

# THE ADVOCATE

## Training Meets a Variety of Board Member Needs

In 2005, there have already been four training opportunities for New Mexico school board members.

NMSBA's Board Institute was held February 10<sup>th</sup> and 11<sup>th</sup> at the Courtyard by Marriott Hotel in Santa Fe. Justice Serna of the NM Supreme Court swore in newly elected board members. Some of the topics in the general sessions included a presentation from Nation School Boards Association President George McShan on "Ethics in Board Leadership," a panel presentation on the Baldrige in Education Initiative, and a 2004 NM legislative update and capitol visit. More than 300 board members attended this winter conference.



*Networking at the Celebrating Opportunities for Hispanic Students Conference in San Antonio. NMSBA President-Elect and NSBA Hispanic Caucus President-Elect, Lilliemae Ortiz; NSBA President George McShan; NMSBA President Vicki Smith; NMSBA Past-President and NSBA Hispanic Caucus Chairperson, Joe Guillen.*

Executive Director and George McShan, President of the National School Boards Association were also present to extend NSBA greetings and a short message.

The National School Boards Association Annual Convention was held April 16-19 in San Diego, CA. In addition to offering an amazing selection of topical programs on everything from Accountability, Technology, and Continuous Improvement, the conference also offered attendees the chance to see over three hundred exhibitors, and participate in a golf tournament and a 5K Run (Won by Pecos School Board Member Victor Ortiz's son, Patrick, age 16. Victor came in 16<sup>th</sup> and fourth in his age group, too). Some general session presentations at Annual Convention included Nobel Peace Prize Winner and former Leader of the Soviet Union Mikhail Gorbachev, political pundits The Capital Gang – Mark Shields, Robert Novak and Al Hunt, and surgeon and philanthropist Benjamin Solomon Carson, M.D.

And finally, training opportunities were offered at the NMSBA Spring Region Meetings. A school in each of the eight regions hosted and provided a meal and education program worth training credit.

The Celebrating Educational Opportunities for Hispanic Students, a cooperative conference between the state school boards associations of Arizona, California, New Mexico and Texas, was held March 4-6 in San Antonio, TX. Approximately 60 New Mexico school board members attended. The general session presentations included San Antonio Mayor Henry Cisneros speaking on the "Hispanization of America" and the need for an increase in college educated Hispanic students as their population increases. Another guest speaker was Richard Rodriguez, author of *Hunger Memory: The Education of Richard Rodriguez*, a book that remains controversial for its skepticism regarding bilingual education and affirmative action. There was a student luncheon with four students representing each state – Robert Trujillo a graduate of Mesa Vista High School, UNM undergraduate and graduate student of Texas A & M spoke eloquently on behalf of New Mexico. Anne Bryant,



*NMSBA Past President, Randy Manning speaking at the NSBA Annual Convention to the Delegate Assembly. He was elected to the NSBA Board of Directors as the Western Region Director.*



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# DIRECTOR'S PERSPECTIVE

By Joe Mack Mitchell

## Legislative Information

The 2005 Legislative Session is over and in the record books. There were some good things that happened and there were some issues of concern. There were also some things that happened that I don't have a clue whether it is good or bad, but I am sure that you will tell me how its going to be. After having been retired from the trenches for a few years, you loose your edge.



The first thing I would like to say about the session is a big "Thank you!" to Representative Richard Vigil from Las Vegas for his help with the governance issue. If he hadn't taken the time and effort to help, local boards would have lost another piece of their governance authority. It was stated many times in committee that it was the will of the HB212 drafters that local boards be taken completely out of the hiring and termination process. It is my understanding from talking to a few of the people who helped draft the SECOND bill, the one that was passed and signed, that they held a discussion about the issue of local boards and the hearing authority. They decided at that point, that local boards should be left in the process because it was not effective hearing practice for the superintendent to be hearing a decision that he/she was involved in earlier. I would say that was a great decision and that's why the law is currently written the way it is.

Let's look at the process designated in HM52. Its my understanding that there will be a committee established to meet and have hearings on the issues of local school governance when it comes to school boards and superintendents. Who does what in the area of hearings for terminated staff members? This committee will be co-chaired by Representatives Vigil and Stewart. No other members, to my knowledge have been named yet. The report to the LESC will be in January, 2006 according to the memorial. I hope that local board members will be willing to "speak up" in these meetings. This is the time for all of you to tell the committee what you have been telling me all these many months since the removal of your hiring approval authority. It is time to tell this committee and the other legislators that represent you about the flaws in the process. You have not hesitated to tell me, I hope you won't hesitate to share these with your legislators. I will be sending out the information concerning the meeting dates to you and I hope that you will put these dates on your calendars and fill the meeting rooms with board members, certified and support staff members, superintendents, and community members who realize the problems caused by this issue.

## Good News

Randy Manning was elected by the National School Boards Association Delegate Assembly in San Diego at the NSBA Annual Convention to serve as the Western Region Director to the NSBA Board of Directors. As you know, Randy served NMSBA as our president last year and is currently serving you as your immediate past president. Randy was honored by the New Mexico, Colorado, Kansas, and Nebraska delegations at their reception in San Diego. Congratulations to Randy!

Joe Guillen, a past president of NMSBA, is also serving on that board as the president of the NSBA Hispanic Caucus.

## THE ADVOCATE

The mission of *The Advocate* is to provide information to the members of the New Mexico School Boards Association.

Articles published in *The Advocate* represent the ideas or beliefs of the respective writers and are not necessarily the views of the NMSBA unless otherwise noted.

*The Advocate* is the official publication of the NMSBA and is published quarterly. *The Advocate* is supported by membership dues and is sent to all school board members and superintendents of its member districts as well as education stakeholders. Non-profit postage paid in Santa Fe, NM.

Letters to the Editor are welcome. The editorial staff reserves the right to edit article submissions for clarity and length. Deadlines falling on a holiday or weekend will be extended to the next business day. The deadline for submissions is 4 PM:

Winter Issue - December 10th  
Spring Issue - March 10th  
Summer Issue - June 10th  
Fall Issue - September 10th

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Mary Lee Martin (ABQ)  
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(\*) Elections had yet to be held for this region's officers

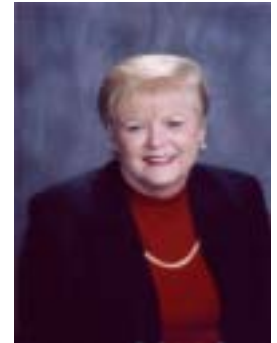
# PRESIDENT'S COMMENTS

By Vicki Smith

## Congress Passed Bills with Increases, But Didn't Give Us the Money

You've done a tremendous job during this legislative session advocating for the children in our schools; in fact, we've all been so caught up in our New Mexico activities and the goings-on at the Round House that we've forgotten to discuss what's happening in the nation's capital.

Once again, I must reiterate that local school boards welcome increased accountability for improving school and student performance in keeping with the goals of the *No Child Left Behind Act*. At the same time, after two full academic years of implementation, local boards have had real life experiences that have allowed us to identify ways in which the law can be improved and ensure that the NCLB framework is based on an assessment system that is valid and reliable for students and fair and accurate for schools and school districts. Currently, students, schools, and districts are being penalized for inaccurate and unfair AYP measurements. The following are practices that address some of the barriers facing local school boards in the successful and effective implementation of NCLB:



- The basic AYP measurement system should be expanded to include gain/growth score approaches and partial credit for meeting basic proficient targets (rather than cut-scores).
- The "N" size for a group within a school needs to be changed to a number or a percentage of that school's total enrollment to allow for small schools to better align with schools with larger enrollments.
- The "safe harbor" requirement should be reduced to 5%, thus permitting fewer students to demonstrate progress within the group in order to meet this alternative AYP requirement.
- In calculating AYP, students identified in more than one group (Hispanic, F & R Lunches, Special Education, grade level, ELL, etc.) should be represented in the count for each group as an equal fraction totaling 1.0 FTE or one student.
- Different groups could have different rates of increase to ultimately reach 100% proficient.
- The specific requirement for 95% test participation should be adjusted to a range of 90% to 95%.
- Students should be allowed to be exempted from the participation rate requirements on a case-by-case basis due to medical conditions, current state laws granting parents final decisions regarding participation on standardized assessments, uncontrollable circumstances (e.g. natural disaster), and students determined to have "unusual patterns of attendance". (This category of students may include chronic truants as well as students who fail to attend school on a regular basis because of life circumstances, but continue to maintain their official enrollment status.)
- Right now NCLB supersedes IDEA. Students with disabilities should be offered an alternate assessment for the purpose of determining AYP, provided that such an assessment is reflected by the student's IEP, is based on the IEP team's evaluation and the services to be provided for that student, and meets all parental consent requirements.
- Students who are classified as Limited English Proficient or English Language Learners should be provided an alternate assessment, for up to three years, that is based on making specific gains individually determined for that student, as delineated by the local school district.

Continued on page 4

**Congress Passed Bills with Increases, But Didn't Give Us the Money...continued from page 3**

The NCLB Act established a rigorous standard for the nation's public schools and a theoretical model to assess student, school, and school district performance. However, in reality, local school districts are struggling to comply with the spirit and intent of the law at a time when the unintended consequences are far more complex than had been anticipated, even by the sponsors of the legislation.

Unnecessary blame has been targeted against specific groups of students whose performance has resulted in the identification of their highly effective schools being identified "in need of improvement" and facing federal sanctions. AYP (Adequate Yearly Progress) is making our schools look like they are failing when they are not! If Congress does not address this, both the credibility of the NCLB law and the public confidence in our schools will erode. Equally important is the capability and the will of the federal government and the New Mexico legislature to provide the public funds that are necessary. Federal funding for NCLB and IDEA constitute only approximately seven percent of a school district's budget, but the mandates imposed upon the districts are requiring huge sacrifices by the schools and have created a cumulative funding gap of more than \$43 billion over the last four fiscal years.

"No Child Left Behind Funding: *Pumping Gas into a Flooded Engine?*" appears to be the new Congressional slogan. I do not believe this and I am certain that you do not either. The costs to us per student are doubling just as your household budgets have doubled because of utilities, health care, transportation, insurance, etc. In addition, Congress taunts budgets that reflect money **AUTHORIZED** and **not** the monies **APPROPRIATED**. For example, the following are the Title I Shortfalls (in billions):

<i>FY</i>	<i>Authorized /Appropriated</i>	
<b>FY02</b>	<b>\$13.5</b>	<b>\$10.4</b>
<b>FY03</b>	<b>\$16.0</b>	<b>\$11.7</b>
<b>FY04</b>	<b>\$18.5</b>	<b>\$12.3</b>
<b>FY05</b>	<b>\$20.5</b>	<b>\$12.7</b>
<b>Total: 4 years</b>	<b>\$68.5</b>	<b>\$47.1</b>
<b>Cumulative 4-year shortfall = \$21.4 Billion</b>		

Roughly 17% of the population, 6.9 million children (ages 3-21), receives special education and related services. In some states, New Mexico being one of them, this is closer to 20% of the population. The following reflects the shortfalls in IDEA (in billions):

<i>FY</i>	<i>Authorized/Appropriated</i>	
<b>FY02</b>	<b>\$18.7</b>	<b>\$7.5</b>
<b>FY03</b>	<b>\$19.4</b>	<b>\$8.9</b>
<b>FY04</b>	<b>\$20.2</b>	<b>\$10.1</b>
<b>FY05</b>	<b>\$22.4</b>	<b>\$10.6</b>
<b>Total: 4 years</b>	<b>\$80.7</b>	<b>\$37.1</b>
<b>Cumulative 4-year shortfall = \$43.6 Billion</b>		

What does this mean? Operational dollars must be utilized to meet this federal shortfall. Don't you believe that we should make Congress responsible? Don't you think Congress should

put their money where their mouth is? We're asking that Congress pay for the programs before they place sanctions on us. Mandates are not decreasing—if it is in the bill, provide the money to pay for it. Don't be afraid to ask, "Why did you put it in the bill if you didn't mean it?" Last year, FY2004, thirty of New Mexico's school districts got less money in Title I-A Grants than they did in FY 2003 and eleven (11) of the state's districts receiving more money, saw an increase of less than \$3000.\* In addition, there is an attached disclaimer to the reauthorization: **"Each of these amounts may be reduced by approximately 5% (FY2004) for state administration and school improvement activities."**

**I strongly recommend that boards put a new line in their budgets to show how much operational money is being spent to pay for the federal unfunded mandates.** If we had this information, we could make a much better argument in Washington that our schools are not able to provide the basic services because of Congress' unfunded mandates. When our communities ask, why we can't provide adequate programs and why do we have to cut valuable courses? We need to make public the voting records of our Congressional Delegation. It is very important that we begin to educate our communities utilizing the media outreach, local newspapers, Editorial Boards and Op-Eds. We need to send Congress a bill for the unfunded mandates and send a message to the parents that, we can't have \_\_\_(program)\_\_\_ or offer \_\_\_(course)\_\_\_ because Congressman or Congresswoman \_\_\_(name)\_\_\_ didn't vote to fully fund the mandates of IDEA or Title I (NCLB) so we have to take it from their child's basic education. We must tell the public that Congress passed bills with increases; however, they did not give us the money! Let us make our voices heard not only in New Mexico, but also in Washington. Make this public—make Congress own it. **END THE FEDERALEDCATION TAX!!**

\* U.S. Department of Education data compiled by the Congressional Research Service, June 18, 2004

**Eric Database Back Online**

The Educational Resources Information Center has been streamlined and reorganized to provide fuller and easier access to 1.1 million reports, articles, speeches, hearings and other documents. Improvements will include a new searching and sorting system and access to the full text of all documents entered in the library since 1993.

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# NMSBA NEWS

## BOARD BOOK OFFERS DISTRICTS PAPERLESS MEETINGS

This tutorial link is available from the NMSBA homepage at [www.nmsba.org](http://www.nmsba.org). BoardBook is an electronic means to have Paperless Board Meetings and is now being offered through a partnership between NMSBA and Texas Association of School Boards (TASB) to New Mexico school districts. Some NMSBA districts that are using Board Book in their Paperless Board Meetings include Gallup, Reserve and Roswell. Please call Patricia Horton at TASB 1-800-580-7529 to register for a demonstration.

## NMSBA MAILINGS

The annual Board member and Superintendent Directories were mailed, via third-class non-profit bulk-mail, on April 19<sup>th</sup> to all school board members and superintendents. The information was based on forms submitted by school districts.

Also included in the aforementioned mailing were individualized district training updates. If you have a question or concern about your report, please contact Elizabeth Egelhoff in the NMSBA office, (505) 983-5041. Mandated training points are accumulated September 1 through August 31 each year. Five hours of training per year are required. Training hours are reported to the NM Public Education Department and subsequently reported on the District's report card.

Student Achievement Award plaques will be mailed the week of April 25<sup>th</sup>. Since many schools have Post Office boxes, we cannot provide confirmation tracking. Please be aware that these will arrive the week of May 2<sup>nd</sup>.

## ONLINE LEARNING AVAILABLE TO MEET TRAINING REQUIREMENT

New Mexico's Online Learning Consortium is open and board members can take on-line courses. The fee is \$75 and is paid to NSBA by credit card. Those interested can go online and create user accounts free of charge in order to explore what new courses are available. This is one way for board members to receive training besides in addition to attending conferences. Courses currently available: "Leaders for Student Learning", "Key Work of School Boards", "Understanding the Legal Parameters of School Prayer", "Educate, Don't Litigate... What Your District Should Know About Education Technology and the Law", and "Introduction of Parliamentary Procedure for School Boards". \*Note: Only two hours per year can be earned through independent training means.

## SUBSCRIPTION POLICY SERVICE - NEW!!!

NMSBA now offers districts the option of a **NEW** Subscription Policy Service. This service offers policy development by a consultant/lawyer and provides up-to-date Policy Service Advisories. For further information or clarification, contact Mack Mitchell, Executive Director of NMSBA via e-mail at [mmitch@nm.net](mailto:mmitch@nm.net) or by phone at (505) 983-5041. Districts that have signed up for this feature include Alamogordo, Artesia, Aztec, Central, Clovis, Grady, Lovington, Pojoaque, Santa Rosa, Tatum, and West Las Vegas. This is different from the NMSBA Policy Bank.

## NMSBA REGIONS & 2005 FALL MEETINGS

### Region I

#### Wednesday, Sept. 28 in Bloomfield

Aztec, Bloomfield, Central, Dulce,  
Farmington, Gallup, Zuni

### Region II

#### Thursday, Sept. 22 in Penasco

Chama Valley, Espanola, Jemez Mountain,  
Los Alamos, Mesa Vista, Pecos, Penasco,  
Pojoaque Valley, Questa, Santa Fe, Taos

### Region III

#### Monday, Oct. 17 in Santa Rosa

Cimarron, Clayton, Des Moines, Las  
Vegas City, Las Vegas West, Maxwell,  
Mora, Mosquero, Raton, Roy, Santa Rosa,  
Springer, Wagon Mound

### Region IV

#### Wednesday, Oct. 12 in Albuquerque

Albuquerque, Belen, Bernalillo, Grants-  
Cibola, Cuba, Estancia, Jemez Valley, Los  
Lunas, Magdalena, Moriarty, Mountainair,  
Quemado, Rio Rancho, Socorro, Vaughn

### Region V

#### Tuesday, Sept. 20 in Melrose

Clovis, Dora, Elida, Floyd, Fort Sumner,  
Grady, House, Logan, Melrose, Portales,  
San Jon, Tatum, Tucumcari, Texico

### Region VI

#### Monday, Sept. 26 in Artesia

Artesia, Carlsbad, Dexter, Eunice,  
Hagerman, Hobbs, Jal, Lake Arthur,  
Lovington, Roswell, Tatum

### Region VII

#### Tuesday, Oct. 25 in Alamogordo

Alamogordo, Capitan, Carrizozo,  
Cloudcroft, Corona, Gadsden, Hatch  
Valley, Hondo Valley, Las Cruces,  
Ruidoso, T or C, Tularosa

### Region VIII

#### Wednesday, Nov. 2 in Deming

Animas, Cobre, Deming, Lordsburg,  
Reserve, Silver City

# Ten Steps of Ethical Leadership

By Dawn Frail

Any leader worth following believes in and practices ethical behavior. The ten steps of ethical leadership identify the critical principles for being a leader worth following. For some, it may help identify an area that needs strengthening, while for others it may serve as a full-fledged leadership development plan. For everyone, it is a confirmation of how to do the right things right.

## 1. Develop a Vision

*“The most pathetic person in the world is someone who has sight but no vision.”* – Helen Keller

Do you have a clear direction for your people, or are you wandering in the desert with no particular place to go. To develop it, you must define it, describe it, and communicate it. You must be so clear and committed to its success that it drives everything you do. That’s a powerful vision.

## 2. Characterize Integrity

*“The time is always right to do what is right.”* - Martin Luther King, Jr.

When you lead with honesty, guided by good values and strong moral principles, you are secure in your decisions. With security comes peace. But how would you characterize integrity? For each person, guiding values and principles are unique. As an ethical leader, you must first know how you define it. Then it will serve as a guidepost.

## 3. Lead the Way

*“Well done is better than well said.”* – Benjamin Franklin

Every leader leads by example. The question is whether it’s a good example. People respect you for who you are. They trust you for what you do. So are you leading the way? To lead means to go first. As an ethical leader, often that first step is a solitary one, and sometimes one that goes against the tide. Don’t let others sweep you under – do the right thing, and don’t be afraid to go first.

## 4. Esteem Insight

*“What lies behind us and what lies before us are small matters compared to what lies within us.”* – Ralph Waldo Emerson

We each have different gifts and talents, and God gives us the tools we need to succeed. Do you know your gifts? Are you using them wisely? We must learn to value the differences in ourselves, and in our people, if we are to be a strong ethical leader. We must have that desire to explore and understand our purpose, as well as the purpose of others. And we must guard that knowledge as a worthy prize.

## 5. Invest Wisely

*“The dictionary is the only place success comes before work.”* – Vince Lombardi

Being a leader isn’t a 9-to-5 job, and demands come from every direction. Never be a leader just for the money. There will be costs associated with being the leader that you didn’t anticipate. But the job will demand payment just the same. If you spend your time, energy, and resources wisely, the reward will be great. For those who follow the path of least resistance, failure lurks around every corner.

## 6. Guard Your Heart

*“Success is going from failure to failure without losing your enthusiasm.”* – Abraham Lincoln

If you’re a leader and running a popularity race, disappointment is guaranteed. Doing what is right will sometimes make people angry, and you will be the target. Are you ready? People will say and do things that aren’t fair, aren’t true, and just plain aren’t very nice. You can never change the actions of other people. But you can control how those people affect you. Be smart about what you let get through your head to your heart.

## 7. Love Learning

*“Anyone who stops learning is old, whether at 20 or 80. Anyone who keeps learning stays young. The greatest thing in life is to keep your mind young.”* – Henry Ford

You can never know everything. The world is changing so rapidly that yesterday’s knowledge is soon obsolete. As a leader, you must love learning and commit to personal growth each and every day. Take courses. Read widely. Explore other interests. Go wide, or go deep, or both. The ability to learn is the job security of the future.

## 8. Exercise Humility

*“A great man is always willing to be little.”* – Ralph Waldo Emerson

Why did you want to be a leader in the first place? Now that you’re calling the shots, how do you treat others? Do you remember the ‘little people’ who helped you get there? What about the one who didn’t? Humility is remembering where you came from. Humility is caring about and believing in other people. Every person you meet can do something better than you can, and humility is honoring that fact.

## 9. Leverage Loyalty

*“A leader is not an administrator who loves to run others, but someone who carries water for his people so they can get on with their jobs.”* – Robert Townsend

If you were to synthesize your duties as a leader, it would be to serve your people. If you don’t work for them, they won’t work for you. If you can earn their trust, you’ll gain their loyalty. Loyalty is what will lead to higher productivity because they care about you, the team and the organization. If you can engage their hearts, they’ll gladly give their heads and their hands.

## 10. Believe

*“It is a funny thing about life; if you refuse to accept anything but the best, you very often get it.”* – Somerset Maugham

Whatever you believe will happen, you will make it happen. Faith is the foundation of ethical leadership. Without it, everything else crumbles under the slightest pressure. With it, you can soar to new heights. You must believe in something greater than yourself. You must believe in the system. You must believe in your people. And you MUST believe in yourself.

*Source: Originally published in the November 2003 issue of The Toastmaster magazine. Dawn Frail is a speaker and trainer who specializes in the principles of ethical leadership.*

## Even at Age 40, Preschool Makes a Difference

A study begun in 1962 tracing the lives of low-income, black children has found that high-quality preschool education significantly benefited them, even four decades later. The long-range study is the first to trace the lives of participants from ages 3 and 4 to age 40, and examines the link between education success, high school graduation, crime and earnings according to the High/Scope Educational Research Foundation.

In every category, students who received the high-quality preschool education outperformed their counterparts in a control group. The high-quality program included small teacher-to-student ratios, highly qualified teachers, age-appropriate curricula and parental involvement. Foundation president Larry Schweinhart said the study proves early education is a sound investment for society. "This report is a signal to policymakers at both state and federal levels that an early care and education investment pays off handsomely," he said.

Source: *Education Daily*

## First Amendment Not First Among High School Students

The nation's high schools are failing to give students an appreciation of First Amendment rights of free speech and free press, contends a new study by researchers at the University of Connecticut. The survey of 112,000 students from 544 high schools across the country, funded by the John S. and James L. Knight Foundation, found that:

- One in three high school students believe the press has "too much freedom."
- 36 percent believe newspapers should get "government approval" of stories before publishing.
- About half believe the government can censor the Internet.

The survey also found that the more students are exposed to the First Amendment and the use of news media in the classroom, the greater their appreciation of First Amendment rights. Among those students who have taken courses dealing with the media or the First Amendment, for example, 87 percent believe people should be allowed to express unpopular opinions. Among students who have not take such courses, however, the number fell to 68 percent.

Source: *Paul Heiser, Research Analyst – New York School Boards Association*

## You Spend What?

In a 2005 online survey of teachers, the National Education Association found that the average educator spends \$1,180 in non-reimbursed expenses – mostly on books, lesson materials, and incentives for students. Educators can deduct \$250 of their out-of-pocket expenses on their federal taxes.

Some of the items teachers listed that they purchase for students include basic needs that families aren't providing such as clothes and food. Other items mentioned included special education adaptive devices that help students, science materials to bring learning to life, and supplies for the upkeep and maintenance of their classrooms.

Source: *NEA website*

## O say, Can You Sing It? National Anthem Project

About 61 percent of Americans, or nearly two out of three, don't know all of the words to the 74-year-old national anthem, according to a recent Harris Interactive survey. So German born Chrysler Group CEO Dieter Zetsche, head of the Jeep brand, which symbolizes freedom and patriotism, is helping to bring corporate sponsorship to this effort. Zetsche began the kick-off with a speech about how he, as a European, has always admired American's enduring strength and democracy. Other corporate sponsors of the effort include the National Basketball Association and The History Channel.

The initiators of this effort are music teachers upset over budget cuts. The National Association for Music Education, which has more than 120,000 members, initiated the National Anthem Project, and it blames America's inability to proudly sing its own anthem on a lack of funding for music and art education. Three in four Americans say school is where they learned the anthem and other patriotic songs, the Harris survey found. The survey was commissioned by the educators last year.

"When these programs are cut out of public schools, we're not simply depriving our children of music, but hindering the teaching of our nation's history," said John Mahlmann, executive director of the National Association for Music Education, based in Reston, Virginia. "Learning patriotic songs helps our children form bonds with their communities and instills pride in the American ideals."

According to the Harris poll, 38 percent of the 2,200 American men and women surveyed last year for the project said they did not even know the name of the national anthem (*The Star Spangled Banner*). Less than 35 percent of teenagers could name the author of the national anthem (Francis Scott Key, 1814). Mahlmann is worried that we have become a society of watchers and listeners, rather than doers. He laments that many people attending sporting events, even players, no longer sing the anthem. Rather, they are content to watch celebrities attempt the difficult tune. "The song was meant to be sung as a group."

For more information (even the words to the entire song) go to [www.thenationalanthemproject.org](http://www.thenationalanthemproject.org)

Source: *www.thenationalanthemproject.org & Detroit Free Press*

## Science Teachers Face Pressure on Evolution

Nearly a third (31 percent) of science teachers feel pressure to include creationism, intelligent design, or other nonscientific alternatives to evolution in their science classroom, according to a survey by the National Science Teachers Association (NSTA). When asked about where the pressure is coming from, 22 percent of science teachers said students and 20 percent said parents. Thirty percent said they feel pressure to de-emphasize or omit evolution from their curriculum. The National Science Teachers Association is encouraging science teachers to play a more vocal role in the dialogue on evolution.

Source: *NSBA School Board News*

## Good News from around New Mexico...

**Nancy Schick, a history teacher at Los Alamos High School was named New Mexico's Teacher of the Year.** Schick was honored along with other state's teachers of the year in a ceremony with President Bush and First Lady Laura Bush at the White House. U.S. Secretary of Education Margaret Spellings and New Mexico's Secretary of Education Veronica Garcia were present at the ceremony as well. Schick has been a social studies teacher for 35 years and has taught at Los Alamos High School for the past 17 years. One of her students wrote, "Ms. Schick contributes to a positive learning climate and to educational excellence through her positive attitude about learning. Laziness is not in her vocabulary, not is apathy." Schick teaches many of the Advanced Placement (AP) social studies courses offered at her school, and she received Fulbright Awards to study in Thailand, Laos, Vietnam and Cambodia. She was recognized by the White House Commission on Presidential Scholars in 2002 for being the most influential teacher for one of her students who was chosen as a Presidential Scholar. A graduate of Michigan State University, Schick has presented at numerous AP conferences. "I am committed to providing expanded opportunities for teachers in our district, New Mexico and across the country," Schick says.

### **Milken National Educator Awards for New Mexico from Los Alamos and Deming**

**Sheri Davis** is a Kindergarten-First grade teacher at Aspen Elementary School in Los Alamos. She is considered a master at setting up a structured, stimulating and appropriate environment for students. "If they are a rapid learner, then she provides extra opportunity for stimulus, but always insisting on quality work in all they do. If they are a slow learner, Davis makes them believe in themselves and in their power to learn, and soon they are living up to their own expectations," said Jim Anderson, Superintendent at Los Alamos Public Schools. "Davis embodies all that is best in the teaching profession, compassion, good humor, flexibility, structure, and striving for excellence, caring, and a thorough knowledge of the persons with whom and for whom she works." Davis holds a BA in psychology from the University of New Mexico, a K-8 elementary education certification in reading from Northern Montana College, and a Master's of Business Administration from the University of Phoenix.

**Javier Milo** is the Principal of Martin Elementary School in Deming. Milo has been described as a "magnet of hope." Milo earned an elementary education degree from Western New Mexico University and returned to Deming in 1998. He became Principal of his alma matter in 2000. It had been placed on probation status by the state for poor academic performance. Since then, under the 28 year old Milo's leadership, the school has made a dramatic turnaround with a dual language program, which includes a comprehensive reading component.

Harvillee Moore, Deming Public School's Superintendent said, "He took a little school that thought it could and turned it, with his staff, into the little school that did it and does it. He is determined that each child will succeed and each teacher will work for and with all students."

*Source: The Newsletter of the Center for Teaching Excellence*

**Two students named New Mexico's top youth volunteers for 2005 by the Prudential Spirit of Community Awards.** The nationwide program honors young people for outstanding acts of volunteerism. Conducted by Prudential Financial in partnership with the National Association of Secondary School Principals, the awards program is now in its tenth year. As state nominees, each will receive \$1,000, and engraved silver medallion, and an all-expenses paid trip in May to Washington D.C. where they will join other nominees for national recognition events.

**Britta Anderson, 18, of Albuquerque, a Senior at Albuquerque Academy,** arranges monthly social outings for students at her school and a group of mentally disabled adults in an attempt to forge lasting friendships between the two groups and to overcome common stereotypes. "I truly believe that the stigma associated with mental disability disappears when people interact with and befriend disabled individuals," said Britta.

After conceiving the idea for her project, she underwent a rigorous application and interview process to obtain a funding grant, recruited high school students to participate, and extended invitations to adults in a local Special Olympics program. She then began planning a series of fun outings to the movies, baseball games, the zoo, a bowling alley and other places, spending hours on the telephone working out the logistics. Approximately 20 students and 20 Special Olympians come on each outing. The Special Olympians, said Britta, feel welcomed and cared about, and learn how to socialize and function on a mature level, while "the students learn that mental disability does not define a person's character."

**Margaret Fazenbaker, 11, of Alamogordo, a seventh-grader at Chaparral Middle School,** created and distributed hundreds of "care packages" to U.S. troops serving in Iraq. Margaret's father, who has been to war twice since she was five years old, received a care package from his boyhood church while fighting in Operation Iraqi Freedom. "He appreciated the support," she said, "and it made me glad that people remembered him."

Wanting to show other soldiers the same kind of support, Margaret launched a drive to collect books, toiletries, personal care products and other items that would make a soldier's life a little easier. She promoted her drive throughout her school, approached local businesses for support, wrote letters and spoke to community groups, and obtained radio and newspaper publicity. Margaret recruited fellow students and teachers to help assemble her care packages, and shipped them to Iraq through the Fort Bliss deployment center. "People like me might feel that there is not much they can do to help our friends and family stationed in the war zone," said Margaret. "But these care packages do more than most people realize."

*Source: Prudential Financial Press Release*

**Dr. Sue Cleveland, Superintendent of Rio Rancho Public Schools** was one of four national finalists in the 2005 National Superintendent of the Year awards program during the American Association of School Administrators Conference.

*Source: NMCSA Newsletter*

## Quality Counts 2005 Gives New Mexico Top Rating for Academic Standards, Assessments and Accountability

New Mexico is rated as one of the country's top 10 states for its academic standards, assessments and school accountability by *Quality Counts 2005*, an *Education Week/Pew Charitable Trusts* report on education in the 50 states and the District of Columbia released in January. New Mexico received an A, placing seventh and tying with Florida, South Carolina and Kentucky in receiving an overall score of 94 out of 100.

The report also rated New Mexico as one of the country's top 20 states for its efforts to improve teacher quality. New Mexico received a B-, placing 17<sup>th</sup> and tying with New York, West Virginia, Missouri and New Jersey in receiving an overall score of 81 (Louisiana received the highest score of 93).

"New Mexico is making tremendous strides at improving education, and it shows. I'm pleased with the significant gains. We went from 23<sup>rd</sup> to 7<sup>th</sup> in the area of standards and accountability in just one year, and from 30<sup>th</sup> to 17<sup>th</sup> to improving teacher quality in two years. New Mexico is clearly on the move and setting a pace for others to follow. My goal is to see New Mexico in the top five in all categories," said Secretary of Education Dr. Veronica Garcia.

According to the report, "New Mexico has all the components of a comprehensive accountability system." Enhancing the grade were the state's new standards-based exams. The report also credited New Mexico for its new three-tiered licensure system, signed into law by Governor Bill Richardson in 2003. It noted that New Mexico is one of only three states that require that parents be notified in writing if their child is taught by a person who is not qualified to teach the grade or subject.

New Mexico received a B for the equity of its resources, placing 12<sup>th</sup> nationally and tying with New York, Delaware, Kansas, Minnesota and Florida in receiving an overall score of 83 (Hawaii received the highest score of 100). New Mexico ranked 33<sup>rd</sup> in the country for education spending, which *Education Week* reported as being 95.8% of the U.S. average and a 9% change from 2001. And the state ranked 19<sup>th</sup> in the country for total taxable resources spent on education.

In the area of "School Climate," New Mexico received a C+, tying with Idaho, Iowa, Arkansas and Utah in receiving an overall score of 78 (the highest score of 85 was received by Delaware). New Mexico is one of only 11 states in the country to include information on parent involvement on school report cards. The report credited New Mexico for appropriating funds in 2004 for bullying prevention, an initiative launched by Governor Richardson.

### CHE and PED Launch Vocational Career Initiative

The Public Education Department (PED) and Commission on Higher Education (CHE) have launched a joint initiative to help high school junior and seniors transition into college career programs and technical careers. CHE will allocate \$10 million in capital funds to plan, design, construct and equip new career-technical centers to be developed in conjunction with existing two-year institutions. The PED will allocate \$225,000 to the centers beginning January 2005 to launch a vocational high school model at selected sites. This is being funded through House Bill 2 of the 2004 General Appropriations Act and House Bill 293 Capitol Outlay.

### Secretary García Announces Recommendations from Closing the Achievement Gap Conference

On Saturday, April 23, 2005, Secretary García's Council on Excellence and Equity met as a follow up to the two-day conference held on April 21-22 in Albuquerque on Closing the Achievement Gap. The Council made five key recommendations to Secretary García which she will be pursuing over the course of this year. The Council's recommendations were as follows:

**1. Community Conversations:** The council has recommended that the Secretary of Education hold at least 12 regional community conversations around the state engaging community stakeholders with school personnel to address the achievement gap. The hope is that all districts will create their own councils for excellence and equity to continue addressing this problem.

**2. Aligned Professional Development:** The council recommends that the Public Education Department work with teacher preparation program to ensure an aligned system of professional development to ensure that best practices in the teaching of math, science and reading. Best practices must also be shared for teaching Limited English Proficient Students. Further, the PED intends to design its professional development activities around these areas of focus.

**3. Legislation:** The council recommended four major legislative priorities. The council has agreed to focus its primary attention to health related initiatives due to the preponderance of data that shows an irrefutable connection between health, physical fitness, nutrition and the achievement gap. Initiatives such as: expansion of physical education, junk food in the schools, elementary breakfast programs, obesity prevention, etc. must be expanded. The second legislative initiative is the "Grow Your Own Teacher" model which recruits high school seniors to major in education and provides incentives for them to go back to their communities to teach. The third initiative is to create enabling legislation that will promote other health and social services agencies to partner with schools, thus promoting the "Community Schools Concept". The last initiative is to amend the Indian Education Act so that the focus is not limited to education but to the holistic needs of students.

**4. Public Relations Campaign:** The council urged the Secretary to keep this very important issue in public conversation.

**5. Plan Next Year's Closing the Achievement Conference:** The council has vowed to triple attendance, bring national speakers, and ensure that there is broad-based participation and provide a showcase for the best practices in closing the achievement gap.

**The community conversation in Bernalillo is the first of a series of conversations, which will be held this fall in several different communities across New Mexico.** These conversations are designed to probe the audience for greater understanding of the root causes of the achievement gap as well as finding lasting solutions. Parents, grandparents, teachers, administrators and community leaders are encouraged to participate in these conversations.

Source: PED News Releases

# The Fair Labor Standards Act: The Economic Reality of Work-Study

By Samantha Fenrow, Cuddy law Firm

Whether or not work-study students are considered “employees” for purposes of the Fair Labor Standards Act (FLSA) has been a question on the minds of many school administrators these days. The answer to this question is the ubiquitous “It depends.” Just ask a lawyer!

There are no cases directly addressing the status of work-study students in the public schools. The courts have addressed this issue in the context of college students, and even in that context the case law is exceedingly sparse. The leading case on this issue, however, comes out of the Tenth Circuit Court of Appeals, which includes New Mexico. In *Marshall v. Regis Educational Corp.*, 666 F.2d 1324 (10<sup>th</sup> Cir. 1981), the Court found that student resident-hall assistants (RAs) at a college were not “employees” within the purview of the minimum wage and record keeping provisions of the Fair Labor Standards Act. The RA’s duties included telephone coverage, mail distribution, unlocking doors, maintaining discipline and order within halls, and encouraging participation in campus activities. In exchange for performing these duties the RA’s received a reduced rate on their rooms, use of a free telephone, and a \$1,000 tuition credit. The RA’s did not work a specified number of days, but were generally available in the halls for some 20 hours a week, and were required to maintain a specified grade point average to keep their status as RA’s. The Court viewed the question before it as “whether these student RA’s were “employees” within the meaning of the FLSA or were simply a separate category of students receiving financial aid, or put another way, whether the students “are more like sales clerks or more like students in other campus programs receiving financial aid.”

In making this determination that the RA’s were not employees, the Court relied on the “economic reality” test announced in *Rutherford Food Corp. v. McComb*, 331 U.S. 722, 67 S.Ct. 1473, 91 L.Ed. 1772 (1947). The economic reality test requires an analysis of the “circumstances of the whole activity.” Accordingly, the determination of just when a work-study student is covered by the FLSA is exceedingly fact specific, and the determination can vary from case to case. Thus it is very important for Superintendents to work closely with those creating work-study programs, and to be aware of the specifics of the programs which exist in your school.

There are, however, a number of factors which a court will look at in making this determination that can guide schools in their determinations of who is covered by the FLSA. One factor is whether the students’ services have an immediate economic impact on the “business” of operating a school. If the answer is yes, it is an indicator that the FLSA applies. If however, the program’s prime purpose is educational, it is an indication that the FLSA does not apply. Are the students performing services that otherwise could and would be provided by regular employees (non-students)? If yes, the FLSA probably applies.

In *Marshall*, the Court was careful to warn that just because it found that RA’s are not employees under the circumstances of that case, does not lead to the conclusion that no student working at the College would be within the scope of the FLSA. The Court stated that “there are undoubtedly campus

positions which can be filled by students and which require compliance with the FLSA,” and gave the following examples: students working in the bookstore selling books, and students working with maintenance, painting walls, etc. as students which ‘could arguably be employees’.”

The above examples are fairly clear cut. However, as there are gray areas, when in doubt, assume the FLSA applies and contact your school attorney.

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## The Wellness Policy Requirement

By Brenda Greene, Director for School Health Programs, National School Boards Association

In an effort to have schools play a key role in addressing childhood obesity, every school district that receives federal school meals funding is required to establish a local “wellness policy” by the first day of school following June 30, 2006. The new requirement can be found in Section 204 of the reauthorization of the Child Nutrition Act (PL 108-265), which was signed into law on June 20, 2004. Here is the link to the Section – <http://www.fns.usda.gov/tn/Healthy/108-265.pdf>.

Content of the policy is left for local districts to determine (NSBA fought hard for that), but the law does require that the policy address:

- Nutrition education goals
- Physical activity goals
- Nutrition standards
- Other school-based activities that serve to promote and reinforce wellness messages

The law also requires that each district involve specific people, for example, parents, students, school food authority representatives, school boards, school administrators, and community members, in developing the policy, that it address how the policy will be evaluated, and that at least one person, at the district level or in each school, be designated as responsible for the policy.

Also, as required by the law, the U.S. Department of Agriculture (USDA – Food and Nutrition Service) is working with the Centers for Disease Control and Prevention (Division of Adolescent and School Health) and with the U.S. Department of Education (Office of Safe and Drug Free Schools) to review and compile technical assistance resources. The USDF’s Team Nutrition has just added a Local Wellness Policy Web page to their site. Information is available at the following URL: <http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>. This website has information and resources to assist local schools in the process of setting up a policy. Updates will be added to the site. They are seeking examples of local policies to add to the resources that will be posted. I am one of several people who will be working with them to identify useful resources. Please send me any sample policies or policy language that you’re willing to share with the nation or you can submit these directly to the e-mail address posted on the above website. Of course, local wellness policies need to be in keeping with state laws, but ideas can be helpful to share across states.

I am also participating in a Working Group to develop “model” wellness policy language. As we work, a balance is being struck between those who want the absolute ideal model policy (from a nutritionist’s point of view) and those who recognize that small steps may be a more practical approach to achieving wellness goals in the long run. When the “model” language is agreed to I’ll share it with all of you.

Action on this front also is taking place, of course, through the Action for Healthy Kids (AFHK) State Teams, and we hope that there is collaboration and coordination taking place with the state school boards associations. You can check out information on your state’s AFHK team at [www.actionforhealthykids.org](http://www.actionforhealthykids.org). There may be other coalitions

and groups working on wellness policies in your state; you may want to work with them on developing the most appropriate model language for districts in your state.

We’re still working on a district-level assessment tool for nutrition, physical activity and tobacco-free school policies with out CDC funding. Already available to help schools assess their policies on these topics (and on safety) and plan for improvement is the CDC’s School Health Index, which can be downloaded and even used online. The SHI is available at <http://apps.nccd.cdc.gov/shi>.

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## Innovations

### Anti-Drinking Course Required for Prom-Goers

Before seniors at Rio Rancho High School could purchase prom tickets this year, they had to take an alcohol awareness course. The 90-minute course, called AlcoholEdu for High School was created by Outside the Classroom and Mothers Against Drunk Driving. The course explains how alcohol affects the brain and what can happen if young people drink.

“We are trying to be proactive, not reactive,” Activities Director Amanda Bader told the Associated Press. “We are essentially hosting a party. We feel there is some responsibility involved.”

The course is used in about 100 high schools around the country, says Outside the Classroom spokesperson Erika Tower. It costs about \$4,000 for a typical school.

For more information, contact Jamie Perstileo (781) 726-6677, ext. 233; [www.outsidetheclassroom.com](http://www.outsidetheclassroom.com).

Source: NSBA School Board News

### Is your district doing something INNOVATIVE?

Let us know about it! E-mail NMSBA Programs Director Elizabeth Egelhoff at [elizab@osogrande.com](mailto:elizab@osogrande.com). We would like to highlight creative problem solving in New Mexico schools.

# MARK YOUR CALENDAR!

**School Law Conference**  
**June 3-4, 2005**  
**Hyatt Regency**  
**Albuquerque, NM**

**Leader's Retreat**  
**July 22-23, 2005**  
**The Lodge**  
**Cloudcroft, NM**

Information will be available on the NMSBA website.  
Go to [www.nmsba.org](http://www.nmsba.org), and from the homepage choose "Conferences"

## Tidbits...

### A NICE IDEA

While boards throughout Oregon were being honored for School Board Recognition Month in January, Corvallis school staff added a special touch by giving each board member a dormant rose bush. "We know you go through long, dark, cold spells where there's often more darkness than light," said Assistant Superintendent Dawn Tarzian. "But just as this rose will bloom in the spring, the promise of what the future will yield keeps you committed. Use it as a symbol to remind you that you are doing good work and it makes a difference, even when you can't see it."

● *Source: Oregon School Boards Association*

### DAIRY CONTAINER SLOWS TRAFFIC

Sometimes a low-tech solution works just as well. Bill Gillenwater, Principal of Monfort Elementary in Greeley, CO was worried about all the cars speeding past his school to get to the new shopping centers down the road. "We've had so many close calls," he told the Greeley Tribune. "It's a disaster waiting to happen." Along with concerned parents, the school has been raising funds to buy a radar-controlled sign that will tell drivers to slow down to the 20 mph mandated in a school zone. But the sign will cost \$4,000 and the school has only raised half of that so far. In the meantime, things aren't getting better. One parent mentioned cars speeding around her as she dropped off her fifth-grader, and police reported 15 accidents last year, more than one per month, at the intersection in front of the school. "Nowadays, cars drive so smooth, and they accelerate so quickly, I would say 90 percent of the people don't realize they are speeding," said city traffic administrator Ryan Boothe. So Gillenwater came up with an idea. At pick-up and drop-off times, he walks out to that road – and points an empty plastic milk container at cars going by. The drivers think he's a cop holding a radar gun, and they slow down. In the meantime, the school is accepting donations toward buying a real radar gun.

● *Source: FOX News.com*



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