

THE ADVOCATE

Editor's Note: Because it is Spring and we will soon celebrate the NMSBA 50th Anniversary, I am reminded of a story, entitled "The Daffodil Principle" that teaches us that even small things can make a difference over time. As advocates for children, you do things every day that add up to make a big difference in their lives. Fifty years of advocacy on the part of the New Mexico School Boards Association has also made a difference.



The Daffodil Principle by Jaroldeen Asplund Edwards

Several times my daughter had telephoned to say, "Mother, you must come see the daffodils before they are over." I wanted to go, but it was a two-hour drive from Laguna to Lake Arrowhead.

"I will come next Tuesday," I promised, a little reluctantly, on her third call. Next Tuesday dawned cold and rainy. Still, I had promised, and so I drove there. When I finally walked into Carolyn's house and hugged and greeted my grandchildren, I said, "Forget the daffodils, Carolyn! The road is invisible in the clouds and fog, and there is nothing in the world except you and these children that I want to see bad enough to drive another inch!"

My daughter smiled calmly and said, "We drive in this all the time, Mother." "Well, you won't get me back on the road until it clears, and then I'm heading for home!" I assured her. "I was hoping you'd take me over to the garage to pick up my car." "How far will we have to drive?" "Just a few blocks," Carolyn said. "I'll drive. I'm used to this." After several minutes, I had to ask, "Where are we going? This isn't the way to the garage!" "We're going to the garage the long way," Carolyn smiled, "by way of the daffodils." "Carolyn," I said sternly, "please turn around." "It's all right, Mother, I promise. You will never forgive yourself if you miss this experience." After about twenty minutes, we turned onto a small gravel road and I saw a small church. On the far side of the church, I saw a hand-lettered sign that read, "Daffodil Garden".

We got out of the car and each took a child's hand, and I followed Carolyn down the path. Then, we turned a corner of the path, and I looked up and gasped. Before me lay the most glorious sight. It looked as though someone had taken a great vat of gold and poured it down over the mountain peak and slopes. The flowers were planted in majestic, swirling patterns - great ribbons and swaths of deep orange, white, lemon yellow, salmon pink, saffron, and butter yellow. Each different-colored variety was planted as a group so that it swirled and flowed like its own river with its own unique hue. There were five acres of flowers. "But who has done this?" I asked Carolyn. "It's just one woman," Carolyn answered. "She lives on the property. That's her home." Carolyn pointed to a well-kept A-frame house that looked small and modest in the midst of all that glory. We walked up to the house. On the patio, we saw a poster. "Answers to the Questions I Know You Are Asking" was the headline.

The first answer was a simple one. "50,000 bulbs," it read.

IN THIS ISSUE

FEATURES

Daffodil Principle.....1,3

State News/Good News.....4

50th Anniversary.....6

Technology.....7

Student Health.....7

Legal News.....8

Boardsmanship.....9

In the classroom.....9

Social Issues.....10

Commercial Members.....10

National News.....11

Tidbits.....12

DEPARTMENTS

Director's Perspective.....2

President's Message.....3

NMSBA News.....5

Calendar.....12

Continued on page 3

DIRECTOR'S PERSPECTIVE

By Joe Guillen

NMSBA Will Celebrate 50th Anniversary at School Law Conference

Created in 1958 the New Mexico School Boards Association has served as a leader in New Mexico's public education system for five decades. The Association was born out of a simple premise of visionary school board members, to advocate for local control of public education and to offer programs and assistance to local boards of education.



Records indicate that NMSBA was officially incorporated on June 26, 1958 at the offices of the State Corporation Commission in Santa Fe. The incorporation certificate authorizes NMSBA's operation through the year 2058! Well, we are halfway there and we are extremely proud of our history of helping New Mexico's school boards.

Records show the Association operated without a full time executive director until 1961. Consequently, there are limited records available for the early years of operation. It is assumed, however, that the organization remained active and that annual meetings were held during this period.

Although we were able to compile a listing of all Executive Directors, we were not as fortunate in compiling the names of Association Presidents in the early years. We are continuing our research and will soon complete our historical report.

As you can tell Elizabeth, Carolyn and I are working very hard to document our history and we are extremely excited to be part of our 50th Anniversary Celebration which will be held in conjunction with the ever popular NMSBA School Law Conference on June 6-7 in Albuquerque.

We ask you to join us at the Anniversary Celebration Dinner on Friday, June 6 at 6:30 p.m. for a special program of events including: Flamenco Dancers, Steak & Enchilada Dinner, Presentation of Association History, Recognition of Past Presidents, Directors and Special Guests, Proclamations by State Officials, and Photo and Memorabilia Exhibits.

Happy Anniversary NMSBA!

News from the Center

NSBA's Center for Public Education
(www.centerforpubliceducation.org)
has several new reports for school leaders:

- ◆ a guide to growth models and how to use them for accountability and data-driven decision making;
- ◆ a report on English language learners with guidance on how long it takes different types of ELLs to become proficient in English and which strategies are more effective;
- ◆ a guide to indicators of school success.

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 MESSAGE

By Donna Archuleta

In January the Executive Board attended the Leadership Conference and the National Federal Relations Conference. While in Washington DC we went to the offices of all of our Representatives and Senators. I felt that we were well organized on our talking points and did a great presentation to each office. Unfortunately our day on Capital Hill was the same day as the New Mexico Caucus therefore none of the officials were there, so we talked with their staff members. We tried to get the point across that it is vital for Congress to reauthorize NCLB this year with the changes recommended by NSBA and that are contained in HR 648 introduced by Representative Don Young of Alaska. All of us can do our part by making sure our local boards approve a resolution supporting the NSBA's recommendations to improve NCLB and sending a copy of the signed resolution to NSBA, and contacting your representatives and senators to encourage them to support these changes. If we don't put the pressure on, NCLB will not be reauthorized and we will have to live with it in its current form. Please help support this legislation.



My second talking point is about the failure of the New Mexico Legislature to pass the new funding formula. I know that all of us hoped that this new formula would become a reality. Even though it didn't, I believe that it brought a heightened awareness to our legislators that education is under-funded and that the issue needs to be addressed. Considering this is an election year, we can really put pressure on them to make education a top priority and perhaps we will have more success with the next legislature.

Finally I want to send a special thank you to all of our board members for the work they do. Keeping up with all of the current issues and working with our legislators really does make a difference for our students!

The Daffodil Principle *continued from cover*

The second answer was, "one at a time, by one woman. Two hands, two feet, and very little brain."

The third answer was, "Began in 1958."

There it was. The Daffodil Principle. For me, that moment was a life-changing experience. I thought of this woman whom I had never met, who, more than thirty-five years before, had begun - one bulb at a time - to bring her vision of beauty and joy to an obscure mountain top.

Just planting one bulb at a time, year after year, this unknown woman had forever changed the world in which she lived. She had created something of ineffable magnificence, beauty, and inspiration.

The principle her daffodil garden taught is one of the greatest principles of celebration. That is, learning to move toward our goals and desires one step at a time - often just one baby-step at a time - and learning to love the doing, learning to use the accumulation of time. When we multiply tiny pieces of time with small increments of daily effort, we too will find we can accomplish magnificent things. We can change the world.

"It makes me sad in a way," I admitted to Carolyn. "What might I have accomplished if I had thought of a wonderful goal thirty-five years ago and had worked away at it 'one bulb at a time' through all those years. Just think what I might have been able to achieve!"

My daughter summed up the message of the day in her direct way. "Start tomorrow," she said.

Good News From Around New Mexico

Los Lunas teacher chosen as the 2008 New Mexico Teacher of the Year

Denise Cannon, an Academic Coach for the **Los Lunas Public Schools** was chosen as the 2008 New Mexico Teacher of the Year. The award is part of the national teacher of the year program that began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention in excellence in teaching. Cannon has been teaching for 16 years in grades three through five. One nominator cited Denise's ability to help students become aware of their strengths and needs through reflection and self-assessment and her encouragement to help them learn to set personal goals.

♦ *Source: Newsletter of the Center for Teaching Excellence, Eastern New Mexico University, February 2008*

Hagerman teacher is the 2007 Milken Award Winner

Jesus Trujillo, a teacher in **Hagerman**, was recognized for his dedication to education, for his teaching techniques, and for the character and respect he brings to the classroom. Trujillo, who teaches agriculture for grades 8-12, is also the assistant varsity basketball coach in Hagerman, heads the local chapter of the Future Farmers of America and is the President of the New Mexico Agriculture Teachers Association. He was surprised with the Milken Family Foundation National Educator Award at a school assembly. The award carries with it an unrestricted \$25,000 check.

♦ *Source: Newsletter of the Center for Teaching Excellence, Eastern New Mexico University, March 2008*

Two New Mexico students recognized as AP State Scholars

Two New Mexico high school students received AP state Scholar Awards based on their outstanding performance on the Advance Placement Program (AP) Examinations. **Christian E. Free from Rio Rancho High School**, and **Jordon R. Clark from Carlsbad High School** are among 106 students nationwide to receive this honor. Free is continuing his educational studies at Harvard University and Clark is a student at Duke University. This is the 16th annual granting of AP State Scholar Awards. These awards are earned by one female and one male student in each U.S. state and the District Columbia with grades of 3 or higher on the greatest number of AP exams, and then the highest average grade (at least 3.5) on all AP exams taken. The College Board is a not-for-profit membership association whose mission is to connect students to college success and opportunity.

♦ *Source: NM PED*

Honors bestowed upon top New Mexico youth volunteers

Two of New Mexico's top two youth volunteers for 2008 were chosen to receive Prudential's Spirit of Community awards. This is a nationwide program honoring young people for outstanding acts of volunteerism. This awards program, now in its 13th year, is conducted by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP). Each honoree, one high school and one middle school student, will receive \$1,000, an engraved silver medallion, and an all-expenses paid trip in May to Washington D.C. for national recognition events.

Carley Frick is a senior at **Sandia High School in Albuquerque**. As President of her school's Key Club, she recruited other students to tutor homeless children at a local elementary school, then developed a books-on-tape program to help the children improve their reading comprehension skills.

Kimberly Turner is a seventh-grader at **Chaparral Middle School in Alamogordo**. She started an annual school and community drive to collect donated blankets and toiletries for victims of domestic violence.

♦ *Source: Prudential Spirit of Community Awards press release 2008*

76 New Mexico Teachers Achieve National Board Certification

Seventy-six New Mexico teachers from 14 school districts achieved National Board Certification in 2007, according to the National Board for Professional Teaching Standards. This brings the New Mexico total to 308.

- New Mexico ranks 20th nationwide in the number of new National Board Certified Teachers (NBCT).

- New Mexico ranks 30th in the total number of teachers who achieved certification over time.

- The state's top five school districts in terms of the cumulative total of NBCT are: Albuquerque (122), Gallup-McKinley (17), Los Lunas (14), Las Cruces (12) and Clovis (11).

The cumulative national total of NBCT stands at 63,821.

National Board Certification is the most prestigious credential a teacher can earn. "Like board-certified doctors and accountants, teachers who achieve National Board Certification have met rigorous standards through intense study, expert evaluation, self-assessment and peer-review," said NBPTS President and CEO Joseph A. Aguerrebere.

To learn more about National Board Certification, visit the NBPTS website at www.nbpts.org.

♦ *Source: Newsletter of the Center for Teaching Excellence, sponsored by the Eastern New Mexico University, February 2008*

NMSBA NEWS

Boardbook

“BoardBook is a great tool used to keep your board information organized and accessible because it archives the information and gives the board members convenient access, which is what every district needs” said Stacy Wooten, Administrative Assistant, San Jon Municipal Schools. Eight districts in New Mexico are using BoardBook and reporting a 50% reduction in the time it takes to compile board agenda packets. Board members love the convenience of accessing their materials from any internet location. For more information on BoardBook you can choose “Boardbook” from the “Links” menu option on the NMSBA Home Page at www.nmsba.org.

Policy Services

Policy Services is a separate paid for service of the New Mexico School Boards Association (NMSBA). Upon entering an agreement with the Association for a four year period, Policy Services will review the districts current policies and provide a recommended set of policies that will provide compliance with the current Federal and State Laws and Rules while including selected local district procedures.

Policy Services advises districts on policy needs and maintains adopted policy. As laws change and new opinions are issued by the courts and legal officers, NMSBA sends revisions to the district for compliance. Customization is done based on district and board requirements. NMSBA provides the template for policy, and works with each subscriber to tailor specific items to best serve the students and staff of the district. In addition to hard-copy of policy manuals, web-based manual access and search capabilities are provided.

Details of the costs may be obtained by contacting the Executive Director Joe Guillen or Policy Services Director Donn Williams.

Joe Guillen
Executive Director
New Mexico School Boards Assoc.
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Board Training

Training hours (points) are tracked from September 1 through August 31 each year. State law requires board members receive five hours of training per year. Quarterly training reports are sent to Superintendents. In September, the final reports are sent to the Public Education Department’s Office of Accountability. Board member names and point totals are included on each school district’s report card to the public.

In December each year at the NMSBA Annual Convention, members are recognized for receiving training. The Leadership Development Program recognizes members who have accumulated training points. Level I - Leadership Achievement is achieved with 24 hours. Level II - Outstanding Leadership is achieved with 36 hours. The Exemplary Award is given to those who earn more than 20 training hours in one training year. The Master Board Member distinction is bestowed upon those who have achieved 44 training hours, attended a MBM class, presented at least four one-hour presentations and applied for the distinction.

If you have questions regarding your training, please call Elizabeth at the NMSBA office (505) 983-5041.

NMSBA REGIONS & 2008 FALL MEETINGS

Region I

Wednesday, Oct 1 in TBD

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

Region II

Thursday, Sept 11 in TBD

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

Region III

Monday, Oct 20 in Springer

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

Region IV

Wednesday, Oct 8 in TBD

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

Region V

Tuesday, Sept 16 in Logan

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

Region VI

Monday, Sept 22 in Carlsbad

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

Region VII

Date TBD in Alamogordo

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

Region VIII

Wednesday, Nov 5 in TBD

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

**Indicates a change from previously
reported dates*

The New Mexico School Board Association's 50th Anniversary

NMSBA staff are working on compiling the Association history, complete with lists of NMSBA Presidents, Executive Directors, etc. Some information is missing due to relocations. **If you have information about the early Presidents or would like to help identify people in our historic photos, please contact Elizabeth at the NMSBA Office (505) 983-5041.**

NMSBA Presidents

<u>Name</u>	<u>District</u>	<u>Year</u>
-missing information-		1958 -1966
Leon Williams		1967
-missing information-		1968-1970
Dan Berry		1971 & 1972
Robert L. Duran		1973
Paul Gamertsfelder		1974
Francis E. Duren		1975
Pablo Roybal	Pojoaque	1976 & 1977
Frank Barnett		1978
Guy E. Warden		1979
Vincent Boudreau		1980
Lynn Medlin	Tatum	1981
Lewis T. Putman	Deming	1982
Leonard Trujillo	Bloomfield	1983 & 1984
Patricia Snipes	Lovington	1985
Sammy Quintana	Pojoaque	1986
Denise Watkins	Gadsden	1987
Edward Marcum	Farmington	1988
Ray Hilburn	Tatum	1989
Stanley Samuels	Cimarron	1990
Mary Neville	Aztec	1991
Mary Lee Martin	Albuquerque	1992
Jose Frieze	Las Cruces	1993
Cindy Harth	Dora	1994
Charles Guthals	Clovis	1995
Susan Lutterman	Ruidoso	1996
Marvin Marquez	Santa Rosa	1997
Rick Kerby	Jal	1998
Karla Walker	Rio Rancho	1999
Bill Soules	Las Cruces	2000
Harry Montoya	Pojoaque	2001
Joe Guillen	Espanola	2002
Nancy Seeman	Los Lunas	2003
Randy Manning	Central	2003 & 2004
Vicki Smith	Cobre	2005
Lilliemae Ortiz	Pojoaque	2006
Lora Harlan	Clovis	2007

Join us at the Anniversary Celebration Dinner Friday, June 6 at 6:30 p.m.

Flamenco Dancers, Steak & Enchilada Dinner,
Presentation of Association History, Recognition of Past
Presidents, Directors and Special Guests,
Proclamations by State Officials, and
Photo and Memorabilia Exhibits

Location, Location, Location

Prior to June 20, 2970 the NMSBA had been located on the University of New Mexico and had space and furnishings at no charge.

In 1970, the NMSBA relocated to Santa Fe and rented space in the Petroleum Building for \$127.60 per month plus \$7.50 for a parking space at 207 Shelby Street, Santa Fe, NM 87501.

In 1989, the NMSBA accumulated enough savings in a building fund to purchase two suites of offices for \$130,000 at 300 Galisteo Street, suite 203 & 204, Santa Fe, NM 87501. A sizable down payment was made and paid off over several years.

NMSBA Executive Directors

<u>Name:</u>	<u>Dates of Service:</u>
Dr. Tom Wiley	1958-1960
Dr. Frank Angel	1960-1962
Dr. John Aragon	1962-1968
Mr. William Phillips	1968-1970
Dr. Joe Menapace	1970-1973
Mr. Frank Ready	1974-1978
Mr. Mel Cordova	1978-1981
Dr. Al Clemmons	1982-1985
Mr. Don Wood	1985-1987
Mr. Wesley Lane	1988-1994
Mr. Peter Eissele	1995-1997
Mr. J. Mack Mitchell	1997-2007
Mr. Joe Guillen	2007-present

Wireless for all? WiMAX may solve rural Internet access issues

WiMAX, or Worldwide Interoperability for Microwave Access, is an emerging wireless infrastructure technology with wide ranges and high speed. Currently, wired broadband, Wi-Fi and dial-up are the main methods of accessing the Internet. Many commercial networks don't reach rural homes, schools and businesses, making broadband access either very expensive or impossible.

Similar to a Wi-Fi setup, WiMAX provides Internet network access within a 30-mile radius from a single tower.

WiMAX handles the transmission and receives data in two ways. First, it can transmit the signal using lower frequencies, allowing your computer or a WiMAX router to talk with the tower directly. This non-line-of-sight method allows the signals to travel through obstructions and around corners, similar to today's Wi-Fi. By using this method, WiMAX provides coverage in a six-mile radius.

The second method concerns line of sight transmissions. This includes either a second WiMAX tower or a residential or commercial antenna that can literally "see" the tower without any obstructions. A microwave signal is used to directly transmit and receive data from these towers and antennas. Coverage for line-of-sight transmissions can reach a radius of 30 miles.

WiMAX has the possibility of connecting thousands of users at the same time, with bandwidth at or above today's mainstream broadband solutions.

WiMAX is a real contender for what they call the "last mile" of connectivity, or the final leg of connection from the telecommunications infrastructure to the home or business. It also will handle protocols such as Voice over IP, commonly known as VoIP, which allows phone calls to be made over the internet connection.

Although not widely used, if WiMAX becomes mainstream, it could provide a true solution to mobile computing, mobile voice and rural high-speed network access.

For more information, visit www.wimaxforum.org

♦ Source: By Drew Clark, information services specialist, Ohio School Board Association, March 2008

Editor's Note: This is an attempt to inform school leadership of new available technologies. It is not intended as an endorsement. In researching Wi-Fi, I found several articles questioning the health effects of Wi-Fi use, especially its effect on children. The studies available from 2006 and 2007, showed no conclusive proof that Wi-Fi was a danger to adults or children. In an article from the BBC News, Louis Cannel, of Northampton stated that that "the power output from mobile phones is far greater" (than that from Wi-Fi). However, the majority of experts do agree that children should not be using cell phones and when using laptop computers, they should have the laptop placed on tables, and not on their laps to avoid "chromosomal damage from low-level radiation." Many scientists stated that effects and more conclusive results won't be seen for at least ten years.

Deadly Staph Infections on the Rise

Schools across the country have been reporting outbreaks of staph infections, including an antibiotic-resistant strain that killed a 17-year-old Virginia student in October, 2007.

The death of Ashton Bonds, a senior at Staunton River High School in Moneta, forced the closing of all 22 schools in Bedford County, VA to prevent the spreading of the illness. Bonds died from the methicillin-resistant *Staphylococcus Aureus*, also known as MRSA.

According to health officials, MRSA is the most serious strain of staph infection because it does not respond to penicillin or related antibiotics. Nearly 19,000 people died in 2005 in the United States from MRSA infections, according to a study released in October 2007 by the Centers for Disease Control and Prevention (CDC).

Staph infections are spread by skin-to-skin contact or through sharing items used by an infected person, especially someone with an open wound.

Staunton River students organized a protest over the school's sanitation following Bonds' death, leading the district to close all the district's schools for a day for cleanup. The *Roanoke Times* also reported at least 11 cases of MRSA has been reported in children and teens in southwest Virginia since April, 2007.

Outbreaks were also reported in: Anne Arundel County, Maryland; in Waterloo, Illinois; St. Louis, Missouri; and in Columbus, Ohio. Florida and North Carolina also reported increases in staph infections, although neither state has seen a major outbreak.

The CDC says the best way to prevent staph infections is by washing hands frequently and thoroughly, covering open wounds, and avoiding the sharing of towels and razors.

♦ Source: *American School Board Journal*, December 2007

Students and free breakfast

About 8.1 million low-income children participated in the federal school breakfast program in the 2006-07 school year, but the numbers remain low compared to qualifying students who eat free and reduced-price lunches, according to the Washington, DC-based Food Research and Action Center. **New Mexico has the highest proportion of low-income children eating school breakfast, with 61 children having breakfast for every 100 who receive lunch.** Illinois has the lowest participation rate with about 33 children receiving breakfast for every 100 who receive lunch. For more information, go to www.frac.org.

♦ Source: *American School Board Journal*, March 2008

Compliance With Rules and Regulations Regarding Electronic Communication

By Melissa Wurtzel O'Shea, The Cuddy Law Firm, LLP

Discovery of electronic records has become the new hotbed issue, under the new state and federal Rules of Civil Procedure and under the Inspection of Public Records Act.

A. Public Records Requests

Under the Public Records Act, public records are defined to include all documents, books, papers, maps, tapes, photographs, recordings, pictures, or other documentary evidence, regardless of form or physical characteristics, made or received by any public body in pursuance of law or in connection with the transaction of public business, whether or not the records are required by law to be created or maintained. NMSA 1978 Section 14-2-6D. Electronic communications are included in the definition of public records if it is created or received by a public agency in connection with official business. All of these electronic communications must be identified, accessible and maintained the same as all other public records. E-mail communications are subject to the Executive Records Retention and Disposition Schedules. (See NMAC 1.20.2, which directs the public schools to the sections of NMAC 1.15, the general records retention schedules, which are applicable to school records.) New regulations regarding electronic messaging were issued under the Inspection of Public Records Act. See NMAC 1.13.4. Currently the regulations apply only to the state and not to local public bodies, however, the Attorney General has announced his intentions to seek an amendment to the regulations and the Inspection of Public Records Act during the next legislative session. It is our prediction that the Attorney General will be seeking to have the new regulations applicable to local public bodies.

In addition to concerns regarding public records requests, electronic communications must be retained for purposes of litigation the same as other records. Once a District is aware of potential litigation, either through a tort claim notice, EEOC or HRD Charges of Discrimination, or due process hearing request, the District must maintain all of the records relevant to the claim or risk a finding the District spoliated evidence, defined as withholding, hiding, or destruction of evidence. To ensure that records are properly maintained, the District must enable an electronic records retention system that is monitored to ensure that it is effective, and ensure that all staff are aware of the requirement that the communications be saved.

Districts should implement a policy under which documents are retained on a "litigation hold" when any

litigation is threatened or likely to occur. This can occur when an employee is terminated, discharged or disciplined, a student is disciplined, a candidate for employment is not hired, or there is an injury on school grounds. Records relating to any of these incidents should be preserved where they can be easily found by the administration or the IT department, and counsel should be notified of the location of these records as early as possible in litigation, or when a records request is received. The District should have a prepared litigation hold letter which is distributed to staff when litigation is expected. A sample "litigation hold" letter to school employees can be found at <http://cuddylaw.com/news.html>.

B. Internet and Electronic Systems Acceptable Use Policies

Given the ability of the public to gain access to electronic communications, School Districts should have a strict internet and e-mail acceptable use policy which is enforced. E-mail communications which are sent from school computers, whether they are personal, contain gossip, off-color jokes, inappropriate pictures, or other material which an employee may not want to be made public, are likely public records which can be discovered during litigation, and depending on the content, in a public records request. Legally recognized privileges (i.e. physician-patient, attorney-client disclosure but board distribution through email may destroy the privileged or confidential nature of the content. Therefore, Districts should review their computer usage policy and make sure that the policy is strictly enforced.

In addition to the computer usage policy, School Districts should ensure that you have implemented a document retention policy, specifically aimed at electronic communications policies, as part of the overall records management program. All District employees should be notified of the new policies and receive training on the policy and record retention system, including encouragement that they delete and purge unofficial records from their systems once official records are filed or retained. The District should also consider using metadata scrubber software to clean documents and train employees how and when to use the system.

Additional information regarding retention of electronic communications can be obtained through the District's counsel or from the State Records and Archives at <http://www.nmcpr.state.nm.us/records/email.htm>.

A Case for Professional Development

As the Programs Director of NMSBA, I am responsible to track the training points for the school board members' mandated training credit. Every once in a while a board member complains that being required to attend training is not fair because school board members in New Mexico are volunteers and/or they employ a knowledgeable Superintendent. Here are a few reasons why I think training is necessary.

First, it is required by law in New Mexico for school board members to earn at least five hours of training per program year (September 1- August 31). This can easily be achieved by attending one two-day NMSBA conference per year. The legislators saw a benefit in requiring a minimum of training for those who oversee the budgets and policies of districts. In fact, most states require those who are responsible for the allocation of public monies to have a minimum annual training requirement or pass a certification exam.

Second, your constituents trust that you will do your best to represent the children of the district and use its resources wisely and that includes staying informed of changes so that you can effectively run your district.

Third, continuing education is an accepted part of being a professional. Even as volunteers, school board members are the leadership of the school district and such a position holds responsibilities. Considerable continuing education training is expected in teaching, medical, and legal practice. How many board members would want to employ a teacher who graduated in 1980 and never had continuing education training? How could they effectively teach without knowledge of current technologies or learning theory? Would you choose a physician to operate on you if he was not Board Certified and hadn't attended

any continuing education in the last twenty years? Would you choose a lawyer to defend you if he/she were not trained in current laws? Continuing education keeps them effective, knowledgeable and responsible in their professions. As a member of the leadership of your school district you are asked to remain current in the areas of legal, financial and policy issues for your district. This is to benefit you, the district and those you represent.

Granted, I may be biased about professional development, providing it has been part of my job for 12 years to nurses and 5 years to board members. However, I too attend professional development conferences and take continuing education coursework. I understand that you take time off work, travel long distances, spend time away from your family and spend money you could spend elsewhere. However, I believe there is an intangible benefit to connecting with colleagues, learning new theories, sharing ideas and being a part of something larger than yourself. Professional development offers you the opportunity to be a learner, a practitioner and then a teacher – you are a part of the cycle. It is inherent in what Rutgers Associate Professor David Carr describes so eloquently as “the kind of *giving that surrounds the gift*, the quality of yourself that you give when you assist the learners in your community toward informed change. Of course it is also the kind of gift that stays with you, the more you give it away, because it is part of your professional identity.” I think professional development is a good thing and I hope to see you soon at an upcoming NMSBA conference - engaging in professional development!

♦ *Written by Elizabeth Egelhoff, NMSBA Programs Director*

In the classroom

Most teachers value working conditions over pay

Roughly eight in ten teachers would rather work in schools where students were well-behaved and they get strong support from other teachers and administrators than in schools where they could receive significantly higher pay, according to a survey by Public Agenda.

Asked, “Given a choice between two schools in otherwise identical districts, which would you prefer to work in?” 83 percent of both elementary and secondary school teachers chose schools “where student behavior and parental behavior were significantly better.” Only 15 percent of elementary teachers and 16 percent of

secondary teachers chose “the school that paid a significantly higher salary.”

Similarly, 76 percent of elementary and 81 percent of secondary teachers chose schools “where administrators gave strong backing and support to teachers,” compared with 23 percent of elementary and 19 percent of secondary teachers that preferred a higher salary.

The study can be downloaded at www.publicagenda.org/lessonslearned1/pdfs/lessons_learned_1.pdf.

♦ *Source: Summary by Paul Heiser, Research Analyst, New York State School Boards Association, On Board publication, January 2008*

An at-risk group: children whose parents are in jail

As educators grapple with a number of issues that continually plague their schools, there remains another overlooked and understudied issue – children who have one or both parents in jail.

According to the US Department of Justice's National Institute of Correction and the Bureau of Justice Statistics:

- ♦ 1.5 million children under the age of 18 have at least one parent in jail. This is a 60% increase since 1991.
- ♦ 50% of these children are younger than 10 years old. The average age is 8.
- ♦ Hispanic children are three times more likely than whites to have a jailed parent.
- ♦ In state prisons, 57% of fathers and 54% of mothers have never had a personal visit with their children. In federal prisons, the numbers are 44% of fathers and 42% of mothers.
- ♦ Although more than 80% of the children are living with the other parent, 20% are living with a grandparent or other relative and 2% are in foster homes or institutions. The number exceeds 100% because some inmates have more than one child living with different custodians.
- ♦ Three out of four inmates in state prisons and one out of three in federal prisons have prior convictions. This is significant because it means that these children have experienced more than one separation from their parents.
- ♦ Another 5.5 million children have at least one parent on probation or parole.

What do these statistics mean to educators? Children with parents in jail exhibit a broad variety of behavioral, emotional, health and educational problems, including stress, trauma and stigmatization. These problems are combined with the existing issues of poverty, violence, parental substance abuse, high crime environments, intrafamily abuse and neglect.

“Early childhood (between the ages of 2 and 6) may be the most damaging time for parent-child separation as the child remembers the trauma but cannot adjust to it without help,” said Denise Johnson, of the Center for Children of Incarcerated Parents. “If these children do not receive assistance or cannot process the separation for themselves, their behavior can become increasingly maladaptive as they grow up, leading to strong negative feelings about the criminal justice and welfare systems, delinquency, poor school performance and other antisocial behaviors.”

What can educators do to address the needs of these children? Unfortunately, there is only a handful of programs around the country that work with children of

incarcerated parents and very little research has been conducted on this issue.

Two resources for those working with children of incarcerated parents include:

- ♦ A handbook by the Child Welfare League of America of America entitled “Working with Children and Families Separated by Incarceration.”
- ♦ A \$4 million congressional appropriation for “work with cooperative agreements to fund private sector or not-for-profit groups that have effective, tested programs to help children of prisoners.”

From these two examples you can tell very little is being done to bring attention to and study the issue of children with parents in jail. Unless something is done to identify these children and provide intervention services, 40% of the 1.5 million children with a parent in jail may someday find themselves behind bars.

♦Source: Written by Donna J. Williams, management development specialist, Ohio School Boards Association

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RTI helps schools avoid special ed costs

Officials in districts across the country are rapidly adopting early intervention programs, known as “response to intervention” or RTI, hoping that steering a child away from expensive special education classes will pay off for them in cost savings. The adoption of these programs comes at a time when districts have been trying to also cut down “overidentification” — too many poor and minority kids being shunted off to special education who don’t need to be there.

Not everyone is pleased about RTI. Some parents worry that children with learning disabilities will have to wait too long to get the intensive help they need. Academics and administrators fear the trend is taking off too quickly, without enough research to back up its surge. “RTI is a runaway train — it’s an explosion right now in the entire field of education,” said Wayne Sailor, a professor of special education at the University of Kansas. Traditionally, children haven’t been identified for special education until third or fourth grade. They end up costing roughly twice as much, or about \$12,000 a year, to educate an average student, including about \$11 billion in federal dollars every year. But researchers, including some influential with federal education officials, have long argued that students were getting stuck in special education not because of biological disabilities, but because of environmental factors, such as parents that do not read in the home.

RTI was launched as a response, finding a foothold nearly a decade ago in school districts in Oregon and Iowa. The idea is to screen children as early as kindergarten for any sign that they are falling behind their peers in basic subjects, like reading and math. Teachers keep careful records, and children get intensive extra instruction. The tutoring intensifies if there’s no improvement. If problems persist, then they go into traditional special education.

In Virginia, special education numbers statewide dipped by about 4,000 students this year, which officials attribute at least partly to increasing use of early interventions. In Oklahoma, where 15 school districts are piloting the program, some schools reported a 50 percent decrease in the number of special education referrals between 2006 and 2007. The Bush administration is backing RTI, allowing districts to spend up to 15 percent of the money they receive for special education on the program, and setting aside \$14 million in federal dollars to help states implement it.

It will take the average school about three years to get the early intervention system in place, Sailor said, including intensive training for classroom teachers who need to learn how to evaluate and identify students who need help. In the end, he said, it might not save schools much money, since they’ll be spending more on early interventions, even if fewer children wind up in special education down the line. You must also weigh the cost of possible litigation if special education would have made a difference and only tutoring was provided.

♦ Source: *By Julia Silverman, Associated Press, April 2008*

Growth models allowed under NCLB

Growth models, which allow school districts to measure individual students’ achievement gains, will be allowed in all states that meet federal criteria under the No Child Left Behind (NCLB) Act.

The early December announcement, one of the biggest during Margaret Spellings’ three-year tenure as the secretary of education, came as Congress struggled over NCLB’s reauthorization. The use of growth models to measure Adequate Yearly Progress has been one area that lawmakers, lobbyists, and researchers have agreed on during discussions surrounding the legislation.

In a pilot program that started in 2005, the U.S. Department of Education allowed only 10 states to use the growth models, which hold individual schools accountable for increasing achievement from one year to the next. Only eight states (Alaska, Arizona, Arkansas, Delaware, Florida, Iowa, North Carolina and Tennessee) were approved after meeting the department’s criteria, which includes providing data on whether students are on track to be proficient in reading and math by the end of the 2013-14 school year.

Thirty-four states collect the data they need to produce growth-model reports, according to the Data Quality Campaign, a coalition of groups led by the Austin, Texas-based National Center of Educational Accountability.

States must submit proposals. Plans are to review applications in April, with approval set before the current school year ends.

♦ Source: *American School Board Journal, February 2008*

Children’s author Jon Scieszka appointed first National Ambassador for Young People’s Literature

Jon Scieszka, author of *The Stinky Cheese Man and Other Fairly Stupid Tales* and the *Time Warp Trio* series was named as the first National Ambassador for Young People’s Literature. “We think it’s very important to have an evangelist for reading,” said Librarian of Congress James H. Billington. The LOC’s Center for the Book has teamed up with the Children’s Book Council, a publishing industry trade association, to create the national ambassador program. The appointment comes at a time when declines in Americans’ reading proficiency and time spent reading have been widely noted—most recently in “To Read or Not to Read,” a report issued by the National Endowment for the Arts. For many reasons, including economic competitiveness, it is “a matter of crucial national importance” that young people read, Billington said.

♦ Source: *The Washington Post, January 2008*

MARK YOUR CALENDAR!

School Law Conference
June 6-7, 2008
Hotel Albuquerque
Albuquerque, NM

Leader's Retreat
July 25-26, 2008
Sagebrush Inn
Taos, NM

Annual Convention
December 5-6, 2008
Raddison Hotel
Albuquerque, NM

Information for NMSBA conferences will be available on the NMSBA website.
Go to www.nmsba.org, and from the homepage choose "Conference Information"
For out-of-state conferences, see the website listed.

Tidbits...

Study Shows Texas School System Fosters Low Graduation Rates

A study by Rice University and the University of Texas at Austin shows that Texas' public school accountability system, the model for the national No Child Left Behind Act, directly contributes to lower graduation rates. By analyzing data from more than 271,000 students, the study found that 60 percent of African-American students, 75 percent of Latino students and 80 percent of English-as-a-second language students did not graduate within five years.

Each year, Texas public high schools lose at least 135,000 youth prior to graduation. Research found an overall graduation rate of only 33 percent. **The exit of low-achieving students created the appearance of the rising test scores** and of a narrowing of the achievement gap between white and minority students, thus increasing the schools' ratings, the study showed.

What's more, the study indicated that the higher the stakes and the longer such an accountability system governs schools, the more school personnel view students not as children to educate but as potential liabilities or assets for their school's performance indicators, their own careers or their school's funding.

Among other findings, the study showed a relationship between the increasing number of dropouts and schools' rising accountability ratings, finding that the accountability system allows principals to hold back students who are deemed at risk of reducing school scores – but a high proportion of students retained this way end up dropping out.

●Source: *Austin Business Journal*, February 2008

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