

THE ADVOCATE

Federal Stimulus Allocations

By Alyson Klein and contributions by Michele McNeil, Assistant Editor

The eagerly awaited federal guidelines on some \$100 billion in stimulus funding for public education aim to pump money out quickly, while giving the U.S. Department of Education leverage to demand improvements from states and districts.

But those same states and districts are also warned not to expect the hefty sums for K-12 programs in the American Recovery and Reinvestment Act to become part of a new baseline for federal aid. The guidelines advise recipients to use the extra money coming over the next two years for short-term expenditures that could have longer-term benefits for student learning. And as state and local officials gird for the challenge of managing the stimulus money, they are being told to keep careful track of every dollar in order to meet rigorous transparency and accountability requirements.

“If we see money being misspent, we’re going to put a stop to it, and we will call it out and we will publicize it,” President Barack Obama told a group of state officials who gathered at the White House for a March 12 conference on allocating the economic-stimulus funds.

“On the other hand, if the money is being spent as it needs to be spent, to rebuild our roads and our bridges and our schools, ... then I think ... the people we work for are going to be extraordinarily grateful,” he said.

Mr. Obama, who took office two months ago amid a worsening recession, had made the \$787 billion stimulus bill his top legislative priority.

The first batch of education stimulus money will be made available swiftly, federal officials say, and with relatively few strings attached. But the Education Department is asking states to submit much more detailed information on how they plan to improve student learning before they can tap a sizable portion of their second round of funding. And, to tap a portion of special education aid and Title I funding for disadvantaged students, states must explain how they will comply with transparency and accounting requirements.

The biggest single restriction in the guidelines issued March 7th involves the \$53.6 billion State Fiscal Stabilization Fund, the bulk of which is aimed at steadying faltering state budgets in fiscal years 2009 and 2010. States will get that funding in two batches.

This month, states will be able to apply for the first phase, about 67 percent of the money—roughly \$32 billion. That money will go out within two weeks of a state’s submission of its application.

But a state can’t tap the rest of its stabilization funding—part of a \$16 billion pot slated to go out next fall—until the Education Department approves its plans to comply with a set of education-redesign-oriented “assurances” spelled out in the stimulus law.

Each state must explain, in detail, how it will improve teacher quality and the equitable distribution of highly qualified teachers, develop better data systems, bolster standards and assessments, and turn around failing schools.



IN THIS ISSUE

FEATURES

Stimulus.....	1,10,11
State News.....	3
Technology.....	4
Commercial Members.....	4
Student Achievement.....	6, 7
Legal Issues.....	8, 9
Student Health	9
Boardsmanship.....	11
Tidbits.....	12

DEPARTMENTS

Director’s Perspective.....	2
NMSBA News.....	5
Calendar.....	12

Continued on page 10

DIRECTOR'S PERSPECTIVE

By Joe Guillen

We Must Be Strong Advocates!

Having had several weeks to reflect on the happenings at this year's legislative session, I am convinced that school boards in New Mexico are at a critical period of our existence. While we are all aware of the numerous areas of accountability school boards are faced with, it doesn't seem to be enough for many legislators. This year we saw enactment of legislation which expands



board nepotism employment prohibitions as well as legislation that allows for the suspension of school boards for late audits. In addition, legislation was proposed that would have required cumbersome campaign finance reporting requirements and additional governmental conduct standards for boards. At the same time, we lost our bid for sufficient funding to operate our schools, we were unable to gain support to approve top level administrator hiring recommendations and almost lost our authority to hear and act on employee terminations. It is clear that unless we take a proactive approach and advocate for our schools, we will continue to see more regulation and less authority.

Given the current state of affairs, let me remind you of the important role you play as school board members in your communities. School boards are the dedicated few who are elected to represent community values and thinking about public education in school districts. The bottom line for school boards is keeping alive the dream of public education for every child and making sure students achieve and succeed. Who better than community representatives to shoulder the responsibility for preparing children to live productive and satisfying lives? Consider these five reasons that school boards, who represent community's beliefs and values, should be the decision makers in today's schools:

1. School boards look out for children – first and foremost. Education is not a line item in your school board's budget – it is the *only* item.
2. School boards are advocates for the community when decisions are made about children's education. School boards represent the public's voice in public education, providing citizen governance for what the public schools need and what the community wants.
3. School boards set the standard for achievement in districts, incorporating the community's view of what students should know and be able to do at each grade level. School boards are also responsible for working with the superintendent to establish a valid process for measuring student success and, when necessary, shifting resources to ensure that the district's goals are achieved.
4. School boards are accessible and accountable to the public for the performance of schools. If schools are not producing, voters can elect new board members who will see to it that students and schools succeed.
5. School boards are the community's education watchdog, ensuring that taxpayers get the most for their tax dollars.

So as we go about our school board business, it is important that we keep in mind one of our most important responsibilities is being strong advocates for our schools. We must be prepared to communicate and clearly present the district's successes and needs to the public and to our legislative leaders. We must know how the legislative process works and be familiar with procedures and legislative cycles. We must form effective coalitions of broad-based support to help influence decisions. And finally, we must be willing to meet with our legislators and develop close working relationship with them. All of this is done on behalf of our students and their right to receive a quality education. NMSBA will continue to focus on advocacy training for our members, facilitate opportunities for legislative input and trust that our legislative priorities will be presented with a louder voice and a stronger impact.

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

STAFF

EXECUTIVE DIRECTOR
Joe Guillen

FINANCE DIRECTOR
Carolyn Mole

PROGRAMS DIRECTOR
ADVOCATE EDITOR
Elizabeth Egelhoff

ATTORNEY
John F. Kennedy

**New Mexico School Boards Assoc.
300 Galisteo Street, Suite 204
Santa Fe, New Mexico 87501**

Phone: (505) 983-5041
Fax: (505) 983-2450
e-mail: nmsba1@nm.net
website: www.nmsba.org

NMSBA Executive Board

David Zimmerman, President
 Ramon Montano, President-Elect
 Terry Martin - Vice-President
 Dion W. Sandoval, Secretary-Treasurer
 Lora Harlan, Imm. Past President
 Randy Manning, NSBA - ex-officio

Board of Directors**Region I**

Ernest Mackel (*Zuni*) President
 Karen Ransom (*Bloomfield*) VP
 Dorothy Redhorse (*Central*) Secretary

Region II

Andrew Chavez (*Espanola*) Pres.
 Bernie Torres (*Questa*) VP
 Mary Mascarenas (*Penasco*) Secretary

Region III

Sacramento Baca (*Roy*) President
 Kenny Lujan (*WLV*) VP
 Arthur Romero (*Mora*) Secretary

Region IV

Louis Gauna (*Vaughn*) President
 PJ Lovato (*Mountainair*) VP
 Maria Marez (*Los Lunas*) Secretary

Region V

Inez Rodriguez (*Portales*) President
 Lola Bryant (*Clovis*) VP
 Tom Humble (*Logan*) Secretary

Region VI

Donna Sterret (*Dexter*) President
 Armando Chavez (*Loving*) VP
 Lynda McGinnes (*Lovington*) Secretary

Region VII

Jennifer Viramontes (*Gadsden*) President
 Chuck Davis (*Las Cruces*) VP
 Sue Medina (*Alamogordo*) Secretary

Region VIII

Ruben Torres (*Deming*) President
 Frank Cordova (*Cobre*) VP
 Joan McCargish (*Reserve*) Secretary

Large District Representatives

Dolores Griego (*Albuquerque*)
 Bruce Tempest (*Gallup*)
 Maria Saenz (*Gadsden*)
 Steve Nelson (*Farmington*)
 Bonnie Votaw (*Las Cruces*)
 Don Schlicte (*Rio Rancho*)
 Frank Montano (*Santa Fe*)

Past-Presidents

Lora Harlan (*Clovis*)
 Susan Lutterman (*Ruidoso*)
 Randy Manning (*Central*)

Good News from around New Mexico**Rio Rancho teacher is 2009 New Mexico Teacher of the Year**

Blythe Turner, a bilingual education teacher at Rio Rancho Elementary School of the **Rio Rancho public schools**, has been named the 2009 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 on excellence in teaching. Turner has been at Rio Ranchos schools for six years and is the Native American liaison in the Rio Rancho public schools. The principal's nomination mentioned Turner's "strong multicultural perspectives, high expectations for her students, and how she is highly respected by her colleagues for her expertise". Turner earned both her BA and MA in Elementary Education from Eastern New Mexico University. She is currently working on her Doctorate in Language, Literacy and Socio-Cultural Studies at the University of New Mexico.

♦ *Source: Newsletter of the Center for Teaching Excellence, Eastern New Mexico University, February 2009*

Moriarty-Edgewood teacher is the 2008 Milken Award Winner

Crystal McCain, a sixth-grade teacher at Route 66 Elementary School was recognized for her desiccation to education, for her math and science teaching techniques, and for the character and respect she brings to the classroom. She serves as chair of the Math/Science Goal Team at her school, is a member of the school's leadership team that focuses on implementing the Baldrige approach to school management and was instrumental in organizing the school's Math Night and Science Fair. She was surprised with the award at a school assembly. Unlike most teacher award programs, there isn't a nomination for the Milken Award. A statewide committee submits the choice for approval by the foundation. The award carries with it an unrestricted \$25,000 check.

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

Honors bestowed upon top New Mexico youth volunteers

Two of New Mexico's top two youth volunteers for 2009 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 14th 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.

Melissa Redman is a junior at **Silver High School**. She has served for the past eight years as Captain of a walking and fund-raising team participating in the American Cancer Society's Relay for Life walkathon in her county. Six months before the relay she is recruiting team members, coordinating meetings, and developing fund-raising ideas.

Jennifer Sanchez is an eighth-grader at Chaparral Middle School of the **Alamogordo public schools**. She organized a class competition at her school that collected nearly 125,000 soda-can "pop tabs" over the past two years to benefit the Ronald McDonald House of New Mexico.

♦ *Source: Prudential Spirit of Community Awards press release 2009*

Grandpa is browsing your Facebook page...

Grandpa is browsing your Facebook page - as are future employers and the public. When your 88-year-old grandfather sends a request to be your "friend" on Facebook, you have two choices: either confirm it, then quickly take down all those party pictures you thought were so funny, or plan on never coming home for the holidays.

Facebook is a social networking website that was launched in 2004. It was the brainchild of Harvard University student Mark Zuckerberg. Within two years, a study conducted by Student Monitor, a New Jersey-based company specializing in research concerning the college student market found, "Facebook was named as the second most popular thing among undergraduates second only to the iPod, but tied with sex and beer".

A recent study found that social networking sites are still predominantly used by a younger population, with the median ages of MySpace and Facebook users were 26 and 27 years old, respectively. According to the recent report by the Pew Internet & American Life Project, the career-focused LinkedIn, the average age of users was 40.

A recent discussion post on the National School Boards Association listserv for Communication professionals also discussed how many staff at the state associations have heard of not only calling references for those applying for jobs, but also searching applicants via search engines like Google and social networking media such as Facebook. This is something High School students have been told to expect from college admissions officers for a few years now.

The Pew Internet Project Data Memo noted that the web continues to be populated largely by younger generations, as over half of the adult internet population is between 18 and 44 years old. The biggest increase in internet use since 2005 can be seen in the 70-75 year-old age group who are now using email in greater numbers. Instant messaging, social networking, and blogging have gained ground as communications tools, but email remains the most popular online activity. Teens and Generation Y (18-32 year-old age group) are the most likely groups to use the internet for entertainment (online videos, games, virtual worlds and music downloads) and for communicating with friends and family (social networking sites and instant messaging).

Older generations use the internet as a tool for research, shopping and banking. Compared with teens and Generation Y, older generations use the internet less for socializing and entertainment and more as a tool for information searches, emailing, and buying products. Older internet users are significantly more likely than younger generations to look online for health

information. Researching health information is the third most popular online activity with the most senior age group, after email and online searches. Internet users ages 33-72 are also significantly more likely than younger users to look online for religious information and they are more likely to visit government websites in search of information. Generation X (those ages 33-44 years old) continue to lead in internet shopping and online banking. The research also showed that video downloads, online travel reservations, and work-related research are now pursued more equally by young and old.

You too can participate, just go to www.pewinternet.org to take the survey to find out what kind of internet user you are.

♦ Summarized by EE

Sources: The Generations Online 2009 report from the Pew Internet & American Life Project, found at <http://www.pewinternet.org>.

<http://veronicalynne.com/2008/09/19/what-you-say-in-facebook-can-affect-college-entrance/>

COMMERCIAL MEMBERS

George K. Baum & Company

One Park Square, Suite 360
6501 Americas Parkway, NE
Albuquerque, NM 87110
A.L. Clemmons, PhD, Sr. Vice President
phone: 1-800-446-5998 or (505) 872-2320
fax: (505) 872-2733 mobile: (505) 259-9330
e-mail: clemmons@gkbaum.com

RBC Dain Rauscher

6301 Uptown Blvd, NE Suite 110
Albuquerque, NM 87110
Paul J. Cassidy, Managing Director
phone: (505) 872-5991 fax: (505) 872-5979
website: www.rbcdain.com
e-mail: paul.Cassidy@rbcdain.com

Summit Food Service Management

2703 Broadbent Parkway, Suite F
Albuquerque, NM 87107
David R. Brewer, President
phone: (505) 341-0507

Zia Bus Sales, Inc.

2655 Baylor Dr, SE
Albuquerque, NM 87106
phone: 1-800-658-2710 or (505) 924-2181
fax: (505) 924-2189

NMSBA NEWS

The NMSBA website (www.nmsba.org) is a resource for your use:

Current News - identifies current events involving the association or school board members, such as the upcoming conference, links to legislative issues, or helpful resources such as the Stimulus links.

From the menu bar of links on the homepage:

Calendar - lists dates and locations of region meetings, state and national conferences.

Conferences – upcoming conference information such as agenda, registration form and hotel links. The upcoming conference information is posted on the website about two months prior to each conference.

Legislative – current legislative information such as the Funding Formula link, the Bill Tracker link for NM legislative bills and the NMSBA platform of issues.

Organizational Structure – current Executive Board and Board of Directors pictures, names, and school districts.

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

About us - the association vision statement, mission statement and statement of belief.

Links - weblinks to other education-related sites such as the public education department; public education commission; searchable NM State Statutes; NM Coalition of School Administrators; NM Regional Educational Applicant Program for education job openings; Cooperative Education Services; National School Boards Association “BoardBuzz” weblog and Center for Public Education; and other state association website links.

Publications – previous Newsletters (in pdf format) and other current items of interest to NM Board Members, such as Independent Training Request Forms; Master Board Member Program information and board election calendars.

Contact us - the staff directory of NMSBA.

Services available to school districts for a fee are:

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 Joe Guillen, Executive Director of NMSBA via e-mail at jguillen@nmsba.org or by phone at the NMSBA office, (505) 983-5041.

BoardBook Offers Districts Paperless Meetings

There is a BoardBook link available from the “Links” menu bar option of the NMSBA homepage. BoardBook 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 2009 FALL REGION MEETINGS

Region I

Wednesday, October 7 in Aztec
Aztec, Bloomfield, Central, Dulce,
Farmington, Gallup, and Zuni

Region II

**Monday, September 7 or Thursday,
September 10, 2009 in Chama**
Chama Valley, Espanola, Jemez Mountain,
Los Alamos, Mesa Vista, Pecos, Penasco,
Pojoaque Valley, Questa, Santa Fe, and
Taos

Region III

Monday, October 19 in Maxwell
Cimarron, Clayton, Des Moines, Las
Vegas City, Maxwell, Mora, Mosquero,
Raton, Roy, Santa Rosa, Springer,
Wagon Mound, and West Las Vegas

Region IV

Tuesday, October 14 in Quemado
Albuquerque, Belen, Bernalillo,
Grants-Cibola, Cuba, Estancia, Jemez
Valley, Los Lunas, Magdalena,
Moriarty-Edgewood, Mountainair,
Quemado, Rio Rancho, Socorro, and
Vaughn

Region V

Tuesday, September 15 in Elida
Clovis, Dora, Elida, Floyd, Fort Sumner,
Grady, House, Logan, Melrose, Portales,
San Jon, Texico, and Tucumcari

Region VI

Monday, September 28 in Roswell
Artesia, Carlsbad, Dexter, Eunice,
Hagerman, Hobbs, Jal, Lake Arthur,
Loving, Lovington, Roswell, and Tatum

Region VII

Tuesday, October 27 in Las Cruces
Alamogordo, Capitan, Carrizozo,
Cloudcroft, Corona, Gadsden, Hatch
Valley, Hondo Valley, Las Cruces,
Ruidoso, T or C, and Tularosa

Region VIII

Tuesday, September 22 in Cobre
Animas, Cobre, Deming, Lordsburg,
Reserve, and Silver City

Some highlights of the effects of organizational culture and high-stakes testing on student achievement

In his 2007 dissertation, *The Effects of High-Stakes Testing on Central Office Organizational Culture: Changes in One School District*, for a Doctor of Education degree from the University of Texas at Austin, Bret Champion made some very interesting points that school board members may find useful.

Results I:

The purpose of his study was to determine what impact high-stakes testing had on one school district's central office organizational culture, and how changes affected district-wide practices. His findings of the study revealed that high-stakes testing affected the central office organizational culture, as well as campus and district administrators, in four distinct ways: 1) it has instilled fear of failure and fear of losing one's job; 2) it has invoked frustration, both because of the narrow focus of the test and the demands of outside stakeholders; 3) it has inhibited freedom, particularly in goal-setting; and 4) it has improved focus by ensuring the use of research-based teaching practices and detailed student analysis.

Background I:

Champion gave a background of how organizational culture became an area of interest and study in American education.

The term "organizational culture" refers to "the behavioral norms, assumptions, and beliefs of an organization" (Owens, 1998, p. 165). Research has shown that positive organizational culture is a critical feature of successful campuses and districts (Cawelti & Protheroe, 2001; Bonstingl, 2001; Deal & Peterson, 1990; Deming, 1986 & 1993; Fullan, 2000 & 2004; Marshall, Pritchard & Gunderson, 2004; Marzano, Waters & McNulty, 2005; Barth, 2000; Owens, 1998; Pritchard & Marshall, 2002; Schein, 2004; Sergiovanni, 1992, 2004a). In 1981 Ouchi published *Theory Z*, which compared Japanese business practices to those in the United States. There were many other books that followed, all focusing on improving organizational culture as a means to corporate success in business, and many business models have subsequently been applied to education.

Organizational culture serves at least three purposes: 1) providing consistent solutions, 2) establishing a set of norms that guide behavior, and 3) creating values that form the foundation of the organization (Schein, 2004). Organizational culture is not to be confused with organizational climate (Van Houtte,

2005; Anderson, 1982; Maxwell & Ross, 1991). Climate is considered a broader descriptor. For example, Tagiuri and Litwin (1968) divide climate into four dimensions: the physical surroundings, the characteristics of individuals and groups involved with the organization, the relationships between individuals within the organization, and the culture of the organization. By culture, Tagiuri and Litwin mean the values, meanings, beliefs and cognitive structures of the people in the organization. Thus, according to this definition of climate, culture is a subset of the overall climate of an organization. Robinson and Anfara (2005) found that schools that had a culture that included an emphasis on academic excellence via high but achievable goals and an orderly and serious learning environment were more likely to positively impact student academic performance.

Strong school cultures were identified by Saphier and King (1985). They found twelve norms that led to strong campus cultures :

1. Collegiality among the staff.
2. Experimentation to strive for improvement.
3. High expectations for everyone.
4. Trust and confidence in the teachers by outside stakeholders.
5. Tangible support.
6. Reaching out to the knowledge base; that is, basing instructional practices on sound educational research.
7. Appreciation and recognition of teachers and other employees.
8. Caring, celebration, and humor.
9. Involvement in decision-making.
10. Protection of instructional and planning time.
11. Traditions.
12. Honest and open communication.

Campuses that had in place or that were improving the twelve norms were more academically successful than those that were not. These findings were later echoed by Van der Westhuizen, Mosoge, Swanepoel, and Coetsee (2005) in their studies of schools in South Africa. They also found that cultures that included order, discipline, and high expectations led to high student achievement. Conversely, school cultures that were defined by low morale and poor cooperation among staff led to low student achievement.

Further, the researchers also found a number of ties between school culture and academic achievement:

- 1) There is a relationship between an effective organizational culture and greater educator and learner motivation and achievement.
- 2) An effective organizational culture can lead to a reduction of dropout and failure rates of learners.
- 3) The experienced quality of work life has a direct relationship with the organizational culture and the organizational climate of the school.
- 4) Effective discipline in the school, including elements such as respect toward the educator, regular attendance in school, and punctuality, is a manifestation of the effectiveness of the culture that permeates the school.
- 5) The quality and state of school facilities is a reflection of the nature of the existing school culture.

Results II:

Changes resulting from high-stakes testing led to six alterations in district-wide practices: 1) more precise student data analysis, 2) reactive and targeted intervention for particular grade levels and students, 3) increased discussion about testing throughout the district, 4) improved curriculum alignment in classrooms, 5) research-based professional development, and 6) district support staff members becoming aware of testing demands.

Background II:

Champion gave a historical background of high-stakes testing in the United States that you may find enlightening:

The United States saw its first program of standardized testing over 150 years ago, when Horace Mann was Massachusetts' Secretary of the State Board of Education. Mann implemented a statewide program that was used to evaluate the performance of schools and to categorize students based on their results. Mann's goals were remarkably similar to the goals of high-stakes testing today: accountability for school programs, feedback to teachers, categorization of students, and instructional reform (Asp, 2000). The United States has continued to struggle with high-stakes testing and the goals Mann set forth. The accomplishments of Mann's goals were attempted via what Linn (2000) has termed five waves of educational reform.

Wave One: Tracking students in the 1950s – the Soviet Union reaching space with *Sputnik* faster than the United States incited widespread public criticism of the country's educational system.

Wave Two: Program accountability in the 1960s – Congress adopted the Elementary and Secondary Education Act in 1965 which implemented Title 1 Evaluation and Reporting Systems (TIERS) and expanded the utilization of norm-referenced tests (Linn, 2000). It was also during this wave that the government

established test data as a requirement for federal funding.

Wave Three – Basic competence in the 1970s – accountability for students became the focus, and several states began to require students to successfully pass a minimum competency exam prior to graduating high school.

Wave Four – School and District measures in the 1980s – In 1983, *A Nation at Risk*, a report from the National Commission on Education, ushered in a call for high-stakes exams that went beyond basic skills and instead measured accepted curricular standards (Johnson, 2004).

Wave Five – Standards-Based Accountability System in the 1990s – The federal government created "Goals 2000", which called for national achievement tests in language arts, math and science, and which were to be based on national standards (U.S. Department of Education, 1991). The report argued for a system that held schools and school districts accountable for standard academic results for all students in the school system. It also stated that parents should receive complete information regarding the progress of their students, as well as of the success of their school. Additionally, more emphasis was placed on including all students in measuring performance and further weight was given to high-stakes accountability systems for districts, schools and teachers (Linn, 2000).

Wave Six: No Child Left Behind – In 2001, Congress adopted the reauthorization of the ESEA, the No Child Left Behind (NCLB) Act, which requires statewide high-stakes tests in reading, math and science in grades three through eight. The results of the tests are required to be disaggregated and reported by ethnicity, socioeconomic status, English language proficiency, and disability. Federal funding to local school districts was tied to having these testing programs in place.

Three main results of the literature review of research done on the impact of high-stakes testing on teachers, students and parents concluded that 1) high-stakes testing programs have a negative impact on stakeholders in the educational system; 2) testing programs have shifted how time is used in classrooms throughout the country; and 3) numerous studies found that there is a belief that educational decisions have moved away from the hands of educators and into the hands of policymakers and others outside the educational system.

References: To find the bibliography of the citations included in the summary, go to the original reference section, available on pages 276-290 of the original dissertation document. The link is: <http://www.lib.utexas.edu/etd/d/2007/championd49134/championd49134.pdf>

♦ Article summary by EE

Educating Undocumented Children: Legal Issues for New Mexico School Districts

by John F. Kennedy, Cuddy & McCarthy, LLP

In 1982, the United States Supreme Court ruled in the case of *Plyler v. Doe*, 457 U.S. 202 (1982) that immigrant children in the United States are entitled to attend public elementary and secondary schools regardless of whether or not their parents are legally admitted into this country. However, because some of these parents may be at risk of deportation or other legal action, school districts must balance several competing considerations, including student privacy and safety on one hand, and demands for cooperation from federal and state authorities on the other. School boards must pay attention not only to educating undocumented children as zealously as other students, but also to issues such as (1) what information is gathered from immigrant students, (2) who should have access to student information, (3) who should be allowed on school grounds, and (4) what the school district should do if a number of its students' parents are arrested in an immigration raid.

Access to school activities and services

Although the *Plyler* case did not address extracurricular activities, courts probably would extend it to such activities. School districts thus should be very reluctant to deny undocumented children access to any extracurricular school activities. Unless the activity were found not to contribute at all to the educational goals of *Plyler* – which encompassed “cultural values” such as the team-building and social skills honed in athletic and social organizations – access to that activity probably would be protected under *Plyler*'s guarantee of access to education.

Plyler also would cover access to secondary services that students receive as part of their educational experience, including such services as transportation on school buses, minor health treatment from school nurses, and free or reduced-cost school lunches. The U.S. Department of Agriculture has specifically stated that U.S. citizenship or immigration status is not a condition of eligibility for the National School Lunch Program. Students who otherwise qualify for special services, such as special education services, under the Individuals with Disabilities Education Act (IDEA) cannot be denied rights to these services because of their undocumented status. Likewise, citizenship or immigration status cannot prevent otherwise eligible students from receiving services under § 504 of the Rehabilitation Act. Undocumented students are likely required to receive any services

without which they cannot attend school.

Information gathered from immigrant students

In *Martinez v. Bynum*, 461 U.S. 321 (1983), the United States Supreme Court upheld residency requirements for attendance in public elementary and secondary schools, even as to undocumented children. In New Mexico, of course, the Open Enrollment Law applies to the enrollment of resident and non-resident students, based upon the priorities set by local policy. See NMSA 1978 Section 22-1-4. As a result, it may be necessary to determine whether a student resides in your school district or the specific attendance area of one of your schools, in order to establish what priority the student meets for enrollment purposes.

School districts may require students to demonstrate residency in several ways, but any methods that might reveal a student's immigration status, or that of the student's parents, are problematic. Undocumented immigrants cannot be singled out for discriminatory treatment. Immigration status is not related to residency at all for non-immigrant students, so such status is a highly questionable method of establishing residency. Acceptance of documents such as in-district utility bills or leases as evidence that the student resides in the district is preferable to asking prohibited questions about immigration status or citizenship. School districts should not require students or parents to disclose or document their immigration status or make inquiries that would expose the students' or parents' undocumented status. Additionally, school districts should not require social security numbers from students or parents.

Access to student information

The Family Education Rights and Privacy Act (FERPA) generally prohibits schools from disclosing information in a student's education records to outside agencies, including the Immigration and Customs Enforcement (ICE) Agency, without parental consent or a subpoena. Some New Mexico school districts have adopted policies prohibiting the district from putting information about a child's immigration status in school records or from sharing such information with outside agencies, including federal immigration authorities. Even in school districts without such policies, employees should take care not to reveal any information derived from a student's education records.

Access to school grounds by immigration officials

School district officials must balance the rights of law enforcement officers to carry out their duties with students' rights to have access to an education without substantial interference. When immigration officials ask for permission to enter a school to search for information, to interview a student, or to seize one or more students, school district employees should refer the request to the school principal or the Superintendent. The Superintendent should determine, after consulting with the school district's attorneys, whether such a request should be granted. A school district should not attempt to interfere with a lawful investigation or with an officer carrying out legal process, such as service or execution of a warrant, but school personnel can inquire as to the officers' credentials and determine that a lawful investigation exists, in accordance with a policy on cooperation with law enforcement.

Assisting students whose parents have been detained during a raid

School districts should treat immigration enforcement activities, such as raids, similarly to any crisis and have a specific crisis response plan in place. Such a plan should include the school district's communication plans with parents when an immigration raid occurs in the district, as well as the procedures for handling students whose parents are detained by ICE. The school district should establish contingency plans for the care of such students. If a workplace raid occurs before a school has emergency contact information for its students, teachers and staff should take appropriate measures to ensure that students are not left alone at the end of the school day.

In conclusion, educating undocumented children presents numerous legal issues. When such legal questions arise, school districts should not hesitate to contact their legal counsel for advice and guidance.

New NSBA Website for School Health Policies & Practices

NSBA's School Health Programs department has a new web-based resource, Promising District Practices. This new website shares success stories related to district-level school health policies and practices. The website is: www.nsba.org/SchoolHealth/PromisingPractices

Every day, school districts and schools across the nation support successful school health initiatives, enact cutting edge policy, and pilot innovative projects. These districts and schools are effective in establishing internal coordination, enlisting school board and administrator support, creating partnerships, involving parents and communities, finding funding, engaging youth, demonstrating links between health and learning, and carrying out other strategies. NSBA's School Health Programs developed the new Promising District Practices website to provide an ever growing collection of "best practices" in a practical and easily accessible way.

The website features a searchable database of local school district successes in developing, implementing, and evaluating policies and practices that address health risk behaviors and health promotion issues. The stories are submitted by school districts and schools across the country. While the current topics are limited to Coordinated School Health Programs, Tobacco Use, Asthma, Healthy Eating, and Physical Activity, these may be expanded in the future.

If you have effective policies and practices that you would like to share with your peers, please submit them to NSBA. For more information, please contact NSBA's School Health Programs at schoolhealth@nsba.org.

**T+L Conference
Denver, CO - October 28-30, 2009
"Changing the way you think about education"**

The premier technology and learning conference for district leadership teams. T+L features sessions, workshops, site visits, field trips, exhibits and networking opportunities.

Content areas will include: Tools for Engagement, Technology & the Law, Professional Development, Leadership for Innovation, 1:1-Next Steps, Preparing Tomorrow's Workforce with STEM, and Mission Critical - IT Management

<http://www.nsba.org/tl/Events/>

“Stimulus” continued from page 1

There’s a safety valve: If a state can demonstrate that the first round of funding won’t be enough to avert immediate layoffs, it could receive up to 90 percent of their stabilization money in the first round of funding. Those states would still have to submit detailed plans on how they would meet the assurances before they could gain access to the rest of their money.

Title I and IDEA

The department’s two-cycle plan is a good way to prod states to take the law’s education redesign assurances seriously, said Amy Wilkins, a vice president of the Education Trust, a Washington-based advocacy organization for the needs of minority students and those from low-income families.

“That’s heartening ... that they remain serious about reform despite pressure to just move money,” Ms. Wilkins said in an e-mail.

The department is using a somewhat similar strategy with the \$10 billion in stimulus money for the Title I program and the \$11.7 billion for special education state grants, all of which will be spread out over fiscal 2009 and 2010.

Although Title I and special education aid has long been a cornerstone of federal funding for precollegiate education, the new allocations are a considerable increase over the usual annual appropriations. Title I received about \$14.5 billion for fiscal 2009, the current budget year, while special education got \$11.5 billion.

Fifty percent of the stimulus program’s Title I and special education funds will be available by the end of March. But, to get the rest of the funding, which won’t go out until the fall, states must detail how they plan to comply with record-keeping and reporting requirements for those programs.

The guidance also stresses that the stimulus funding is short-term money that may not be sustainable in future budgets. It emphasizes that districts and states should use the money for shorter-term investments to avoid being hurt by the “funding cliff” when the money runs out.

For instance, the Education Department recommends that Title I funds be used to expand prekindergarten programs, bolster online learning, or offer new opportunities for teacher professional development. And money provided under the Individuals with Disabilities Education Act could be used to train general education teachers to work with students in special education.

Still, analysts say, districts may have a tough time finding programs that will put the stimulus aid to good use without setting up expectations for future funding.

“I think that’s one of the trickiest provisions in the law,” said Thomas Toch, a co-director of Education Sector, a think tank in Washington. “Politically, it’s a killer [to put] money into programs, then pull the rug out from under them two years later.”

But T. Kenneth James, the state schools chief in Arkansas, said his state, which has not made substantial cuts in education spending, will be able to pinpoint projects that will raise student achievement without needing to become part of the state’s budget baseline.

“We have to make sure we’re proving [to] our constituents and our taxpayers that we’re being good stewards of these resources,” Mr. James said. “We’re treating this as capital money, one-time money, because that’s what it is.”

Meanwhile, state officials and the federal department are gearing up to meet demanding accountability and transparency requirements.

Education Department advisers said they would be working to build on lessons learned from the department’s current inspector general and from the Department of Housing and Urban Development’s experiences with disaster relief.

Judy Jeffrey, the state education chief in Iowa, is hoping that the department will be clear about what’s needed from states.

“We always want to make sure we have clarity at the front end so at the back end, when we are audited, we have really prepared ourselves,” she said.

More Guidance Expected

Additional guidelines and information are expected in the coming weeks and months. For instance, the Education Department plans to allocate \$4.35 billion in “Race to the Top” grants, which aim to reward states and districts that make significant strides in closing achievement gaps, raising academic standards, tracking student progress, and improving the distribution of high-quality teachers. The department must also create an application process for the up-to-\$650 million What Works and Innovation Fund, which will reward districts, nonprofit groups, and consortia of districts that are making substantial progress in improving student outcomes. The guidance says the grants for those programs will go out in two batches, one next fall, and another in spring 2010. It says that guidelines and applications will be published “expeditiously,” but doesn’t give an exact timeline.

In what perhaps is a hint of what’s to come in the application guidance, Secretary of Education Arne Duncan signaled last week that the department is going to use the “Race to the Top” fund to prod states to develop more-uniform standards.

“I don’t want 12 great proposals from 12 great states,” Mr. Duncan told a Council of Chief State School Officers meeting in Washington. Such a scattered approach, he said, “doesn’t change the national conversation.”

♦ *Source: Education Week Vol. 28, Issue 25, Pages 1, 16-17*

Maintaining the fire for board service

If you are like many board members, you ran for the board to make a difference for students, in the spirit of service to your community, from the desire to give of your time and talents to make public education better tomorrow than it is today. Then your idealism confronts reality: mandates, rules and regulations, financial limitations, citizen concerns, contract negotiations, controversies...how can you prevent burnout? One of my favorite articles on the topic is “The Making of a Corporate Athlete” by researchers Jim Loehr and Tony Schwartz and published by the Harvard Business Review.

The article provides guidance based on their extensive work with corporate executives to build endurance and performance. “Chronic stress without recovery depletes energy reserves, leads to burnout and breakdown and ultimately undermines performance,” note Loehr and Schwartz. Peak performers – whether on the athletic field, in the corporate world or on the school board – need to find ways to consciously balance stressful times with recovery times. The study found four areas important to building the sustained performance needed by leaders:

Physical capacity – Exercise and healthy habits can produce a sense of emotional well-being, clearing the way for peak mental performance.

Emotional capacity – Close relationships are a powerful means for prompting positive emotions and igniting energy levels.

Mental capacity – Practices in this arena include relaxation, meditation and time management.

Spiritual capacity – Tapping into one’s deepest values and defining a strong sense of purpose helps renew focus.

Performing at high levels over the long haul requires “training” in the same systematic, multilevel way that world-class athletes train, according to the authors. They advise leaders to consciously build rituals in all four areas into their lives. How does this translate for board members? Consider these tips:

Leave as many problems as possible in the board room. Make a habit of taking time to decompress after a board meeting. Go for a walk, play a game with the kids, read a novel – anything that will help you shift from “stewing” about what happened at a board meeting.

Manage your time. Willing civic volunteers are often in scarce supply and people assume that because you’ve stepped forward for one volunteer role, you’ll jump at the chance to help another good cause. You may have to say “no” to some things in order to prevent overtaxing yourself.

Tame the paper tiger. Identify a portion of your home to contain the paper that comes with board service. Create a filing system and be willing to toss what you can. (Or better yet, have your board use BoardBook for paperless meetings that are searchable and don’t cause paper overload!) It will help to draw the mental line that board work is only a part of your larger personal life.

Actually do those healthy things you know you should do. This means making sure you pay attention to nutrition, getting enough rest, exercise and more. By ignoring your physical health, you are actually adding to stress and frustration – a cycle of declining stamina.

Enlist allies. Build a support system of friends and family who can help you keep board service and your personal life in perspective. Use conferences to build a network of other board members in your region that you can keep in touch with and ask advice.

Get ahead of the curve. Building your knowledge on education issues can help you feel more in control as your district navigates changes or deals with controversy.

Celebrate your own wins. Many boards include agenda items to recognize the accomplishments of students and staff – a motivator in itself. Make a point of celebrating your own wins as a board – reinforcing and appreciating each other and the work of the superintendent.

And the number one tip for preventing burnout, **focus your energy on creating unity on your board focused on your district’s most important needs.** By prioritizing goals, you are more likely to make a collective impact – and leave a legacy that is worth your investment in board service.

♦ *Source: Written by Lisa Bartusek, Iowa Association of School Boards, Executive Director of Board Development. Published in the March 2009, IASB “Update”*

“The Making of a Corporate Athlete” is available as a pdf at www.peak4.nl/the_making.pdf

Please note that the NMSBA website homepage (www.nmsba.org) “Current News” has a link to the NSBA Economic Stimulus Resource Center and the US Education Department’s American Recovery and Reinvestment Act of 2009 sites.

MARK YOUR CALENDAR!

School Law Conference

June 5-6, 2009

Hotel Albuquerque - Old Town
Albuquerque, NM

Leader's Retreat

July 17-18, 2009

The Lodge
Cloudfcroft, NM

T+L Conference

October 28-30, 2009

Denver, CO
www.nsba.org/tl/Events/

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...

Parents would ignore school disaster plans to retrieve kids

The National Center for Disaster Preparedness at Columbia University found that 63 percent of parents would disregard an evacuation order and go directly to their children's school to pick them up, potentially hindering rescue efforts. The survey also found that nearly half of parents (45 percent) do not know where their children would be evacuated according to their school's disaster plan. To read the entire report, titled "Why Parents May Not Heed Evacuation Orders & What Emergency Planners, Families and Schools Need to Know," go to the National Center for Disaster Preparedness at the Mailman School of Public Health at Columbia University, <http://www.ncdp.mailman.columbia.edu>.

♦ Source: *New York School Board Association, "On Board" September 2008*

Teacher covers printing costs by selling advertising space on tests

A California High School math teacher is adding up dollars from ads he sells on his tests. Tom Farber came up with the idea to compensate for cuts in school funding for supplies. A calculus teacher at Racho Bernardo High School in San Diego, Farber quickly calculated that the cost of printing his tests would be way more than his budget. So, he started selling ads that he prints on quizzes, tests and final exams. He said any money he doesn't use he will share with the rest of the school. Farber said the ad "definitely has to be non-controversial" and has to have "appropriate products for kids". For those who might criticize his fundraising, Farber suggests that they "go to their nearest school and give that school \$1,000".

♦ Source: *Ohio School Board Association, "Briefcase" January 2009 - originally from the Associated Press*

Phone (505) 983-5041
FAX (505) 983-2450
e-mail: nmsba1@nm.net
website: www.nmsba.org

THE ADVOCATE
New Mexico School Boards Assoc.
300 Galisteo Street, Suite 204
Santa Fe, NM 87501



NON-PROFIT ORG.
U.S. POSTAGE
PAID
SANTA FE, NM
PERMIT NO. 826