

THE ADVOCATE

2007 Legislative Session Update

By Mack Mitchell - As of Monday, April 09, 2007



HB2 and 3a EDUCATION APPROPRIATION ACT, *Miera* — appropriates nearly \$2.5 billion in Public School Support and related recurring appropriations from the General Fund; among its other provisions, provides funding for a mandatory average 7.0 percent salary increase for all certified and non-certified school personnel, including school transportation employees, effective the first full pay period after July 1, 2007; provides funding to implement a \$50,000 minimum salary for Level 3-A teachers; provides funding for a .75 percent increase in the employer contribution to the Educational Retirement Fund and includes several recurring appropriations to the Public Education Department, including other recurring and nonrecurring appropriations. **Partial Veto**

HB34a PUBLIC SCHOOL ACCOUNTABILITY & ASSESSMENT, *Stewart* — amends the Public School Code to distinguish a student's academic proficiency from the AYP required of schools and school districts; to make the school improvement cycle in state law correspond to that in NCLB; to allow a public school in Restructuring 2 of the school improvement cycle to reopen as a charter school, as provided in state law and NCLB; and to require PED to include gender among the demographic categories by which it disaggregates and reports student achievement data. (For the LESC) **Signed**

HB 35a SCHOOL PRINCIPAL SALARY CALCULATION CHANGES, *Stewart* — amends the School Personnel Act to implement minimum salaries for principals and assistant principals that include a responsibility factor by school level and an evaluation component that includes data sources linked to student achievement and the educational plan for student success; and appropriates \$4.2 million from the General Fund to the Public School Fund for distribution through the SEG in FY 08 to implement these minimum salaries in school year 2007-2008. (For the LESC)

Signed

HB 198 KINDERGARTEN THROUGH THIRD GRADE PROJECT, *Stewart* — enacts a new section of the Public School Code to create K-3 Plus as a six-year pilot project, administered by PED, to provide extended time in kindergarten through grade 3 for students in high poverty public schools to narrow the achievement gap between disadvantaged students and other students, to increase cognitive skills, and to lead to higher test scores for all participants; requires PED to establish reporting and evaluation requirements for participating schools; and appropriates \$8.0 million from the General Fund to PED for FY 07 and FY 08 to implement the pilot project. (For the LESC) **Signed**

HB303 amends the Procurement Code to provide for construction manager at risk contracts in the construction of educational facilities; enacts the Educational Facility Construction Manager at Risk Act to govern contracts for the construction of educational facilities if the governing body – PSFA, a local school board, the governing body of a charter school or state educational institution – chooses to use a construction manager at risk; and provides procedures for selecting a construction manager at risk. **Signed**

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EDITOR'S NOTES

By Elizabeth Egelhoff

♦ By now many of you have probably heard that **Mack Mitchell**, NMSBA Executive Director will be retiring effective July 1, 2007. The process has begun to find his replacement. Mack came to the NMSBA position in November 1997 from his retirement as the Superintendent of Clovis Municipal Schools. Before spending five years as the Clovis Superintendent, he spent 25 years working as a teacher, junior high principal, high school principal and assistant superintendent in Clovis. In 2002, he was inducted into the New Mexico Coalition of School Administrators' Hall of Fame. Mack stated in his resignation letter: "please accept this letter as a letter of gratitude to all the local school board members in New Mexico who work diligently every day to improve the lives of children in their school districts. Their role in the school district is a difficult one and often misunderstood by the electorate."

♦ Board member **Mavis Price** (Gallup-McKinley) was not re-elected in her local election in February 2007. She had been elected to the NMSBA Executive Board at the Annual Convention, December 2006 and this created a vacancy in her position as Vice-President of the Association. At the March 1, 2007 Board Meeting prior to the Board Institute, the Board moved **David Zimmerman** (Questa), Secretary-Treasurer to the vacant Vice-President position. Then the board took nominations for the vacancy in the Secretary-Treasurer position. **Ralph Sepulveda** (Cobre) was elected to fill the vacancy.

♦ The Executive Board members of NMSBA advocated for education funding in Washington D.C. in January. The National School Boards Association has a Federal Relations Network (FRN) that involves representatives in each state who will actively lobby and keep in touch with their congressional representatives. New Mexico has been allotted 21 such FRN members. Throughout the year NSBA will fax or e-mail these members an alert to specific legislation that is being considered. The FRN allows the NSBA a grassroots lobbying effort on issues affecting education.

Each year after the winter NSBA Leadership conference, there is an FRN conference. This year's FRN conference was held January 28-30, 2007 in Washington D.C. The theme was *Pledge to America's Schoolchildren*. The conference highlighted NSBA's legislative agenda and prepares each state's delegates with in-depth information about the workings of Congress and the bills that are being considered nationally. Major issues covered included H.R. 5709 No Child Left Behind Improvement Act and funding for IDEA.

New Mexico was represented by FRN members: President **Lora Harlan** (Clovis), President-Elect **Donna Archuleta** (Cimarron), Vice-President **Mavis Price** (Gallup-McKinley), Secretary-Treasurer **David Zimmerman** (Questa), Immediate Past-President **Lilliemae Ortiz** (Pojoaque), and NSBA Board Member **Randy Manning** (Central).



NMSBA members at the FRN in Washington D. C. lobbying their congressional representatives. Pictured L to R are: Mack Mitchell, U.S. Rep. Heather Wilson, Mavis Price, Donna Archuleta and Randy Manning.

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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PRESIDENT'S COMMENTS

By Lora Harlan

In December, I shared that being a local school board member “puts you in a state and national political arena that has direct impact on how you conduct school business”. As the New Mexico Legislature finishes another session and Congress is preparing to reauthorize NCLB, I find that statement to be increasingly valid.

In the state legislature, our presence is essential. Thank you for taking part in the Board Members Institute and the afternoon at the Roundhouse. Local school board member’s presence and concerns were seen and noticed by many legislators. Please continue to be active in advocating for public schools and the children we have been entrusted to educate **successfully**.

For NCLB we need to be in continuous contact with Senators Domenici and Bingaman, as well as Representatives Wilson, Udall and Pearce. They need to know what is happening in each of our districts that directly relates to this legislation – positively and negatively – and thank them for caring about making school children **successful** in New Mexico.



As you probably know, Mack is retiring as Executive Director of NMSBA after serving the Association for 10 years. I for one, am very accustomed to his style, his mannerisms, and the security of knowing we are in good hands. We are more **successful** today because of his leadership. The executive search committee, comprised of the executive board: Myself, President-Elect Donna Archuleta, Vice-President David Zimmerman, Secretary-Treasurer Ralph Sepulveda and Immediate Past-President Lilliemae Ortiz as well as Past-Presidents Susan Lutterman and Mary Lee Martin, will be reviewing all the applications and making recommendations of candidates for interview and selection by the Board of Directors. We believe we will have an excellent candidate ready to take up the reigns on July 1st.

The Association has a very busy and exciting year planned in 2007. We had a record number of board members attend Board Institute, March 2-3, 2007 in Santa Fe. New Mexico hosted the Celebrating Educational Opportunities Conference March 23-25, 2007 in Albuquerque. CEOHS is a four-state collaborative conference with Arizona, California and Texas which showcases programs and practices to reach our Hispanic students and families helping make each one more **successful**. The NMSBA office staff is busy working on final preparations for the School Law Conference to be held June 8-9 at the Hotel Albuquerque in collaboration with the Cuddy Law Firm. This conference is popular with school boards as well as school administrative staff to keep up with the changing rules and regulations on education law in New Mexico. Registration information and then tentative agenda is available on the NMSBA website at www.nmsba.org. Just click on “Conference Information” to find specific information choices. Pictures of past conference are also available on the website.

I urge you to take advantage of these training events and the opportunity to meet and network with other board members. Remember to look for those “**Sweet Success**” moments and share them with me. Tell me your stories. Send me your pictures. I want to hear from you. My email address is loralibrarian@yahoo.com. We have much to be proud of in public education in New Mexico. Let’s savor our “**Sweet Successes**”.

(See page 4 for a “Sweet Success” story)

2007 NMSBA Board Institute

On March 2-3, 2007 in Santa Fe, NM the New Mexico School Boards Association hosted the Board Member Institute for school board members and superintendents. There were over 400 in attendance at the conference held at the Eldorado Hotel due to the high rate of turnover seen in the recent elections in February.

Participants could earn over 5 hours of mandated training at this conference. The Friday morning General Session featured James Eck, Senior Director, Mid-Continent Research for Education and Learning speaking on *Balanced Leadership: Superintendents, School Board Members and Principals: Keys to Higher Levels of Student Achievement*.

In the afternoon, NMSBA provided shuttles for experienced board members to travel to the Roundhouse to lobby their legislators about improvements for education in New Mexico. The attendee packets contained tips on speaking to your legislators as well as maps of the Roundhouse. Newly appointed and/or elected board members stayed at the hotel and attended their state-mandated three-hour Public Education Department training on the Policy, Finance and Legal aspects of board service.

Saturday morning offered attendees five different breakouts to choose from over three different time sessions. Breakouts included topics

such as: *Board Member Roles and Responsibilities* by Lora Harlan; *School Budgets for New Board Members* by Mike Phipps; *Court Rulings that Affect Your District's Insurance Coverage and Rates* by Sammy Quintana, *Superintendent Evaluations* by Sue Cleveland and Lisa Cour; *Teacher Recruiting* by Guy Seiler; *Information on the Indian Education Act* by Mavis Price; and *Truancy and the JPPO* by Vicki Smith, Margaret Begay and Harrell Holder.



Annual Convention 2006: Pictured L to R: Joe Price (05-06 Sec'y-Treasurer); Lora Harlan (06-07 President); Donna Archuleta (06-07 President-Elect); Jane Gallucci (06-07 NSBA President); Lilliemae Ortiz (06-07 Immediate Past President); David Zimmerman (06-07 Sec'y-Treasurer); Mavis Price (06-07 Vice-President); Vicki Smith (05-06 Immediate Past President); and Randy Manning (Past President and NSBA Western Region Board of Director member).

Sweet Success Story

Scholastic Administrator, February 2007 reports: "There's no time to lose when it comes to reading instruction in Moriarty Municipal Schools. Teachers and students jump in on the very first day of school. That's because each student's reading proficiency has already been evaluated – before the inaugural bell rings – and teachers and administrators alike are ready to start improving each student's skills... Over the past two years, the district has increased the number of Kindergarten through third grade students who are reading at grade level and has decreased special education referrals." Read more of this success story and the details of how the district has implemented this reading program by visiting <http://www.scholastic.com/administrator/feb07/> - A better Road

Congratulations! Conlee Elementary School in Las Cruces, Diane Youngren, Librarian-Teacher and Silver City High School, Catherine McMillan Librarian-Teacher have been given the Outstanding School Library Award sponsored by the ASL-SIG (Advocacy for School Librarians-Special Interest Group - of the NM Library Association. These schools received recognition for their library, their school and \$500 from Follett Library Resources.

NMSBA NEWS

The NMSBA website is a resource for your use

NMSBA's website is www.nmsba.org. You can find:

“**Conference Information**” –lists tentative agenda, registration, and maps to the hotel for upcoming conferences. This is posted on the website about two months prior to each conference. Pictures are posted after conferences.

“**Events Calendar**” - lists dates and locations of region meetings, state and national conferences.

“**Resource Center**” –lists answers to frequently requested materials, publications such as Open Meetings Act, Board Member Orientation booklet, and a link to the Public Education Department regulations.

“**Organizational Structure**” – lists board of directors, Resolution committee members, and Public Education Commission member information.

“**Educator Placement**” – links to NM regional educator placement service for those looking to post or find employment in education.

“**Legislative Update**” – current NM legislature information and links to state government.

“**NMCSA & CES**” – links to other NM educator websites and the NM public schools.

“**Publications**” – links to PDFs of previous Newsletters or other current items of interest to NM Board Members.

Fall Region Meeting Dates

The tentative dates of the Fall Region Meetings are:

Region I – 1st Wednesday in October – October 3

Region II – 2nd Thursday in September – September 13

Region III – 3rd Monday in October – October 15

Region IV – 2nd Wednesday in October – October 10

Region V – 3rd Tuesday in September – September 18

Region VI – 4th Monday in September – September 24

Region VII – 4th Tues. in October – October 23

Region VIII – 1st Wednesday in November – November 7

*Hosts to be determined – Check the “Events” calendar at the NMSBA website www.nmsba.org to find out the hosts for each region meeting.

Online Learning not currently available

NSBA changed the platform from which NMSBA was utilizing the Online Learning Center in computer-based courses for independent learning. The technical difficulties are still being worked out with the new system, but will not return during this program year. Therefore, those needing training credit to fulfill the five-hour state mandated training requirement should not count on computer courses this year.

Subscription Policy Service

NMSBA offers districts the option of a Subscription Policy Service. The 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 or by phone at the NMSBA office, (505) 983-5041.

Board Book Offers Districts Paperless Meetings

There is a logo link with tutorial available from the NMSBA homepage. Board Book is an electronic means to have Paperless Board Meetings and is now being offered through a partnership between NMSBA and the Texas Association of School Boards (TASB) to New Mexico school districts.

NMSBA REGIONS & 2007 SPRING MEETINGS

Region I

Wednesday, May 16 in Gallup

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

Region II

Thursday, March 8 in Questa

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

Region III

Monday, April 30 in Mosquero

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

Region IV

Wednesday, April 25 in Estancia

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

Region V

Tuesday, March 20 in Fort Sumner

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

Region VI

Monday, April 23 in Loving

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

Region VII

Tuesday, April 24 in Gadsden

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

Region VIII

Wednesday, May 2 in Silver City

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

**Indicates a change from previously published information*

The Supergirl Dilemma: Girls feel the pressure to be perfect, accomplished, thin and accomodating

The Supergirl Dilemma: Girls Grapple with the Mounting Pressure of Expectations, a new research report from Girls Inc., reveals that girls today experience intense pressure, at ever younger ages, to be everything to everyone all of the time. Girls are particularly frustrated with the growing expectations that girls should please everyone, be very thin, and dress “right.” And while stereotypes about girls’ leadership capabilities and math and science abilities have diminished, persistent gender stereotypes and escalating stress levels limit girls’ potential and undermine their quality of life.

“There are so many pressures of being a teenage girl,” writes a 9th grader who participated in the study. “You never feel like you’re thin enough, pretty enough, or just good enough.”

The survey was commissioned by Girls Incorporated and conducted online by Harris Interactive between March 14 and 30, 2006. The survey of 2,065 U.S. students (including 1,059 girls and 1,006 boys) in grades 3–12 and 1,005 adults ages 18 and over focused on the ways gender stereotypes and expectations shape the lives of girls and boys. The study generated complex, compelling data that give voice to girls’ opinions, aspirations, and fears.

Key findings and conclusions:

- **Persistent gender expectations are being compounded by a growing emphasis on perfection, resulting in mounting pressure on girls to be supergirls.** Three-quarters of girls (74%) in the study agree that girls are under a lot of pressure to please everyone.
- **Girls say they are under a great deal of stress today.** Three-quarters (74%) of girls in grades 9–12, over half of girls (56%) in grades 6–8, and just under half of girls (46%) in grades 3–5 say they often feel stressed (describes them “somewhat” or “a lot”).
- **Girls want to seize the opportunities available to them,** with 71% of participants reporting that they aspire to go to college full time after graduating from high school. However, stress and concerns such as the cost of college undermine girls’ quality of life, particularly as they get older.
- **Support systems bolster girls’ ability to believe they can achieve their dreams and endure stress,** and yet one in ten girls (12%) and one in five high school girls (20%) say they do not know three adults to whom to turn if they have a problem.
- **Girls and boys face different stereotypes and concerns—girls are expected to be the nurturers and caretakers;** 84% of girls and 87% of boys believe girls are “supposed to be kind and caring.” **Boys, on the other hand, are expected to be protectors;** 88% of girls and 94% of boys believe that boys are “supposed to be able to protect themselves and others.”
- **Women are especially frustrated by the limiting expectations facing girls, because these challenges echo their professional and social struggles.** Eight in ten women (84%) believe that girls are under a lot of pressure to please everyone; 91% of these women dislike that this is true.

“Society still sees girls through a gender lens that requires them to be pretty and passive, while increasingly expecting girls to be smart and successful. The findings in *The Supergirl Dilemma* underscore the need to pay close attention and deconstruct the messages girls receive in and outside of the home,” says Joyce M. Roché, President and CEO of Girls Inc. “We have to acknowledge girls’ concerns, contributions, and experiences and help them be ‘super’ in ways that are comfortable and healthy.”

The study makes it clear that girls are internalizing our culture’s conflicting and unrealistic expectations of girls and women. Particularly troubling is the overemphasis on physical perfection, even at very young ages. Half of girls in grades 3–5 (54%) and three-quarters of girls in grades 6–8 (74%) and grades 9–12 (76%) report that they worry about their appearance. “Even today,” sums up one 9th grade girl, “society values beauty in girls over intelligence and talent.”

The Supergirl Dilemma examines the implications of the findings and offers recommendations for addressing the issues raised by the data. Here, too, girls themselves offer cogent directions. “It is hard to live up to what everyone wants for us,” says a 3rd grade girl. “We need to do things at our own pace and in our own time. And just believe in us; support us as we grow up.”

The study was made possible with support from IBM Corporation and additional generous support from Wal-Mart Stores, Inc.

METHODOLOGY

This survey was conducted online by Harris Interactive on behalf of Girls Inc. among 2,065 U.S. students (including 1,059 girls and 1,006 boys) in grades 3–12 and 1,005 U.S. adults (ages 18 and over) within the United States between March 14 and 30, 2006 (for students) and March 14 and 28, 2006 (for adults). Figures for grade, sex, race/ethnicity, urbanicity, parents’ education and region (for students) and age, sex, education, race/ethnicity, household income and region (for adults) were weighted where necessary to bring them into line with their actual proportions in the population. Propensity score weighting was also used to adjust for respondents’ propensity to be online.

With a pure probability sample of 2,065 one could say with a ninety-five percent probability that the overall results have a sampling error of +/- two percentage points. Sampling error for data based on sub-samples would be higher and would vary. However that does not take other sources of error into account. This online survey is not based on a probability sample and therefore no theoretical sampling error can be calculated.

Something to think about...

If we could reduce the world's population to a village of precisely 100 people, with all existing human ratios remaining the same, the demographics would look something like this:

The village would have 60 Asians, 14 Africans, 12 Europeans, 8 Latin Americans, 5 from the USA and Canada, and 1 from the South Pacific

51 would be male, 49 would be female

82 would be non-white; 18 white

67 would be non-Christian; 33 would be Christian

80 would live in substandard housing

67 would be unable to read

50 would be malnourished and 1 dying of starvation

33 would be without access to a safe water supply

39 would lack access to improved sanitation

24 would not have any electricity (and of the 76 that do have electricity, most would only use it for light at night.)

7 people would have access to the Internet

1 would have a college education

1 would have HIV

2 would be near birth; 1 near death

5 would control 32% of the entire world's wealth; all 5 would be US citizens

33 would be receiving—and attempting to live on—only 3% of the income of “the village”

♦ Source: Family Care Foundation Copyright 1997-2006

Ed. Dept. Releases Final Rules on Tests for Special Ed. Students

The U.S. Department of Education released final regulations to guide the creation of tests for students in special education who are capable of learning grade-level content, but not as quickly as their peers. Currently, the only options available for such students are to take the general assessments that are given to all students, which may be too difficult, or tests intended for students with significant cognitive impairments, which are too easy.

The new tests will allow a more accurate assessment of what these students know and how best to teach them, Deputy Secretary of Education Raymond J. Simon said during an afternoon press conference. The tests may also allow some schools to make adequate yearly progress under the No Child Left Behind Act when they had not before. Up to 2 percent of students' proficient and advanced scores on these particular tests, which the department calls “alternate assessments based on modified achievement standards,” may be counted when measuring AYP. Two percent of all students is equivalent to about 20 percent of students with disabilities.

The Education Department also allows up to 1 percent of all students in a state—equivalent to 10 percent of students with disabilities—to take a different type of alternate assessment and be counted as proficient for purposes of AYP. Those tests, which are the ones used with students with significant cognitive impairments, are less complex and comprehensive.

Flexibility will be allowed for the 2006-07 school year, but after that, if states want to continue using the model, they have to enter into a partnership with the Education Department to develop the “2 percent” tests, Mr. Simon said.

“We believe a state that has not done anything so far, should be able to do what we ask them to do over the next two school years,” Mr. Simon said. “Only those who participate with us in a meaningful way” can use the mathematical model, he said.

Content Important

The final regulations, like the draft version, also make it clear that out-of-level assessments would not be allowed to serve as appropriate tests for students in special education. So, a 6th grader who reads at a 3rd-grade level would not be allowed to take a test intended for younger students. “The reason we’re taking that position here is we’re really trying to emphasize the importance of students getting access to grade-level content,” said Kerri L. Briggs, the acting assistant secretary for planning, evaluation, and policy for the Education Department. However, the tests can still be easier than the tests given to the general student population, while reflecting grade-level content. Examples of changes in the tests include offering three choices on a multiple-choice test, instead of four; using math manipulatives to illustrate test answers; or allowing students to receive test questions in spoken word or pictures, in addition to print. Some states already have begun offering such assessments to their students, Mr. Simon said. Though those tests haven’t gone through the department’s peer-review process, he said they can be used as a starting point for other states as they consider their own tests.

The response to the new regulations during a teleconference held today with state school chiefs was positive, Mr. Simon said. He said the state school leaders who have created tests told their colleagues that the tests “have given us information that we’ve needed” to improve education for students with disabilities, Mr. Simon said.

The department plans to launch an effort to assist states as they create the tests, including \$21.1 million in grant funds for technical assistance, a meeting with the states scheduled for July, and monthly teleconferences.

♦ Source: Written by Christina A. Samuels in *Education Weekly*, April 2007

State Mandated Training for New Mexico School Board Members

2007 Student Achievement Awards

New Mexico school district Board of Educations selected worthy recipients to receive their respective New Mexico School Boards Association 2007 Excellence for Student Achievement Award. This award recognizes the recipients for their role in improving student achievement at the local level. Those submitted were:

Animas – Kip Calahan
 Artesia – Kirstin Caton
 Aztec – Brian Shock and The Blue Team
 Belen – Larry Sanchez
 Bloomfield – Helen Ringgold
 Capitan – Haley Montes
 Carrizozo – Christopher Scott
 Chama – Manuel F. Valdez
 Cimarron – Wheeler Peak Online Academy Team
 Clayton – Nils Wikner
 Cloudcroft – Amy Lane
 Clovis – Sylvia Montano
 Cobre – Ruben Amador
 Deming – Katie Schultz
 Des Moines – Carlos Fernandez
 Dexter – Roxann Morris
 Espanola – Corine Salazar
 Grady – Melissa Glover
 Grants – Kathy Martinez
 Hagerman – Karen Franklin
 House – Sara Lee
 Jal – Johnny Mack & Shirley Owen
 Jemez Mountain – Kristina Applegate
 Las Vegas City – Paul Gonzales
 Logan – June May
 Loving – Elizabeth Chavez
 Magdalena – Karin Williams
 Maxwell – Benjamin Chavez
 Mesa Vista – Jubilee Hawley
 Mosquero – Chris Hayoz
 Mountainair – Linda Shaw-Shovelin
 Pecos – Samantha Perea
 Penasco – Mary Bissell
 Pojoaque – Kimberly Velasquez
 Quemado – Carm Chavez
 Questa – Fabiola Rendon
 Reserve – Madge Slavec
 Rio Rancho – Amanda Gallo
 Roy – Georgia Herrera
 Santa Fe – Leslie Carpenter
 Santa Rosa – Moises Herrera
 Springer – Marilyn Macaron
 Taos – Tonita Wetsel
 Tatum – Mary March & Utah
 Texico – Bruce K. Mayfield
 Tularosa – Robert Sainz
 Vaughn – Pat Mais
 Wagon Mound – Emily Cornell

Nominations forms were sent out to districts in November, December, January and February. The deadline was March 19th. The clocks will be sent to Superintendents the week of April 30th. Boards should present the award during one of their May board meetings.

New Mexico School Board Members must have 5 hours of training per year from September 1st until August 31st.

New Mexico State Board of Education approved that the following types of training receive credit for the state mandated training statute:

1. Public Education Department (PED) Workshops
 - a. Workshop for newly elected or newly appointed board members will be held at the Board Institute in February or March (“New” is defined as having been elected or appointed since the annual February NMSBA Board Institute)
 - b. Workshops such as the Spring Budget Workshop
2. NMSBA Conference Sessions (Breakouts and Approved General Training Sessions) to include Celebrating Educational Opportunities for Hispanic Students Conference. NSBA Annual Convention can count for up to 3 hours of credit.
3. Region Meetings (one hour training component)
4. Individual Board Trainings Sponsored by NMSBA

Examples of Workshops that WOULD Count: Training on Roles and Responsibilities of Board Members, Superintendent Evaluation, Goals Development Process, and Board Self-Evaluation Process. *No more than two hours per year may be earned through individual training.
5. Other types of training approved by the Public Education Department and New Mexico School Boards Association. (To inquire about training approval, please call the NMSBA at (505-983-5041)

*(§22-5-13, NMSA 1978) last change: 9-25-03/NMSBA change 12-02-04

Questions About Training Points

Training points are tracked from September 1 through August 31 each year. Board members must sign-in on the clipboards passed around at the sessions during conferences. Quarterly reports are faxed to Superintendents and President’s receive a report in May in their Spring materials packet. A final report of training is sent out in October and then forwarded to the PED dept. of Accountability to be published in the fall school report cards.

If you have any unresolved concerns regarding your training, please feel free to call Elizabeth Egelhoff at the NMSBA office (505) 983-5041.

2007 Legislative Session Update continued...

HB 328 PUBLIC SCHOOL CAPITAL OUTLAY OMNIBUS BILL, *Miera* — makes numerous amendments to statute governing capital outlay, among them: to change the criteria for offsetting amounts for PSCOC awards, to allow charter schools and school districts to enter into lease agreements, to increase grants to schools for lease payments, to authorize the imposition of an additional mill pursuant to the Public School Capital Improvements Act (SB 9), to increase the period for which a tax may be imposed and to authorize direct payment of revenue to charter schools, and to require that facilities of a state-chartered school that is closed revert to the local school board if the facilities were financed in whole or in part by GOBs issued by the local board. **Awaiting Signature**

HB 513 CHARTER SCHOOL PROGRAM COST CALCULATIONS, *Hall* — amends the Public School Finance Act to add the charter school student activities program unit into the program cost calculation. (For the LESC) **Awaiting Signature**

HB 584a HIGH SCHOOL REDESIGN, *Stapleton* — makes numerous changes in the Public School Code to provide for high school redesign and college and workplace readiness; provides new assessments; raises the dropout age; eliminates certificates of employment for students; changes high school graduation requirements; requires school districts to offer a program of dual-credit courses and a program of distance learning courses; provides for a middle and high school literacy initiative; increases minimum instructional requirements for first through third and eighth grades; and amends the Public School Reading Proficiency Fund. (Similar to S 561a) **Signed**

HB 843 PUBLIC SCHOOL LEASE PURCHASE ARRANGEMENTS, *Miera* — enacts the Public School Lease Purchase Act to implement the lease purchase provisions allowed under a constitutional amendment approved in November 2006; prescribes terms and conditions for lease purchase arrangements applicable to local school boards and charter schools; allows local school boards to submit to the voters a proposed tax increase to fund lease purchase arrangements, prescribes procedures for the election, and allows funds to be shared with charter schools in the district; and allows school districts to issue GO bonds to fund lease purchase agreements for school districts or charter schools located in the district. **Signed**

HM77 STUDY SCHOOL FUNDING FOR EMPLOYEE LEGAL COSTS, *Stapleton* — requests that staff from PED and the LESC, in consultation with staff from the LFC and the LCS, identify and analyze the legitimacy of the expenditure of state funds by school districts for the purpose of defending the districts and their school boards and employees in legal actions alleging misconduct; prescribes issues that the study must include; and resolves that staff report findings to the LESC and the LFC no later than November 1, 2007. **PASSED House**

Senate Bills/Memorials/Resolutions

SB156 *Asbill* — amends the Public School Finance Act to add the charter school student activities program units to the list of units that determine program cost for school districts and charter schools. (For the LESC) **Signed**

SB159 *Asbill* — amends the Public School Finance Act to revise the calculation of the cash balance credit so that school districts with the same allowable cash balance limit are impacted in proportion to the amount by which their cash balances exceed that limit. (For the LESC) **Awaiting Signature**

SB189 CHARTER SCHOOL EMPLOYMENT PROVISIONS, *Papen* — amends the Charter Schools Act to align the provisions on nepotism and the hiring and firing of employees with those provisions applicable to regular public schools and school districts. (For the LESC) **Signed**

SB207 SUSPENSION OF CERTAIN SCHOOL BOARD MEMBERS, *Nava* — amends the Public School Code to allow PED to suspend a member of a local school board or a member of the governing body of a charter school for malfeasance, misfeasance, neglect of duty or violation of the oath of office; and to clarify that PED may suspend the governing body of a charter school or a charter school administrator under the same terms in which it may suspend a local school board, superintendent, or principal. **Did not pass.**

CS/SB210 SCHOOL VOLUNTEER BACKGROUND CHECKS, *Nava* — amends the School Personnel Act to define the term “ethical misconduct” and to require a superintendent, a charter school administrator, or director of an REC to investigate all allegations of ethical misconduct by a licensed school employee who leaves employment after the allegation has been made and, if the investigation produces evidence of wrongdoing, to report the identity and circumstances of the employee to PED, regardless of any confidentiality agreement between the employer and the licensed school employee. (Original bill for the LESC) **Signed**

2007 Legislative Session Update continued...

SB211 HIGH SCHOOL REFORMS, *Nava* — makes numerous amendments to the Public School Code; requires use of a uniform student ID number for secondary and postsecondary educational institutions; adds an additional field experience requirement for teacher licensure; changes the requirements for attaining an alternative teacher licensure; requires PED and teacher preparation programs to implement a teacher accountability system; and requires teacher preparation programs to develop a model mentorship program with colleges of arts and sciences for their graduates. (For the LESC) [Similar to *H 68] **Signed**

SB287 (See HB34 has been Signed) PUBLIC SCHOOL ACCOUNTABILITY & ASSESSMENT, *Sharer* — amends the Public School Code to distinguish a student's academic proficiency from the AYP required of schools and school districts; to make the school improvement cycle in state law correspond to that in NCLB; to allow a public school in Restructuring 2 of the school improvement cycle to reopen as a charter school, as provided in state law and NCLB; and to require PED to include gender among the demographic categories by which it disaggregates and reports student achievement data. (Similar to HB34a - For the LESC) **Awaiting Signature**

SB561 HIGH SCHOOL REDESIGN, *Nava* — makes numerous changes in the Public School Code to provide for high school redesign; provides new assessments; raises the dropout age; eliminates certificates of employment for students; changes high school graduation requirements; requires school districts to offer additional options for courses; provides for a middle and high school literacy initiative; increases minimum instructional requirements for first through third and eighth grades; and amends the Public School Reading Proficiency Fund. [Similar to H 584] **Signed**

SB1004 STUDENT TEST SCORES TO SCHOOL DISTRICTS, *Cravens* — amends the Assessment and Accountability Act to require PED to provide school districts with their students' scores on all required standards-based tests before August 5 of each year. **Signed**

SB1019 REQUIRE PROVISION OF STUDENT TEXTBOOKS [PASSED/S], *Rainaldi* — amends the Instructional Material Law to require local school boards and governing bodies of charter schools to adopt a policy that requires that every student have a textbook for each class and that allows students to take those textbooks home. **Signed**

SB1098 HOME SCHOOL STUDENT ACTIVITIES PROGRAM UNIT, *Rawson* — amends the Public School Finance Act to establish a home school student activities program unit; and enacts a new section of the Public School Finance Act to prescribe how the home school student activities program unit is to be calculated and to provide that a home school student is eligible to participate in school district athletic activity, according to guidelines of the NMAA. **Awaiting Signature**

SB1126 PUBLIC SCHOOL CLOSURE CONDITIONS, *Griego* — adds a new section of the Public School Code to allow a local school board to close a school only if the school meets six of eight prescribed criteria and fails to improve its standing in any of the criteria within two years of notice. [17] SEC/SCONC-SEC [26] DP/a-SCONC [27] DP/a [34] fl/a- **FAILED SENATE (14-23)**.

SB1147 CHARTER SCHOOL ENROLLMENT LIMITS, *Asbill* — amends the Charter Schools Act to prohibit a charter school application after June 30, 2007 if the proposed charter school's enrollment for all grades either by itself or in combination with any other charter school's enrollment for all grades would equal or exceed 10 percent of the total MEM of a school district with not more than 1300 students; and includes a temporary provision to prohibit a school district from approving an application for a new charter school in a district with a total membership of 1300 or fewer until the effective date of the Charter Schools Act (which is July 1, 2007). **Awaiting Signature**

SJR6 INCREASE CERTAIN SCHOOL BOARD SIZES, CA, *Sanchez,B* — proposes to amend Article 12, Section 15 of the state constitution to require nine members of local school boards in districts with a population greater than 200,000; and to divide such a school district into nine local school board districts. **Passed Both Houses**

SJM 70 A STUDY OF LOCAL SCHOOL BOARD CLOSINGS, GR Griego — Requests that PED study the process and practices of local school boards to determine what works and what does not work with regard to local school closures, develop a proposal to address whether facilities of recommendations to the LESC by November 1, 2007. **Never heard.**

***These explanations may not be EXACTLY correct. There were amendments to some of the bills listed.**

***The bills that say "Awaiting Signature" may have been signed on the last day.**

International Science and Engineering Fair (ISEF)

The 2007 Intel International Science and Engineering Fair (ISEF) will be held in Albuquerque the week of May 13-19, 2007. The event brings 1,400 of the brightest, young scientists from around the world to compete in the most significant science endeavor available to pre-college students (9th – 12th grades). This event will rank in the top 5 largest conventions to ever be held in Albuquerque both in size and financial impact.

New Mexico schools will be represented at the NSBA Annual Convention

School districts who will participate in presenting at the National School Board Association Convention in San Francisco, April 13-17, 2007 include: **Central Consolidated School District** presenting “*Practical Strategies to Minimize and Avoid Costly and Frivolous Lawsuits*”; **Estancia Municipals Schools** “*Voted Most Likely to Fail: Helping High-Risk Students Be Successful under No Child Left Behind*”; and the **Gadsden Independent School District** “*Balanced Literacy in Two Languages: Literacy Engagement for All Students*” as well as “*The Gadsden Math Initiative: Planning, Implementing and Sustaining a Model for Change*”.

New Mexico Athletics Association News

Mike Phipps, Artesia Superintendent was re-elected NMAA President. **Janel Ryan**, Farmington Superintendent was elected NMAA Vice-President and **Dane Kennon**, Hatch Superintendent, was selected as the At-Large Member on the NMAA Board of Directors.

The Prudential Spirit of Community Awards

Zachary Withers, 18 of East Mountain High School in **Sandia Park** and **Bryce Pfeiffer**, 13 of the Colfax County 4-H in **Raton** were named New Mexico’s top two youth for the 2007 Prudential Spirit of Community Awards. Each student earned a \$1,000 award, an engraved medallion and a trip to Washington D.C.

Zachary, a senior at East Mountain High School paid his own way to travel to several foreign countries over the past five summers to work on relief, development and ministry projects for refugees, impoverished city dwellers and remote tribes. Zachary took his first four trips – to Mexico, Panama, and twice to Thailand – as a participant in an outreach effort conducted by his uncle, the pastor of a small church. Last summer, Zachary returned to Thailand by himself to volunteer with an international relief agency. “This is a tangible way of putting into action everything that I have been taught my whole life,” he said. To pay for his trips, Zachary conducted a variety of fund-raising activities, including bake sales, raffles, car washes and a candy sale at his school. On his missions, he taught English, built trails, worked on construction and agricultural projects, assisted at inner-city schools, distributed clothing and toys to children, and set up sports camps.

Bryce, a home-schooled seventh-grader, led a project to purchase and install a handicapped-accessible fishing dock on a lake at a local state park. It all began on a fishing excursion with his grandfather. “Grandpa made it into the boat, but not before he was cut up and bruised,” said Bryce. “His handicaps made a simple canoe boarding a 30-minute ordeal.” Realizing that he might not be able to take many more fishing trips with his grandfather, and that other handicapped people must be having the same difficulty, Bryce decided a specialized dock was needed. He spent many hours researching regulations for handicapped accessibility, as well as floating dock designs and manufacturers. Then he obtained approval from the state, made a promotional poster, and wrote newspaper articles about the project. Overcoming his fear of public speaking, Bryce made approximately 40 presentations to business groups and raised more than \$17,000. He ordered a new dock, recruited volunteers, organized work schedules, and oversaw the installation process. Bryce’s dock is now used frequently, and officials at Sugarlite Canyon State Park have tentative plans to install additional docks and other handicapped accessible features. “Handicapped citizens and their families now have a safe place to enjoy nature together,” said Bryce.

The program judges recognized two other New Mexico students as Distinguished Finalists for their impressive community service activities. They received an engraved bronze medallion.

Elizabeth Rodriguez, 18 of **Santa Fe**, a senior at St. Michael’s High School, created a display of Native American artifacts to educate the public about the importance of protecting archaeological sites in the Galesteo Basin. Elizabeth’s project will be on display in the lobby of the Museum of Indian Arts & Culture’s Laboratory of Anthropology for one year.

Kimberly Turner, 12 of **Alamogordo**, a sixth-grader at Chaparral Middle School, initiated a campaign to collect bed sheets, blankets, towels and wash-cloths for women and children fleeing domestic violence situations. In addition to her “Bed and Bath Blitz”, Kimberly participates in a puppet program to teach elementary school children how to prevent bullying.

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2007 CELEBRATING EDUCATIONAL OPPORTUNITIES FOR HISPANIC STUDENTS CONFERENCE A SUCCESS!

The Celebrating Opportunities for Hispanic Students (CEOHS) Conference was held March 23-25 at the Albuquerque Hotel, NM. CEOHS began sixteen years ago as a collaborative conference among Arizona, California, New Mexico and Texas school boards associations to make the educational atmosphere in those states' public schools better for our Hispanic students. The conference has expanded to include issues for improving student achievement for all students.

This conference hosted more than 400 participants from the four states. Participants included board members, teachers, administrators, community members and parents. The feature that sets this conference apart from all others is that there are breakout sessions that are model programs from these state's districts. The presenters shared unique programs with specific information that can replicated in other districts seeking student improvement. The program



NMSBA President Lora Harlan with Author Rudolfo Anaya at the book signing session following his presentation.

booklet listed the school district, district profile, cost of maintaining the program, a program narrative and contact information. The model program format helps districts share information and learn about new strategies for delivery services to the changing student population. Programs were offered multiple times over the three-day conference to allow attendees to participate in as many of the programs as possible.

Five districts from New Mexico presented their model programs: **Bernalillo Public Schools** "Some things can't be measured in your norm-referenced testing"; **Clovis Municipal Schools** "Lincoln Jackson Family Center"; **Cobre Consolidated Schools** "School district and JPPO Collaboration"; **Gadsden ISD** "Balanced literacy in two languages" and "Planning, Implementing and Sustaining



(L to R) Jim Ash, President of the Texas Association of School Boards with Saturday keynote speaker, NMSU Professor Lowell Catlett.

a model for change: **The Gadsden math Initiative**"; and **Santa Fe Public Schools** "YMCA - Pinon Family Center".

There was a keynote speaker during the general session on each of the

three days. On Friday morning, **Rudolfo Anaya**, retired UNM

Professor and author of *Bless Me*,

Ultima; *Tortuga* and *Albuquerque* as well as many children's books spoke about literature's ability to introduce other cultures to those unaware of the differences among us and reiterated how even today, many Hispanic students

must leaver their culture on the school house steps. Following his presentation, Mr. Anaya stayed almost two hours signing books for everyone who waited patiently in line. The independent bookstore **Bookworks** brought copies of every one of his books for purchase.

On Saturday morning, **Dr.**

Lowell Catlett, an economist,

futurist and professor at New Mexico State University spoke about future trends in education. Many people commented on the profound insights Dr. Catlett shared and the staff had multiple inquiries into how to get in touch with Dr. Catlett to present at their district trainings!



The Espanola Valley High School Mariachi perfomed at the reception Friday evening. Thanks to Espanola School Board Member Joe Guillen for offering student talent suggestions.



Student Panel Moderator Sammy Quintana and the students from the four states: Adriana Abarca, NM; Jose Razo, AZ; Marvin Pineda, CA; and Cristobal Rodriguez, TX.



National School Board President Jane Gallucci (Right) visits with a school board member.

On Sunday, the Mariachi Mass was performed by **Rev. Edmundo Rodriguez, S.J.** with assistance by **Reuben Roybal**, a deacon and board member in Pojoque and the **Mariachi Nuevo Sonido**. There was an inspiring presentation entitled “Homeboy goes to Harvard” by **Senor Chocolat** who was a former LA gang member who went on to Harvard University. He spoke to the board members and reiterated how important it is not to allow someone’s external identity to overshadow their potential. To emphasize the point, he began the presentation dressed in gang attire and throughout his

speech undressed until he was in a shirt and tie, looking like a business professional.

The **Espanola Valley High School Mariachi** performed during the Friday evening reception and recieved many compliments.



Mack Mitchell, Executive Director newly appointed Secretary-Treasurer Ralph Sepulveda (Cobre) and President-Elect Donna Archuleta (Cimarron) enjoy the Friday luncheon.

There was a

student panel presentation on Saturday during the plated luncheon from 12:30 to 2:00 pm. The student representatives were:

Adriana Abarca, a Senior at Floyd High School, NM; **Jose Razo**, a Sophomore at Gate Way Community College in AZ; **Marvin Pineda**, a graduate of UC Riverside and the recipient of the Richard Polance Fellowship; and **Cristobal Rodriguez**, a former teacher and current graduate research assistant earning his Doctorate in Education Policy and Planning in TX. Each student shared their educational goals, successes and some obstacles they have overcome. **Sammy Quintana**, former Pojoaque board member for



Past and future association presidents: Joe Guillen (Espanola), Lilliemae Ortiz (Pojoaque), Donna Archuleta (Cimarron) and Randy Manning (Central) talk amongst themselves prior to the General Session presentation.

22 years, NMSBA President (1986) and NSBA President (1996) served as the moderator for the panel presentation.

Next year’s conference will be hosted by the California School Boards Association April 25-27, 2008. The city location has yet to be announced - but when information is available, NMSBA will post it on the website.



Sunday Keynote speaker Senor Chocolate speaks about his gang life in Los Angeles, CA prior to attending Harvard University.

The conference could not have been made possible without the collaborative efforts of the four association staffs, executive board members, students and presenters. We appreciate all of the compliments we recieved on the conference, food, quality of programs and location in Old Town. Thank you to those who attended, and for those who didn’t, make sure you try to attend CEOHS at least once - it is an amazing experience!

The Mariachi Mass was held Sunday morning in the Chapel for those who wanted to attend.



Schools Are Increasingly Dependent on Fundraising by Parent Organizations

U.S. House approves budget resolution with education increase

On March 30th, the U.S. House of Representatives voted 216-210 to adopt its fiscal year 2008 budget resolution (H.Con.Res.99) that includes \$7.9 billion more for education than the Administration's request. Only Representative Tom Udall (D) of New Mexico voted for the measure - Republicans Heather Wilson and Steve Pearce voted against the increase in education funding.

The House passed the measure the Budget Committee had approved last week. The proposed increase of \$7.9 billion includes \$5.9 billion in 2008 funding and \$2 billion in advance funding from FY2009. According to House Budget Committee staff, approximately one-third of the proposed increase would be targeted towards special education.

H.Con.Res.99 will be reconciled with the Senate-passed budget resolution (S.Con.Res. 21) in order to establish final budget allocations for education programs and other areas of spending.

The Senate's Budget Resolution (S.Con.Res.21) proposed a \$62.3 billion allocation for the U.S. Department of Education, while the House Budget figure is \$64.1 billion.

Next steps for education advocates will be to urge approval for the higher overall allocation for education programs and then encourage House and Senate Appropriations Committees to provide the increases that are needed for Title I and IDEA and to restore funding for other key programs that have been impacted by cuts in recent years.

♦ Source: NSBA Board Buzz

According to a nationwide survey of elementary and middle school principals, rising operating costs, shrinking budgets, and enrollment booms have left many schools increasingly dependent on fundraising. The National Association of Elementary School Principals (NAESP) surveyed more than 1,000 K-8 principals on the value of fundraising. The surveyed principals are from low to high socioeconomic areas in urban, rural, and suburban schools in every state and the District of Columbia. Below are some of the survey's findings.

1) Ninety-four (94) percent of the principals said they rely on fundraisers to supplement monies received from district, state, and federal sources. The fundraising revenue is used to pay for classroom equipment and supplies, field trips, and playground equipment, among other items.

2) Eighty-five (85) percent of the principals said they have seen an increased need for schoolwide fundraisers within the last decade, and 64 percent would stop fundraising if they could. Many of the principals believe fundraisers have become too much of a distraction to the school's instructional day.

3) The most common yearlong fundraising methods are collecting food box tops and labels (63 percent), retail store affiliations (42 percent), supermarket receipts (25 percent), and sales from the school store (21 percent).

4) In 67 percent of the schools, PTAs/PTOs are responsible for fundraising.

The full press release about the survey can be viewed on the NAESP website at www.naesp.org.

♦ Source: PTA Legislative News, April 2007

They say they want a revolution

Revolt against the No Child Left Behind Act heated up in Congress in March as more than 50 Republicans in the House and Senate introduced legislation to undercut President Bush's signature domestic program. The lawmakers said the proposals would allow states to opt out of NCLB and restore control of education to the local level.

It's unclear what effects the GOP proposals would have on reauthorization, but key Democrats said they want to renew the law this year, with Rep. George Miller, D-Calif., and Sen. Edward Kennedy, D-Mass., chairs of the respective House and Senate committees responsible for reauthorization, remaining strong supporters of NCLB. Kennedy said in a statement that the GOP proposals "head us in the wrong direction" and that Congress will "make common sense changes" to NCLB.

NSBA's 42 recommendations are included in H.R. 648, introduced by Rep. Don Young, R-Alaska, in January which has bipartisan support. These recommendations are based on practical approaches because they were developed with input from local school board members and educators who are charged to implement the law.

The stakes are becoming higher as NCLB's proficiency bars are set to rise over time. In fact, many states' targets for adequate yearly progress will climb significantly next year. If Congress wants to keep the law and preserve its credibility, it must immediately fix its flaws so local schools and school districts can implement a law that can truly reach its goal to allow all students to succeed.

♦ Source: NSBA Board Buzz

Denying Grades or Course Credit for Truancy - Caution is Advised

by Melissa Wurtzel O'Shea, Cuddy, Kennedy, Albetta & Ives, LLP

Schools often have policies or are contemplating policies which either lower a student's grades or deny a student course credit for non-attendance. While schools have the legal authority to lower grades or deny course credit for non-attendance or unexcused absences there are several considerations which must be in a policy before grades may be reduced or credit denied.

The United States Supreme Court has concluded that where a state constitution or state compulsory attendance law compels student attendance at school and the state to provide a free public education, the state cannot withdraw that education absent fundamentally fair procedures. *See Goss v. Lopez*, 419 U.S. 565 (1975). A local school board decision to use disciplinary sanctions for non-attendance or unexcused absences are generally upheld as long as the sanction is shown to have a rational relationship to some legitimate educational interest which the board seeks to further. However, courts will typically refuse to uphold such penalties if it is arbitrary or too severe in relation to the act of misconduct, or if the benefit to the school from imposing the rule is outweighed by the burden or injury to the student. *See Myre v. Board of Education*, 439 N.M. 74 (Ill. App. 1982).

The leading case on academic sanctions for non-attendance is *Knight v. Board of Education of Tri-Point Community Unit School District*, 38 Ill. App. 3d 603, 348 N.E. 2d 299 (1976). In that case, a student's grade for an academic quarter was lowered because of unexcused absences. The student argued that the penalty constituted a denial of substantive due process because there was no rational relationship between the grade given and the misconduct of truancy. The student further argued that grades must be given solely on the basis of scholastic achievement and not on the basis of absences from class. The court reviewing this situation concluded that the test to be applied is whether the severity of the sanction exceeds the severity of the conduct disciplined. In that case, the court upheld the punishment, and further ruled that the schools were empowered to adopt disciplinary rules to punish students who have unexcused absences, and that the courts are not the proper forum for determining the best educational policy.

However, the *Knight* case and others which have followed its principles addressing disciplinary grading policies have generally delineated a variety of legitimate educational concerns which policy should address as justification. These may include:

- ♦ the positive effect on the overall school climate when consistent student attendance is increased and maintained;

- ♦ controlling truancy and delinquency lessens teacher frustration and reduces students' lackadaisical attitude toward school;
- ♦ insistence on good attendance serves as a clear and constant reminder of the importance of school instruction;
- ♦ improved student attendance increases the likelihood that the student will learn and benefit from sharing ideas with classmates and from hearing the instructor's explanations of assignments and academic material;
- ♦ the adoption of such a policy places greater value upon academic success and the imposition of responsibility on students for their own behavior.

If a District intends to adopt a policy allowing for grade reduction or credit denial, or already has such a policy, the policy should establish the rational connection between its intended purpose to increase student achievement and responsibility, and the lowered grades or denial of course credit for non-attendance. This can be done by reciting the purposes or goals of the policy (including those recited above) within the policy itself or the procedures adopted to implement the policy.

If the course grade is going to be lowered or credit denied due to absences, the District should provide some due process mechanism through a hearing or other review process to assure that the student's procedural and substantive due process rights are not violated. These procedures should be similar to the procedures enacted by the District for student discipline and should be designed to assure that grades or credit are not affected by mistake (*i.e.* the wrong student is being punished) or where substantial justification warrants a different decision (*i.e.* the student has disabilities and his or her IEP or behavior plan calls for a different form of intervention for nonattendance; the absences were excused and justified for medical reasons, such as surgery or car accident of student or parent precluded attendance, etc.).

Care should be taken to assure that students are allowed to make up work for excused absences; that the penalties for unexcused absences are reasonably related to the nature of the offense (*i.e.* reduction of full grade for each unexcused absence would not be reasonable); that your teaching staff applies the policy consistently, and; that students are informed of the consequences of nonattendance.

While your District has a clear interest in prevention of truancy, and may refuse to give credit or grades for days or class periods in which a student is absent without excuse (*i.e.* ditching), these steps will help you and avoid or successfully defend the inevitable legal challenge.

MARK YOUR CALENDAR!

School Law Conference
June 8-9, 2007
Albuquerque Hotel
Albuquerque, NM

Leader's Retreat
July 20-21, 2007
The Lodge
Cloudcroft, NM

Annual Convention
December 7-8, 2007
Embassy Suites
Albuquerque, NM

Information will be available on the NMSBA website.
Go to www.nmsba.org, and from the homepage choose "Conference Information"

Tidbits...

Virginia school board chooses to defy NCLB requirement

In an 8-1 vote, the board of supervisors of Fairfax County, Virginia, has endorsed the Fairfax school board's decision to defy the U.S. Department of Education's (ED) directive to give English language learner (ELL) students the same reading exams given to native speakers. Instead, the school system will continue to use tests it says are better tailored to those learning English as a second language. In a written statement they say ED's "tin ear" on the testing issue and the failure of the federal government to fully fund NCLB "raises profound questions about the validity of the legislation."

♦ *Source: Bill Turqu, Washington Post*

Surprising Secret to a Long Life: Stay in School

It is commonly known that kids who stay in school will secure better jobs and earn higher salaries. However, new research reveals that increases in educational attainment contribute to a longer lifespan, reports Gina Kolata in the *New York Times*. The one social factor that researchers agree is consistently linked to longer lives in every country where it has been studied is education. It is more important than race; it obliterates any effects of income. Year after year, in study after study, says Richard Hodes, director of the National Institute on Aging, education "keeps coming up." And, health economists say, those factors that are popularly believed to be crucial — money and health insurance, for example, pale in comparison. Dr. Adriana Lleras-Muney and others point to one plausible explanation for the life-extending impact of education — as a group, less educated people are less able to plan for the future and to delay gratification. If true, that may, for example, explain the differences in smoking rates between more educated people and less educated ones. Better educated people tend to make better choices about lifestyle, diet, exercise, savings, and other factors that prolong life.

♦ *Source: New York Times.*

To read the article in its entirety, go to <http://www.nytimes.com/2007/01/03/health/03aging.html>

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