

# THE ADVOCATE

## 50th Anniversary Celebration at School Law Conference

The New Mexico School Boards Association and the Cuddy Law Firm hosted the 26<sup>th</sup> Annual School Law Conference for school board members, superintendents and school personnel from around the state. There were over 750 in attendance at the conference held June 6-7, 2008 at the Albuquerque Hotel in Albuquerque, NM.

At the Friday morning General Session, Chuck Davis of Las Cruces received his Master Board Member Recognition for successfully completing the required training hours, class and presentations in the Leadership Development Program. Those who qualify for the Master Board Member class are contacted in the fall about a class held during the Annual Convention.

Also presented at the General Session on Friday were the Fall 2007/Spring 2008 Traveling Plaque Attendance Awards. These are given to the districts who had the greatest number of board members in attendance at those two region meetings. The districts receiving the awards were: Region I – Dulce; Region II – a tie between Espanola and Penasco; Region III – Clayton; Region IV – Vaughn; Region V – Floyd; Region VI – a tie between Dexter and Lake Arthur; Region VII – Ruidoso; and Region VIII – Cobre. When a tie occurs, the plaque is shared – half the year at one district and half at the other.

New Mexico Attorney General Gary King presented the “Inspection of Public Records – the AG’s Perspective” and then served on a panel with the Cuddy Law Firm Attorneys for a presentation on “Emerging Public Records Issues – E-Records and Litigation Holds”. The second General Session was a huge success as C. Emery “Buck” Cuddy moderated a mock-demonstration of a “Student Disciplinary Hearing” that was both informative and humorous.

Friday afternoon and Saturday morning three sessions of breakouts were offered on topics that ranged from “Investigating Employee Sexual Misconduct Toward Students”, “Developing Cooperative Relationships Between School Boards and Charter Schools”, “A Panel Discussion on How to Conduct a Successful Bond and Mil Levy Election”, “Special Education Policies and Procedures” and “Responding Effectively to a High –Profile Crisis”. NMSBA would like to thank the Cuddy Law Firm attorneys for presenting the sessions at the conference and for their staff assistance at the registration table.

The New Mexico School Boards Association hosted a dinner on Friday evening celebrating its 50<sup>th</sup> anniversary. Student Flamenco Dancers provided the opening entertainment and guests enjoyed a ribeye steak and enchilada dinner. There was a presentation of association history, memorabilia boards with pictures and past newsletters, recognition of past and current NMSBA officers, and comments from other education associations and officials, such as Secretary of Education Veronica Garcia and House Speaker Ben Lujan. Proclamations from the Governor, NM House of Representatives and NM Senate were also shared. A special thanks goes to all who attended as well as those who helped the NMSBA staff organize the history.

*Celebration photos on page 6...*



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# DIRECTOR'S PERSPECTIVE

By Joe Guillen

## Look at the Big Picture

As the 2009 Legislative Session draws closer and discussions of a new funding formula for public schools increase, you can bet that “more accountability” will be on the lips of many decision makers. We all know that school districts are already held more accountable than any other local public body. But we must be prepared to bring the big picture to light by explaining this to our constituents, local media and our legislative representatives. To assist you, the following are five general areas and a few examples we, as school board members, superintendents and school staff, are already being held accountable.



1. Political Accountability
  - School Board Elections
  - Levy and Bond Elections for Buildings and Maintenance
  - Parents and Community
  - Local Newspaper and Media
2. Financial Accountability
  - Districts are complex, often large, business enterprises
  - Funding is dependent on the Legislature and on many variables
  - Unions want to improve the financial and working conditions of members
  - Compliance with fiscal requirements:
    - ♦ State Auditor
    - ♦ Federal Regulations and Monitoring
    - ♦ NM Public Education Department Regulations/Directives
    - ♦ Legislative Studies and Inquiries
3. Staffing Accountability
  - Teachers, librarians, counselors, principals, and other professional staff must meet certification requirements
  - Fingerprint background checks
  - Code of Conduct enforcement
  - NCLB “Highly Qualified” teacher requirements
4. Student Access Accountability
  - NM Constitution
  - Access for all children
  - School safety and discipline
  - Transportation
  - Content areas and compulsory coursework
  - Number of school days and total instructional hours
  - Class size requirements
  - Funding is based on FTEs
  - Graduation requirements
5. Student Achievement Accountability
  - State standards and benchmarks
  - Standards based assessments
  - NCLB, AYP, Annual Measureable Objectives
  - Attendance and Graduation rates
  - School Designations and Sanctions
  - Education Plans for Student Success (EPSS)
  - Legislative Oversight
  - Newspaper Reports
  - Parents, Business and Community

**So when you hear the cries for “more accountability” be prepared to recite this information and help them see the BIG PICTURE!**

## 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.

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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

I first want to say thank you to everyone who attended the 50<sup>th</sup> Anniversary Dinner. NMSBA has had a long career of supporting school boards throughout the state. It was interesting to look at our history in pictures and to meet some of the past executive directors and more of the past presidents. I hope that everyone enjoyed the event as much as I did. Joe, Carolyn and Elizabeth did a great job putting it all together.

My topic for this article is setting goals. Summer time has always been the time for my board to get together at one or two retreats and set our district goals, superintendent goals and our board goals. We have very lively discussions around our concerns in each of these areas and then turn those concerns into measurable goals that will help us to improve our district. Then at the end of the year we use these goals as guidelines to evaluate the Superintendent and the Board. I am not sure how many boards do this, but I have found it to be valuable to our district and wanted to talk about it so that if you don't do it now, that maybe you will start a new tradition this summer!



## Readings & Reports

### **Strengthening Out-of-School Programs in Rural Communities**

A new Child Trends brief, *Strategies for Improving Out-of-School Programs in Rural Communities*, highlights the challenges faced by rural programs and suggests several strategies that can strengthen them. The brief also includes advice from the director of a successful rural out-of-school program and a list of additional resources. For more the full report, go to [www.childtrends.org/Files//Child\\_Trends-2008\\_05\\_05\\_RB\\_RuralOST.pdf](http://www.childtrends.org/Files//Child_Trends-2008_05_05_RB_RuralOST.pdf)

♦Source: NSBA Communication Office, July 2008

### **Beyond Candy, Candles and Calendars**

Fundraising for public schools may start with "candy, candles and calendars," but the long-term strategy should include individual donor campaigns, major gifts, planned giving and endowments.

Some tips:

- ♦ Use special events, from alumni reunions to high school theater events to build bridges between the district and potential donors.
- ♦ Don't let one-time donors slip away. On average, charities lose five current donors for every six new ones they bring in, often by neglecting to say thank you, forgetting to share results, or not staying in frequent enough contact.
- ♦ Invest in decent software. Keeping track of donors, prospects and volunteers requires sophisticated databases and other online tools.
- ♦ Hire staff. According to the National School Foundation Association, all-volunteer organizations typically raise \$35,000 to \$80,000. When a fundraising professional is hired, the number jumps to \$200,000 or more.

For more information, see the National School Foundation Association website, [www.schoolfoundations.org](http://www.schoolfoundations.org). To learn more about cultivating donors, developing major gifts, or starting an endowment fund, visit the Association of Fundraising Professionals website at [www.afpnet.org](http://www.afpnet.org).

♦Source: American School Board Journal, July 2007

### NM Accountability Plan Approved

New Mexico Secretary of Education Veronica Garcia announced at the end of July that the state accountability plan under Title I of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the No Child Left Behind Act of 2001 (NCLB) has been fully approved by the US Department of Education. This plan outlines the state's implementation of standards, assessment and accountability.

One of the major amendments in the Public Education Department's (PED) plan is that NM will delay the use of a cohort graduation rate for one additional year in order to capture summer graduates in 2008. The graduation rate is one of the 37 measures used for each school to determine Adequate Yearly Progress (AYP). For this year's AYP, schools will use the graduation rates from the 2006-2007 school year.

Also approved in the plan is the elimination of standards based testing for 9<sup>th</sup> graders, clarification of the definitions of English language learners (ELL) and new schools, and special provisions for test scores of newly formed charter schools.

New Mexico was also approved to use the "proxy method" regarding calculating AYP for students with disabilities for this year only. The state will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. This proxy will then be added to the percentage of students with disabilities who are proficient. New Mexico will use this adjusted percentage proficient to re-examine whether the school or district made AYP for the 2007-2008 school year for any school or district that did not make AYP solely due to its students with disabilities subgroup.

♦Source: PED news releases, July 2008

### Secretary Responds to Demand for More Time to Teach Before Testing

New Mexico Secretary of Education Veronica Garcia announced that state testing will take place three-and-a-half weeks later this coming school year. The action was taken in response to frequent comments by legislators, teachers, school administrators, and other instructional leaders that more instructional time was needed prior to the test window for the New Mexico Standards-Based Assessment. Garcia commented that the test contractor, Pearson, and school leadership were able to make it happen.

♦Source: PED news releases, July 2008

### State Adopts Navajo Language Textbook

New Mexico became the first state in the nation to formally adopt a Navajo language textbook. New Mexico Secretary of Education Veronica Garcia introduced the textbook among the 85 core publications to be used by the state. *Rediscovering the Navajo Language*, a text co-authored by Evangeline Parsons Yazzie, a Navajo Professor at Northern Arizona University will be used in 10 New Mexico school districts that offer Navajo instruction as well as Bureau of Indian Education schools.

The Navajo language has been taught in New Mexico for years using Navajo language speakers as guest instructors. But unlike other native languages, the prevalence of the Navajo language has dropped in recent years. According to U.S. Census data, 12 percent of Navajo children from ages 5 to 17 and living on Navajo reservations spoke only English in 1980. That increased to 28 percent in 1990 and 43 percent in 2000.

During World War II, Navajo books were burned in bonfires to prevent the language, which was used as a top-secret military code, from falling into enemy hands. During previous decades, Navajo students sent to Indian schools were frequently barred from speaking their native language.

♦Source: Dan Boyd, Albuquerque Journal, July 2008

## Student Health

### Tobacco Ban Changes Social Norms for Kids

A study out of Massachusetts shows that smoking bans in restaurants effectively discourage young teenagers from becoming smokers, and suggests that restaurant smoking bans are even more powerful than the effect of whether a parent or close friend smokes. According to the study's lead author, Dr. Michael Siegel of the Boston University School of Public Health, youths who live in towns with strict bans were 40 percent less likely to become regular smokers than those in communities with no ban or weak ones. The study tracked 2,791 children over four years between the ages of 12 and 17 who lived throughout Massachusetts. The theory behind why smoking bans were so effective on younger children was that not allowing smoking in public created the idea that smoking is not socially acceptable and therefore kids were less likely to try it and to get addicted. Smoking bans were more effective on younger children than on older teens. Nationwide, only 23 states require most public places to be smoke free, including workplaces, restaurants and bars. The results of the complete study can be found in the May 2008 issue of the *Archives of Pediatrics & Adolescent Medicine*.

♦Source: NSBA Board Buzz, May 2008

# NMSBA NEWS

## Master Board Member Program

The NMSBA Leadership Development Program encourages recognition of additional training over the yearly mandated training requirement. There are currently three levels, Leadership Achievement (24 cumulative hours); Outstanding Leadership (36 cumulative hours); and Master Board Member (44 cumulative hours with an MBM class and at least four one-hour presentations). A MBM Review Task-Force is currently looking at alternative ways to earn the Master Board Member distinction. Their recommendations are expected to be presented to the Board of Directors. The most current MBM, Chuck Davis from Las Cruces, was recognized with a certificate and a Navy Blazer at the School Law Conference in June.



## Call for Resolutions

A call for resolutions went out to Presidents and Superintendents on June 2 with reminders sent July 16 and August 8. NMSBA invites school districts to submit resolution proposals on any education-related topic that districts wish to have considered by the Resolutions/Legislation Committee. The Committee will then make their recommendations to the Delegate Assembly. Resolutions adopted by the Delegate Assembly determine the NMSBA policy and will guide the 2009 Legislative Program. *The deadline for submission of Resolutions is September 12, 2008.*

## Call for Nominations

A call for Nominations went out to Presidents and Superintendents on July 16 with a reminder sent August 8. NMSBA invites local boards to submit names to the Nominating Committee for consideration of state-level officers for Vice-President and Secretary-Treasurer. Nominees must be a member of a board of education and be a member in good standing (dues paid) of the NMSBA. *A nomination form and a one-page biography should be submitted by the September 24, 2008 deadline.*

## Training Reports

Following the June School Law Conference, training reports with each member's training hours to-date were mailed to the Presidents and Superintendents. Over 31 hours have been offered from September 2007 until the June 2008 SLC. NM law mandates that each board member earn at least five hours of training each year. The training year is September 1 through August 31. In September, the final reports are e-mailed to the Public Education Department's Office of Accountability and the names and training points are added to each district's report card to the public.

## Board Book Offers Districts Paperless Meetings

Board book is an electronic means to have Paperless Board Meetings and is offered through a partnership between NMSBA and the Texas Association of School Boards (TASB) to New Mexico school Districts. There is a link from the NMSBA website home page, choose "Links" and from there "Board Book".

## NMSBA REGIONS & 2008 FALL MEETINGS

### Region I

#### Wednesday, Oct 1 in Farmington

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

### Region II

#### Monday\*, Sept 29\* in Pojoaque

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 Magdalena

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

#### Wednesday\*, Oct 22\* 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 Reserve

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

*\*Indicates a change from previously announced dates*

# 50th Anniversary Celebration



*NMSBA Executive Director Joe Guillen with NM House of Representatives Speaker Ben Lujan as they display a copy of the House Proclamation celebrating the NMSBA 50th Anniversary.*



*Student Flamenco dancer*



*NMSBA Executive Directors - Joe Guillen (2007-present), Pete Eissele (1995-1997), Dr. Al Clemmons (1982-1985) and Mack Mitchell (1997-2007).*



*Memorabilia boards*



*Longest serving Past-Presidents: Mary Lee Martin of Albuquerque and Susan Lutterman of Ruidoso.*



*Longest serving board member - Lowell Irby of Artesia - 31 years!*



*NMSBA Past-Presidents: Sammy Quintana, Mary Lee Martin, Cindy Harth, Charles Guthals, Susan Lutterman, Marvin Marquez, Karla Walker, Harry Montoya, Joe Guillen, Nancy Seeman, Vicki Smith, Lilliemae Ortiz, and Lora Harlan.*

# The Disconnected

Roughly 3.8 Million people nationwide between the ages of 18 and 24 are neither in school nor employed, according to the National League of Cities. Many organizations use the term *disconnected youth* when describing them, even as they describe themselves as adults. Prolonged unemployment leads to increased poverty, homelessness and crime. The disconnected are not very likely to be involved in their communities and are, therefore, a drain. The opportunities for educational attainment are very slim and diminish even further when they are parents, since a negative pattern and cycle develop. According to the National Center for Education Statistics, the disconnects tend to report being in worse health and make up disproportionately higher percentages of the nation's prison and death row inmates. Every public entity is positioned to touch the lives of these adults.

While the pressures that create the disconnects in these people's lives are complex and highly individual, there are a number of recurring contributing factors. The most common factor is *truancy*. Students in Middle or High school gain freedom when truant, but ultimately fall too far behind to continue successfully in school. So what can we do to help them? Connect them to jobs, to school, and to emotional support. Finding money for programs that can help won't be easy, but a list of some resources follows.

Also, consider collaborative agreements with other resource providers in your community. Off-site programs may help bring the disconnected back by beginning programs on neutral territory. Consider that there are more public libraries in the United States than there are McDonald's franchises. Libraries are a part of the community and can offer meeting space, computers, online resources and highly educated information specialists. Joining with your public library may bring solutions that are new or unique to your community.

## Grant Sources:

**Juvenile Justice Grants** – [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)  
U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, provides funding to states, territories, localities, and private organizations through formula and block grants and discretionary grants.

**21<sup>st</sup> Century Learning Center Grants** – [www.ed.gov/programs/21stcclc](http://www.ed.gov/programs/21stcclc)

This U.S. Department of Education program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high poverty and low-performing schools. In past cycles, priority was given to programs that targeted middle schoolers.

**Workforce Investment Act (WIA) Grants** – [www.dol.gov](http://www.dol.gov)

The U.S. Department of Labor, Employment and Training Administration (ETA) administers federal government job training and worker dislocation programs, federal grants to states for public employment service programs, and unemployment insurance benefits. These services are primarily provided through state and local workforce development systems.

## Further Reading:

**“Avoidable Losses: High Stakes Accountability and Dropout Crisis”**

<http://epaa.asu.edu/epaa/v16n3/v16n3.pdf>

This 2008 report in Education Policy Analysis Archives presents significant research that won't surprise many of NCLB's critics: high-stakes test-based accountability has a direct negative impact on graduation rates.

**“The Silent Epidemic: Perspectives of High School Dropouts”**

[www.civicenterprises.net/pdfs/thesilentepidemic3-06.pdf](http://www.civicenterprises.net/pdfs/thesilentepidemic3-06.pdf)

This 2006 report from Civic Enterprises presents results of one of the most extensive surveys of U.S. dropouts, in which most said they could have finished high school if they had had more challenging coursework, engaging classroom experiences, and access to extra help. The report recommends ways to address the problem, including providing at-risk students with more support, replicating innovative prevention efforts, engaging parents, creating “early warning systems” for at-risk students, establishing more accurate tracking of dropouts, and considering raising the state compulsory school age to 18.

## Other resources:

National Center for Education Statistics – <http://nces.ed.gov>

National Center for Family Literacy – [www.familit.org](http://www.familit.org)

National League of Cities – [www.nlc.org](http://www.nlc.org)

ProLiteracy Worldwide – [www.proliteracy.org](http://www.proliteracy.org)

Thinkfinity Literacy Network –

<http://literacynetwork.verizon.org/TLN>

Wallace Foundation – [www.wallacefoundation.org/KnowledgeCenter](http://www.wallacefoundation.org/KnowledgeCenter)

♦Source: *The Disconnected* by Kathy Degyansky, *Library Journal*, July 2008

# Constitutional Rights of Lesbian, Gay, Bisexual, and Transgender (“LGBT”) Students

By Evelyn A. Peyton, The Cuddy Law Firm, LLP

Current media accounts of the new same-sex marriage law in California are saturating the airwaves, with renewed discussion of the rights of those who desire an “alternative lifestyle.” The debate has prompted questions from school boards about the degree to which schools must accommodate students who seek protection for sexual preferences other than heterosexual. Lesbian, gay, bisexual and transgender (LGBT) students are assured legal protection pursuant to the 2003 amendments to the New Mexico Human Rights Act, which expressly prohibits discrimination on the bases of sexual orientation or gender identity. See NMSA 1978 §§ 28-1-2 (P) and (Q); 28-1-7. Accordingly, students are also secured equal protection under the Fourteenth Amendment, free speech and association under the First Amendment, and equal treatment and access under the Equal Access Act. Schools, their employees, and their students may not discriminate against a student based on the student’s real or perceived gender or sexual orientation. Such discrimination should be analyzed the same way as discrimination based on race, ethnicity, or religion.

## A. The Human Rights Act Definitions

The New Mexico Human Rights Act (the “Act”) defines “sexual orientation” as “heterosexuality, homosexuality or bisexuality, whether actual or perceived.” The Act defines “gender identity” as “a person’s self-perception, or perception of that person by another, of the person’s identity as a male or female based upon the person’s appearance, behavior or physical characteristics that are in accord with or opposed to the person’s physical anatomy, chromosomal sex or sex at birth.” Discrimination on the basis of sexual orientation or gender identity violates the Act, which is enforced by the state Human Rights Division (“HRD”).

## B. Student Organizations and Clubs and the Equal Access Act

The Equal Access Act requires any public *secondary* school that receives federal funding and has a “limited open forum” to allow LGBT-oriented clubs formed by students the same access to school facilities that other student groups enjoy. Such “access” includes funding, access to school bulletin boards and other media, meeting space, and yearbook photos. The Equal Access Act applies only to clubs initiated at the request of students, and only if the school has a “limited open forum,” which means that the school recognizes other “noncurriculum-related” student groups (such as chess club, ski club, Key Club,

etc.). Schools should have a uniform set of rules regarding the establishment of all student organizations, and the relationship of student organizations with outside groups. These rules should be applied evenhandedly, and they should be made available to students, parents, and staff, typically in the student handbook.

With regard to opponents of LGBT-oriented clubs, schools cannot refuse to allow a group such as a gay-straight alliance (“GSA”), to meet simply because other students, teachers, administrators, parents, or community members may object to the formation of the club. Where club members or opponents substantially disrupt the school or seek to promote or interfere with the rights of student GSA members in disruptive ways, the proper response is to address the disruption, not the message of the group. Groups that oppose LGBT lifestyles (such as the Boy Scouts and the Girl Scouts) must be given the same access as that given to other noncurriculum-related groups, but public schools should not sponsor them.

## C. Student Dress Codes

Schools may prohibit clothing displaying speech (including artwork) that is lewd, vulgar, indecent, clearly offensive, or contrary to the school’s educational mission. School restrictions on speech that does not fall within these categories is allowed only when the school can show that the speech substantially disrupts or interferes with the programs or operations of the school or the rights of other students. The fact that other students, teachers, or administrators dislike or object to a message on student clothing in itself, does not constitute disruption or interference with other students’ rights. However, the school can and should step in to stop actual violence, or imminent threat of violence, related to such a dispute. Dress codes imposing restrictions based on a student’s gender (such as prohibiting boys, but not girls, from wearing earrings) risk legal challenges that the school is discriminating based on gender.

## D. Curriculum

Parents do not have a constitutional right to excuse or remove students from classes they find objectionable. Although New Mexico regulations permit parents to request that their children be exempted from the sex education portions of the health education curriculum, there is no opt-out provision for other portions of the curriculum that may address content, such as harassment, discrimination based on, or tolerance for, sexual orientation or gender identity.

**E. Student Involvement in School Events**

Any policies dealing with student-led activities must be applied evenhandedly to all requests, including those from LGBT students. For example, if (1) some students have religious or moral objections to homosexuality and want to express those objections, (2) the school has created a limited public forum, and (3) the students’ speech is not school-sponsored, the school cannot exclude these viewpoints just because other students may disagree with them. As another example, a school may not ban same-sex couples from attending a school dance, because the ban discriminates on the basis of sex, or of actual or perceived sexual orientation. See Section A above.

**F. Harassment Based on Sexual Orientation; Title IX Implications**

Neither school personnel nor students have a right to bully or intimidate LGBT students, even in the name of free speech. Sexual harassment directed at LGBT students that is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s program could constitute sexual harassment under Title IX, as well as state law as cited above. Complaints about, or observations of, such harassment should be investigated promptly. If the harassment did occur, the school’s response must be designed to ensure that the harassment stops. The School Administration should act promptly to prevent such harassment or intimidation, beginning with training students that even the use of terms such as “queer,” “faggot,” or “dyke” could violate these legal principles.

**G. Conclusion**

In recent years, issues involving LGBT students have become increasingly common in public elementary and secondary schools. Your school district should contact its legal counsel for advice regarding specific situations involving such issues.

**Setting Ground Rules a Key Step in BOE Harmony**

Children often fight with words, by tattling and name-calling. In my family, there were three girls and three boys and two wary parents. We often had family meetings where we each had to write down ideas of how we would become a functional, harmonious family. Timmy said he would not kick or punch his sisters; Patty said she wouldn’t hide Pete’s drumsticks; Mary promised not to boss her younger siblings...you get the idea. But just like my family, your school board could probably use some ground rules because even school board members can behave in a bratty grown-up way. Some examples include: criticizing the board’s majority decision after a vote; dominating meetings; micromanaging staff; refusing to participate in board development; intimidating or badmouthing other board members or staff; and engaging in actions that impede the board from effectively governing.

Even one board member can single-handedly cause such disruption that the board spends most of its time appeasing the loner rather than getting on with the important work of district governance. In high performing districts, governance teams are committed to a common purpose and goals. They understand and are committed to their roles. They communicate openly, listen respectfully and encourage participation. Effective governance teams also establish ground rules or board operating protocols to guide and regulate the board’s actions and behaviors. For instance, one governance team included in their ground rules not to spring any surprises on other board members or the superintendent during meetings. They also committed to following the chain of command. Another governance team avoided marathon board meetings by agreeing to confine comments on any one item to no more than two minutes per item. They also agreed to speak to agenda issues and not play to the audience. Facts and information needed from the administration are referred to the superintendent.

Other good ground rules include: Practice the governance role of policy-making and communication (rather than becoming involved in the day-to-day management of the schools). Support (not undermine) all decisions reached by the board. Debate the issues rather than the person. Respect each other’s opinions. Participate in board development. Abide by confidentiality laws regarding discussions held in executive sessions.

When might your school board have time to talk about the ground rules? Your annual retreat is one opportunity. Or during a board workshop with a moderator. It has been my experience that a few hours spent on ground rules can pay off by saving time – and reducing stress – at every board meeting.

♦ Source: By Carol Jessup, Leadership Development Manager, New York School Boards Association

**What can ground rules do for your governance team?**

1. Clarify expectations
2. Eliminate barriers
3. Provide explicit details
4. Document agreements
5. Improve working relationships
6. Minimize confusion and upsets
7. Ease transitions of new members
8. Maximize efficiency and effectiveness
9. Guide and regulate team activities
10. Promote understanding of and commitment to proper roles
11. Build trust, respect and civility
12. Increase participation by encouraging members to speak openly and listening respectfully

# How the Military Supports Public Education

By Lt. Colonel Paul Cook, US Army

It may seem strange to be reading a commentary written by a serving military officer in your school board association newspaper. If one understands what the military services are doing, however, it becomes considerably less strange. What we are trying to do is the same thing you are trying to do – improve legitimate educational and vocational opportunities for all our students.

No convinced? I would invite you to consider the following.

First, the military services are the nation's largest employer of skilled youth. We do not offer "starter" jobs. We offer real jobs with real opportunities and, like schools, prepare young people for the future. Some will stay with us for a career; the majority will move on to other careers but will continue to build on the discipline and leadership skills we uncovered, nurtured and sustained. Whether the veteran continues in public service or enters the private sector, he or she has an edge over the majority of the population. This edge translates into still more opportunities for growth and advancement.

Second, the military services provide more funding for continuing education and vocational training than any other source in America. It has been this way since the World War II-era "GI Bill of Rights," legislation that forever altered higher education and opportunities in America.

Third, we are a source of educational support for schools and teachers. The Army's "March 2 Success" program is one example of that support. A web-based program designed to improve a student's performance on standardized tests (to include state examinations, the Scholastic Aptitude Test and the American College Test), March 2 Success provides a teaching resource for classrooms and home study alike. In the same vein, the Armed Forces Vocational Aptitude Battery, or ASVAB, provides guidance counselors with a very accurate means of assessing a student's true educational and vocational aptitude. The Army Reserve's "Scholar Athlete" program and the Army's All-American Bowl provide ways to showcase talented high school students who excel at both

academic and athletic pursuits, thus creating additional opportunities for them to pursue academic or athletic scholarships. In addition to these programs, the services provide speakers to civics classes, technical trainers in vocational classes, coaches in athletic programs and can also provide additional adult supervision for a range of campus activities.

A reasonable question to ask at this point is "why?" Why do the services do these things? If you are thinking it's because it improves recruiting you are almost half right. The bigger reason for our partnering with education is because it is the correct thing to do. The services recognize that the vitality of our nation is imperiled if society lacks the basic skills necessary to function in an increasingly complex world. Fundamental to skill development is ensuring that our young men and women, as they leave high school, have the skills to function effectively in college and in the work force.

Services take many forms but is not possible if society cannot produce young men and women who can think, can solve complex problems, can apply effective solutions and can communicate issues and outcomes.

Why do I bring these issues to your attention? Simple: all too often the military services are not viewed as credible participants in education. My objective with this commentary is to change that. Just as you are our schools, we are your Army (Regular, Reserve and National Guard), your Marine Corps, your Navy, your Air Force and your Coast Guard.

Schools and the military have different roles and different capabilities, but the same objectives: ensuring that each graduating high school class is equipped to take full advantage of the legitimate opportunities presented. Next time you see us in your town, or in your school, please take a moment and reflect on that. I suspect you will be amazed at how many doors open for your school, for your students and for yourselves.

*\*Reprinted from the New York School Boards Association January 2008 issue of "On Board".*

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## New NSBA President Takes Office

At the NSBA Annual Convention in Orlando, Florida Norm Wooten of Alaska passed the Presidential gavel to Barbara Bolas of Pennsylvania. Ms. Bolas has been a school board member on the Upper St. Clair Township BOE since 1985. She was elected to the Pennsylvania School Boards Association Board of Directors in 1998 and became the Association President in 2001. She also served two terms on the NSBA Board of Directors. She is a former teacher who held positions in Canada, New York, Wisconsin and Venezuela. During her term as NSBA President, Ms. Bolas will emphasize the role of public education in strengthening global consciousness.

♦ Source: NSBA

## Shortage of Superintendents Predicted

School boards face a shortage of superintendent candidates, the American Association of School Administrators warns. Eighty-five percent of superintendents surveyed believe there is an inadequate supply of education leaders to fill the superintendent openings expected to be available in the near future, the AASA Center for System Leadership announced in June.

The biggest incentive for those considering a career as a superintendent is the opportunity to improve teaching and learning for students. The biggest disincentives are lack of funding for the school system, personal family sacrifices, and school board relations. Respondents believe the best way to increase the supply of superintendents is through mentoring and coaching.

♦ Source: *School Board News* – July, 2008

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## New Federal Policy Model Proposed

Twenty-five years after the landmark report, *A Nation at Risk*, was published, “inconsistent and shortsighted” federal education policy has left the United States farther behind its economic competitors than it was in 1983. That’s the major conclusion of a report issued in April by the Forum for Education and Democracy.

*Democracy at Risk: The Need for a New Federal Policy in Education* says “the federal strategy of attempting to improve schools through mandates and sanctions” will not help the nation meet longstanding student achievement and equity goals.

Among the report’s major recommendations:

- ♦ Meet the federal obligation to fund programs for high-need students, including students with disabilities.

- ♦ Link state funding to efforts to improve equity.

- ♦ Invest in a new “Marshall Plan” to prepare 40,000 teachers a year and create a “West Point for education leaders.”

- ♦ Make schools true hubs of the community and gateways to social services for students and community members.

- ♦ Increase the federal investment in education research and innovation.

The forum says it will cost \$29 billion a year to fund its proposals, which is less than what the nation is currently spending on the Iraq war every other month.

♦ Source: *School Board News* – June, 2008

## NCLB Sanction Freeze

H.R. 6239 will freeze sanctions imposed on schools that fail to make adequate yearly progress (AYP) until the No Child Left Behind (NCLB) Act is reauthorized.

Under the bipartisan legislation, schools previously identified as in need of improvement would continue to meet their current obligations, but they would be spared the consequences of escalating sanctions – sanctions that likely would not apply should Congress fix the problems that a reauthorization bill is intended to address. NCLB was scheduled to be reauthorized in 2007, but Congress does not intend to take it up until at least January 2009, when a new president takes office.

♦ Source: *Wisconsin Association of School Boards Legislative Index*

# MARK YOUR CALENDAR!

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

**Board Institute**  
**February 13-14, 2009**  
**Hilton Hotel**  
**Santa Fe, NM**

**Celebrating Opportunities**  
**March 27-29, 2009**  
**Austin Hyatt Hotel**  
**Austin, TX**

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

## Tidbits...

### Dropouts linked to exit exam

Do high school exit exams provide an accurate measure of student performance? Or do they push students who are on the academic bubble to drop out before getting a diploma? In California, the answer appears to be the latter, according to a report presented to the state Board of Education in November 2007. The analysis found that 2006 graduation rates fell by 4 percent, and 10,000 more seniors dropped out than four years earlier. The state is studying other ways for seniors to demonstrate proficiency, including alternate assessments and portfolios. Opponents say the test, which was required for graduation for the first time at the end of the 2006-2007 year, hampers students who do not have access to good teachers and schools. Public Advocates, a San Francisco-based law firm, has sued the state over the exam.

Meanwhile, DC-based Center on Education Policy is critical of Arizona's supports and interventions for English language learners, who are required to take exit exams to graduate. Only 12 percent of ELL students pass the reading and writing exams on the first try, while 20 percent pass the math exam. Those scores are 40 to 60 percent lower than the rest of the students.

The report, *Caught in the Middle: Arizona's English Language Learners and the High School Exit Exam*, is available at [www.cep-dc.org](http://www.cep-dc.org)

♦ *Source: American School Boards Journal, January 2008*

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