for all of our students.

You should have received the 2018 Nomination Forms in early April. We have provided Nomination Forms to each Director, member of the Executive Committee, board president, and board administrative assistant. Although the Award Ceremony will not be held until November 17 in Las Vegas, now is the time for us to think about nominating those individuals or organizations who have helped our school districts provide greater opportunities for students and staff. Sometimes an individual works behind the scenes and doesn't often hear the words "thank you." This is a perfect way to show the board's appreciation by nominating him/her for one of the Association's Awards. I encourage you to get started on this early because the August 15 deadline is just around the corner.

We are approaching one of the busiest times of the Legislative Interim. All of the Interim committees have begun to hold meetings. These meetings will continue over the summer until August when Bill Draft Requests will be determined. Please be sure to read the updates and meeting notes that Jessica Ferrato and Paige Barnes [Crowley & Ferrato] provide. If you have questions, please send those to NASB's Executive Director, Dotty Merrill. We are working on a document for school trustees to use in conversations with legislative candidates and hope to get that to you soon.

Thank you for all of your work on behalf of Nevada's students attending public schools in our communities.

Sincerely,
**Stacie
Wilke-
McCulloch**
NASB President



NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

Plan Ahead for NASB's 2018 Conference

November 16-17
Orientation—November 15
Las Vegas—South Point Casino
Hotel & Spa



Deadline for Award Nomination Forms—
August 15, 2018

Angry and Fearful Parents Lash Out at School District over Parkland Shooting

By Corey Mitchell



More than two months after the Valentine's Day mass murder of 17 students and educators at Marjory Stoneman Douglas High School in Parkland, Fla., fear and rage continues to grip a school system still reeling from the incident's aftermath.

During a public safety forum held Wednesday [April 18] in the Broward County school district, shaken

students and enraged parents and educators appealed to school leaders to protect campuses from violence, demanding fixes for what they consider lax security, the district's indifference, and failure to act to stop the former student who brought an AR-15 onto campus and killed and injured dozens. But many of those who spoke out had vastly different solutions for what should be done, turning the often emotional forum into a microcosm of the polarizing national debate on gun regulations, school security provisions, and mental health services designed to prevent mass shootings.

A number of those who addressed school leaders did, however, share a common concern: a district program designed to help troubled students has not lived up to its promise.

The diversionary program, called PROMISE, created by the district as part of a 2013 agreement with law enforcement agencies to clarify when to involve officers in student discipline came under fire along with the district's behavior intervention program, for students who return to district alternative school campuses after committing crimes.

While two former students stood to speak about the program's benefits, many parents and educators argued that PROMISE, and other district programs, have created a pipeline for troubled students to re-enter schools often without proper intervention from law enforcement or mental health services.

Broward County Superintendent Robert Runcie pushed back against criticism of the district's discipline plan, which has become a major focus of debate in Washington as the Trump administration weighs whether it will revise or revoke Obama-era rules on school discipline.

That guidance—jointly issued by the U.S. Departments of Education and Justice—warned schools that they may violate federal civil rights laws if they enforce intentionally discriminatory rules or if their policies lead to disproportionately higher rates of discipline for students in one racial group, even if those policies were written without discriminatory intent.

Runcie told those in the audience that there was much misinformation circulating about the PROMISE program. Runcie plans to address questions about the program during a May 7 public forum.

During the forum Wednesday night, district leaders provided information and updates regarding school safety measures, state funding, counseling and support services for students and employees, and how the district plans to spend funds from a 2014 school board referendum to upgrade school security.

NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

At the forum, students, parents, and teachers argued that the steps taken now have come too little, too late and that they still don't feel safe.

From a Stoneman Douglas student who said his school—now subject to extra law enforcement presence and security measures—feels like a prison to a student who commented that she bypassed those security checks. Dozens of people with ties to the school shared stories of how the shooting has shattered their innocence and sense of security.

Wednesday's meeting marked the first of several forums the district plans to host as it looks to gather community feedback and suggestions on how to secure its schools and help students and families feel safe again. Runcie told audience members that safety begins with a focus on the well-being of students, families and employees and how survivors from similar incidents at Columbine High and Sandy Hook Elementary schools have lent support to Broward County.

The superintendent disclosed a personal and painful story of how his mother was shot in a hate crime when he was 8 years old and how he struggled in the aftermath of that incident without counseling. He acknowledged that, in a rush to protect the students still at Stoneman Douglas, the district didn't attend to the needs of families who either lost loved ones or had loved ones suffer serious injuries in the rampage.

Responding to dozens of questions, Runcie asked for "understanding and grace," as the district continues to search for solutions and responses to the shooting. [This article originally appeared in Education Week's online blog *Rules of Engagement*, April 18, 2018.]

Justices Seem Divided on Collecting Taxes from Out-of-State Sellers

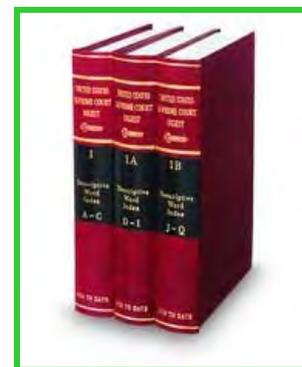
By Mark Walsh

The U.S. Supreme Court appeared divided on Tuesday [April 17] on whether to overrule a 26-year-old precedent that limits when states, school districts, and other jurisdictions may collect sales tax on out-of-state purchases by their residents.

There are billions of dollars in potential new revenues at stake in *South Dakota v. Wayfair Inc.* (Case No. 17-494), in which the justices are considering whether to maintain a rule that bars the states from levying tax

on out-of-state sales unless the seller has a physical presence in the state, such as a store or warehouse. That rule came from the court's 1992 decision in *Quill Corp. v. North Dakota*.

"There are two very significant consequences brought about by *Quill*," Marty J. Jackley, the attorney general of South Dakota, told the court during oral arguments. "First, our states are losing massive sales tax revenues that we need for education, health care, and infrastructure. Second, our small businesses on Main Street are being harmed because of the unlevel playing field created by *Quill*, where out-of-state remote sellers are given a price advantage."



The state in 2016 enacted a law designed to challenge the Supreme Court precedents that established the physical-presence rule, including *Quill*. That decision was rooted in an era of mail-order catalogue sales. Since then, Internet retailing has exploded, and states say they are missing out on at least \$8 billion and as much as \$34 billion annually in sales taxes from remote sellers.

South Dakota is joined by a friend-of-the-court brief signed by 41 other states (45 states and the District of Columbia have sales taxes). Several education groups have joined a similar brief filed on South Dakota's side by the National Governors Association. South Dakota, however, ran into immediate concerns from several justices about the impact of overruling the physical-presence rule.

Justice Sonia Sotomayor asked about the possibility that some states would seek millions of dollars in retroactive sales tax from out-of-state sellers. She also expressed concern about the costs of tax-compliance software, which South Dakota and its allies contend make it much easier for sellers to comply with tax obligations from some 12,000 taxing jurisdictions nationwide.

NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

"There are lots of costs inherent" in purchasing such software and keeping it updated, Sotomayor said. Justice Elena Kagan noted that Congress had not moved to overturn *Quill* in the 26 years since it was decided. Even though the court's rulings were constitutional ones under the commerce clause, the court's jurisprudence in this area would allow lawmakers to come up with an alternative to the physical-presence rule.

"This is a very prominent issue which Congress has been aware of for a very long time and has chosen not to do something about that," Kagan said, which should give the court pause about disturbing it.

Deputy U.S. Solicitor General Malcolm S. Stewart, arguing in support of South Dakota, said the court in *Quill* "was not saying anything one way or the other about the role of a pervasive Internet presence in establishing sufficient contacts with the state to allow for the collection duty."



George S. Isaacson, a Lewiston, Maine, lawyer representing three web retailers who argue for keeping the physical-presence rule, said "small- and mid-size companies will be deterred from entering the market" if the court overrules the requirement from *Quill*. Some justices appeared more sympathetic to South Dakota's position.

Justice Neil M. Gorsuch said the retailers' concerns "seem a little antiquated today."

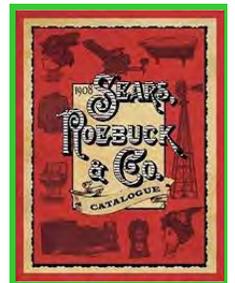
"Why should this court favor a particular business model?" Gorsuch asked Isaacson.

The retailers' lawyer said that state borders and sovereignty were important.

Justice Anthony M. Kennedy, who voted for the *Quill* decision but essentially invited the challenge to it in a 2015 concurrence in another tax case, asked few questions, but he did refer to the changes wrought by the "Cyber Age."

Justice Stephen G. Breyer said he found strong arguments on each side, and to help himself decide which was right, he wondered, "What does it cost for a mandolin seller who sells mandolins on the Internet to sell them in 50 states? How much does it cost him to enter that market?"

And while some of his colleagues bandied about the names of web retailers such as Amazon and Etsy, Breyer wondered about how much it had cost "Sears, Roebuck" to enter the national market.



Breyer seemed to discount the recent struggles of the classic American catalogue and department store retailer.

"You know, that's an ancient name, but they did all right," he said.

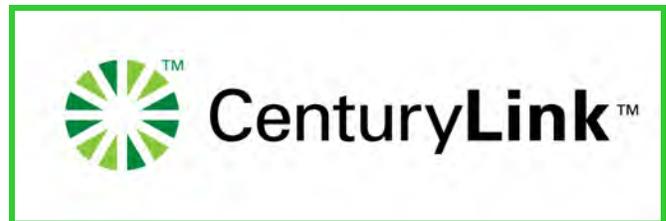
A decision in the case is expected by late June. [This article originally appeared in Education Week online blog, *School Law*, April 17, 2018.]

**NASB Joint Teleconference
Board of Directors and
Executive Committee
May 21, 2018 at 700pm**

NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

**SPECIAL THANKS TO THESE CORPORATE FRIENDS—
SUPPORTING THE ACTIVITIES OF THE ASSOCIATION**



NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

NASB Representatives Participate in NSBA Delegate Assembly

On Friday, April 5, representatives from fifty states participated in the NSBA Delegate Assembly. Nevada representatives were Wade Poulsen [Lincoln], Dr. Linda E. Young [Clark], and Stacie Wilke-McCulloch [Carson City].



A total of 141 representatives were seated by the Credentials Committee [including Dawn Miller, Storey]. In this group, more than 65 had served more than ten years on their local boards. Small towns, suburbs, and rural representatives outnumbered urban representatives. Fifty-four percent of representatives were male; forty-six percent were female. Sixty-eight percent of representatives were older than 55.

A number of amendments to the NSBA **Beliefs and Policies [B&P]** document were recommended for adoption.

There was extensive discussion about a number of amendments that proposed to include "gender identify" among existing B&P sections. The proposal related to Equality of Employment (Article II, Section 2) passed 70% to 30%.

Other discussion focused on new language for Article II, Section 3.8—Commitment to Diversity and Equity. This new section sets forth NSBA's opposition to hate speech, hate crimes, hate motivated crimes, and violent acts. After elimination of a controversial sentence focused on the "elimination of hateful thoughts," the new language passed 88% to 12%.

A number of proposed Resolutions were also considered. Resolution R-5 focused on principal and teacher effectiveness, urging Congress "to retain federal policies to provide loan forgiveness for teachers and principals who serve in public schools...."

R-26 focused on equal treatment of educators, urging Congress "to permanently repeal the current Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) to the Social Security Act and to replace it with a fair formula to (a) provide equal Social Security benefits that were earned by educators who paid Social Security taxes at some point during their careers and (b) guarantee educators receive the benefits they earned while they paid into Social Security."

The Delegate Assembly began at 830am and ended about 430pm. At several points, when disagreement arose about voting via electronic clickers, votes signaled by giant paddles were counted physically by the Sergeants-at-Arms Committee [including Ty Mizer, Lincoln]. Although it was a long day, it was productive in that the representatives have determined NSBA's direction for the next year as well as charting a course for Congressional lobbying.

Principals and Superintendents Who've Been through School Shootings Tell Congress What They Need

By Denisa R. Superville



More funding for mental health and behavioral training for teachers and school employees. Additional money to help districts recover in the aftermath of a school shooting.

The creation of a central entity on the state level to oversee school safety. Hearings with experts on the

NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

best ways to secure buildings so that schools are actually safe without their coming to look and feel like prisons. And efforts to allow schools and law enforcement to work together on planning for school shootings and share information on potential threats.

Those were some of the suggestions school and district leaders who've experienced the trauma and devastation of school shootings had for Congress and other elected officials during a panel Tuesday [April 16] on school safety hosted by the National Association of Secondary School Principals. The principals and superintendents shared their experiences leading schools after shootings, what worked in their communities and the needs that still linger.

Dale Marsden is the superintendent of the school district in San Bernardino, Calif., where two terrorists killed 14 people about two miles from a district elementary school in 2015, and where, in 2017, the estranged husband of a special education teacher shot and killed his wife along with an 8-year-old boy at North Park Elementary School.

The district received \$69,000 from Project SERV, a federal grant to help districts and schools recover from traumatic events, after the North Park shooting, but so far, the district has spent more than \$5 million on school safety, training, mental health support, and on facilities, Marsden said.

Safety is large 'unfunded obligation' for districts

"School safety has now become our district's largest unfunded obligation," Marsden said.

The call for increasing the Project SERV grant was repeated by George Roberts, who was principal of Perry Hall High School in Maryland's Baltimore County where one student shot another student in the cafeteria during the first day of school in 2012. Nearly six years later, teachers still call him whenever there is another school shooting in the U.S., Roberts said.

Roberts said there needs to be more programs to support educators in the aftermath of a shooting. One such program could fund a kind of "quick response" team that would reach out to principals and district leaders to provide guidance on what to expect and how to rebuild a positive climate and supportive school culture after a shooting.

Principals and superintendents who've experienced school shootings already do this informally. "We are not trained as first responders, we are trained as educators," he said.

Marsden also floated the need for a central state agency in charge of school safety.

A large district with about 50,000 students, San Bernardino had many of the resources in place that it needed to help recover, he said. But he imagines that it would be much more difficult for a small district to navigate a shooting and the aftermath without any services from state agencies.



Marsden said there is a role for the federal government to play in ensuring that there is an agency at the state level that would provide help to districts after a school shooting, similar to the way the Federal Emergency Management Agency springs into action after a disaster.

"When you have an incident at a school site, there needs to be a mechanism that deploys resources," he said. He cited Maryland's Center for School Safety, which was established in 2013, as an example. According to the center's website, the center shares best practices, provides technical assistance and training, and collaborates with local systems and law enforcement on issues related to school safety.



A U.S. Air Force veteran, Marsden is opposed to arming teachers and supports instead more training on positive behavior intervention and support to help students who may be in crisis.

"We simply must know how to be responsive to the needs of our community and our children," Marsden said. "We are not wired to do this naturally. It's not something we signed up for in public education. We

NASB News Update--May 2018

News from the Association, Nevada, and Across the Nation

need to have tools and mechanisms to better prepare us for this work."

Schools and law enforcement need to train together

Warman Hall, the principal of Aztec High School in New Mexico, where two students were killed when a former student entered the school last December and started shooting, called for more money through Title IV of the Every Student Succeeds Act to help districts with school safety and mental health training.

In the months since the shooting, there have been multiple offers in the community to help with counseling, but he said there is a dearth of mental health providers in the community.



He's a big proponent of making it easier for law enforcement officers and schools to collaborate—on training for school shooting exercises and for law enforcement to be able to use the schools for such training. And he thinks that collaboration between schools and local emergency management should be a factor in funding for the Federal Emergency Management Agency, or FEMA. Hall also thinks that armed officers in schools should not simply be another armed presence but should be there to build relationships with students and be part of their lives. Hall also said that law enforcement officials—from the Federal Bureau of Investigation to local law enforcement—should be able to sit down with school officials to talk about potential threats in the community and that school officials should be able to go to law enforcement about concerns that may require a police response.

U.S. Rep. Ted Deutch, a Florida Democrat whose district includes Parkland, Fla., where a former student killed 17 people in a high school massacre on Feb. 14, gave credit to the students from Marjory Stoneman Douglas High School and the movement they ignited after their school shooting. He ticked off the list of legislative changes related to guns and school safety that have been made both in Florida and in Washington since the students started their advocacy.

While adding that those measures were not enough, Deutch said that he was hopeful that the students will be victorious in changing gun laws.

"They are going to change the gun laws," he said. "They are going to continue the conversation. We are going to have universal background checks. It may or may not happen before the end of this Congress, but we are going to have universal background checks, something that 90-plus percent of the people in the country support."

And Billy Wermuth, a student at North Penn High School in Lansdale, Pa., who serves on the NASSP's Student Leadership Advisory Committee, echoed the sentiment. "We are not waiting our turn, we are here to take our turn," he said. "My generation is raising its voice now because we will be part of the solution. We know that if we don't solve manageable problems today we're doomed to face massive problems tomorrow. We hope policy makers will be open to hearing us if not because of our ideas, but because four million of my peers will turn 18 before the November elections."

The panel discussion was "aimed at providing real world context for policy discussions on school safety on the hill and in state legislatures," said JoAnn Bartoletti, the executive director of the National Association of Secondary School Principals.

"When the cameras are gone and the well-wishers leave, principals are the ones who are left behind to rebuild their schools and communities," she said.

[This article originally appeared in Education Week online blog, District Dossier, April 17, 2018.]

