

THE ADVOCATE

30th Annual School Law Conference Held



On June 5-6, 2009 the New Mexico School Boards Association and the Cuddy Law Firm hosted the 30th Annual School Law Conference for school board members, superintendents and school personnel from around the state. There were about 800 in attendance at the conference held at the Hotel Albuquerque in Old Town, Albuquerque, NM.

At the Friday morning General Session, the Fall 2008/Spring 2009 Traveling Plaque Attendance Awards were presented. 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 Questa and Santa Fe; Region III – Santa Rosa; Region IV – a tie between Mountainair and Vaughn; Region V – a tie between Floyd and Portales; Region VI – Loving; Region VII – a tie between Carrizozo and Cloudcroft; and Region VIII - Cobre. When a tie occurs, the plaque is shared – half the year at one district and half at the other.

A plaque of appreciation was given to State Representative Bobby Gonzales for “outstanding support of New Mexico’s School Boards and dedicated commitment to the improvement of public education”.

Three sets of breakout sessions were offered to attendees later that afternoon and another three sets of breakouts were offered on Saturday morning. Topics included: family law issues in the schools; dispute resolution; NM athletics equity act; planning for successful Bond/Levy Elections; special education issues; student discipline in a high-tech world; and the tort claims act to name a few.

NMSBA would like to thank the Cuddy Law Firm for developing the program content for the conference and to their staff for helping with the registration.

Thank you to these sponsors for their continued support of the public schools and educational associations in New Mexico: Casey Financial Consulting, Cuddy Law Firm, George K. Baum & Company, Hughes & Strumer Ltd., RBC Dain Rauscher, Summit Food Service Management and Zia Bus Sales, Inc.



Representative Bobby Gonzalez; Tom Sullivan, E.D. of NMCSA; Ramon Vigil of the Cuddy McCarthy Law Firm; Lora Harlan, NMSBA Past-President and NMSBA President David Zimmerman as speakers on the panel presentation at the School Law Conference.

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DIRECTOR'S PERSPECTIVE

By Joe Guillen

Many Pieces to the Funding Formula Puzzle

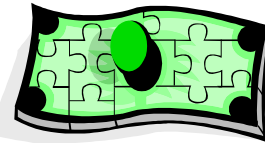
As we enter the summer months, the complex pieces of the new public school funding formula puzzle seem to be waiting to come together to create an organized picture of success. After patiently sitting through the lengthy June meeting of the Legislative Education Study Committee in Santa Fe, I left feeling there was again a bright ray of hope for all of us — school boards, superintendents, administrators, teachers and students,



all struggling with budgetary issues. Having joined with others who worked so hard last legislative session only to see House Bill 331 die the same death as in the previous year, I was surprised by my optimism.

The LESC meeting began with a report from the state's top level economists who cautioned that the current state of the economy would continue with no positive increase until 2013. They reported the state gross receipts tax, which was the funding source we counted on last year for the new formula, would remain flat for the foreseeable future. Next was a discussion on the pros and cons of other funding sources including oil and gas revenues, property tax, income tax, land grant permanent fund and tax on renewable energy. This agenda item concluded with LESC Chair Senator Cynthia Nava boldly stating the goal of the Committee was to reach consensus on the funding source and the funding formula with all groups prior to the 2010 legislative session. Senator Nava said it was incumbent on all legislative committees, the Governor, and the business and education communities to come together on this important issue.

Next came a progress report from Education Secretary Veronica Garcia on the work she is heading up to more fully utilize Education Plans for Student Success (EPSS) as the means of measuring progress and ensuring accountability for increased funding under the new formula. She reported that 26 districts have volunteered to participate in the piloting of the new web based system which seeks to more effectively align school budgets with EPSS goals. Secretary Garcia was excited about the progress being made with this initiative.



And finally a real surprise! A presentation from the New Mexico Business Roundtable for Educational Excellence and the New Mexico Association of Commerce and Industry, groups that strongly opposed the new funding formula and related tax increases during 2009 Legislature. Both groups indicated they would support the new funding formula with a couple of contingencies. The first was centered on the \$350 million amount called for to fund the formula. They felt this number had to be fully justified prior to next session. The second contingency called for a system to measure specific results or "return on the investment" as they stated, similar to the EPSS upgrade currently being implemented by PED. Once the contingencies are satisfied, these key business organizations say we can count on their support!

So I am hopeful once again! During the coming summer and fall months, we must all work together to pick up the pieces of the puzzle very optimistically and rest them in their appropriate place creating an organized picture of success for the new funding formula — our children are depending on it.

THE ADVOCATE

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

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

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

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

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

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PRESIDENT'S MESSAGE

By David Zimmerman

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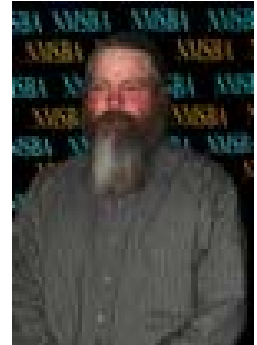
Greetings school board members,

Just a few words about this year's legislative session. Although we struck out with the new funding formula and the revised hiring authority, these bills moved along further than they have before. Perhaps there is still hope in the future. Thank you Representative Rick Miera and Representative Roberto "Bobby" Gonzales for all your support.

A special thank you to our Executive Director, Joe Guillen, for a job well done this past year. At our recent Board of Director's meeting at the 2009 School Law Conference, we extended Joe's contract for another year. Congratulations Joe, you are an asset to the NMSBA.

Also, I'd like to thank the NMSBA staff, Carolyn Mole and Elizabeth Egelhoff for doing a great job this past year. Our conferences were well organized and well attended.

It was great to see all of you at the School Law Conference. Keep up the good work and have a great summer.



State News

More Than \$250 Million in Stimulus Funds for New Mexico Schools

In June, Governor Bill Richardson and Secretary of Education Veronica Garcia announced that the New Mexico Public Education Department will award more than \$250 million in federal stimulus funds for schools throughout New Mexico.

The money includes general operation funds for the 2009-2010 school year, funds for special education programs, money to programs that serve disadvantaged children, grants for school lunch equipment, and funds for homeless students.

The education funding includes: \$167.7 million in Stabilization Funds which have been included in the public school funding formula for the 2009-2010 school year. This money will be available on July 1, pending final anticipated approval by the U.S. Department of Education. Districts may use this money as they have used general fund dollars for regular operating expenses.

To view funding by district, go to: <http://www.ped.state.nm.us/>.

♦ *Source: Public Education Department press release, June 15, 2009*

Stanford Charter School Report Released

In June 2009, the Center for Research on Education Outcomes (CREDO) released a report entitled, *Multiple Choice: Charter School Performance in 16 States*. The Stanford University study represents a longitudinal student-level analysis of charter school impacts in 16 states, including New Mexico. The study is representative of more than 70 percent of the students in charter schools in the United States. The scope of the study, 2403 total charter schools, makes it the first national assessment of charter school impacts.

Of note, and in support of public schools, the study claims, "37 percent of charter schools deliver learning results that are significantly worse than their student would have realized had they remained in traditional public schools."

♦ *Source: The complete 51 page report can be downloaded at: http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf*

Court of Appeals Decision Requires Disclosure of Candidate Names and Applications

by Evelyn A. Peyton, Cuddy & McCarthy, LLP

In enacting New Mexico's Inspection of Public Records Act ("IPRA"), which is codified at N.M. Stat. Ann. 1978, Sections 14-2-1 *et seq.*, the State Legislature recognized "that a representative government is dependent upon an informed electorate." NMSA 1978, § 14-2-5. The Legislature declared New Mexico's public policy to be "that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees," and "that to provide persons with such information is an essential function of a representative government and an integral part of the routine duties of public officers and employees." *Id.* The IPRA governs the procedures for requesting such information, and for responding to those requests.

On May 7, 2009, the Court of Appeals of the State of New Mexico filed its decision in the case of *City of Farmington v. The Daily Times and New Mexico Foundation for Open Government* (Ct.App. No. 27, 858).¹ The *City of Farmington* decision answers a question many school boards face: Must a school district release information regarding all applicants for the position of Superintendent? As the Court of Appeals has indicated, the short answer to that question probably is "yes."

In January 2007, the City Manager of Farmington announced his intent to retire. With the City Council's approval, Farmington's mayor launched a nationwide search for a replacement city manager. Ninety-one people submitted timely applications for the position. In March 2007, *The Daily Times* and the New Mexico Foundation for Open Government ("NMFOG") made formal IPRA requests for a list that identified all applicants for the City Manager position, as well as for copies of all the applications received by the City. The City denied both requests on the grounds that the applicants' privacy rights outweighed the open government policy stated in the IPRA. Consequently, only the identities of applicants selected as finalists and invited for on-site interviews would be released at the time the finalist list was determined. The *Daily Times* and NMFOG sued, asking the District Court to direct the City to produce the requested information.

At the hearing before the District Court, the City presented evidence that it decided to keep the names confidential because (1) it hoped to maintain a larger and more qualified applicant pool; (2) other application processes for city managers in other cities and states were closed processes; and (3) by not stating that the application process was open, the City had

implicitly guaranteed a confidential process until the finalists were selected. The City also presented evidence that requiring the City to disclose the names of all applicants would deter some people from applying for the position. After the evidence was presented, the District Court ordered the City to produce the documents disclosing the requested information.

The City appealed the order. In upholding the District Court's decision, the New Mexico Court of Appeals pointed to New Mexico's public policy of open government, as well as the IPRA's broad definition of the term "public records." Under the IPRA, public records include "all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained, or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained." NMSA 1978, § 14-2-6(E). The IPRA provides twelve identified exceptions to this broad disclosure, and those statutory exceptions do not include either a complete list of applicants for a high-level public position or copies of all applications from the candidates for such a position.

In addition to the statutory exceptions, the Court of Appeals agreed that New Mexico has recognized a "non-statutory exception" to disclosure. This non-statutory exception, also called the "rule of reason," requires a court to balance the right of all citizens to have reasonable access to public records against the "public policy" considerations favoring confidentiality and non-disclosure. *See State ex rel. Newsome v. Alarid*, 90 N.M. 790, 798-99, 568 P.2d at 1244-45 (1977); *see also Spadaro v. Univ. of N.M. Bd. of Regents*, 107 N.M. 402, 404, 759 P.2d 189, 191 (1988). As the *City of Farmington* Court noted, however, in applying this "rule of reason," courts must give effect to the strong public policy favoring access to public records. The party denying access to public records always has the burden to show why the denial is justified, and the party making the request never has the burden of proving that the request is justified.

The *City of Farmington* Court examined each of the City's reasons for non-disclosure. As to the City's argument that it would receive fewer applications if the hiring process were open, the Court ruled that (1) the City had presented no evidence to support this claim, and (2) even if such evidence had been presented, the public's interest in disclosure outweighs the City's

Continued on page 11...

NMSBA NEWS

The NMSBA website (www.nmsba.org) has among other things, forms and Master Board Member program information.

Current News - identifies current events involving the association or school board members, such as the upcoming conference, links to **Master Board Member Program page**, and 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 the 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 Credit forms; Officer Nomination forms, and Resolutions forms.**

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 10 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

Monday, 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

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

Region VII

Wednesday, 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

Dual Credit: The First Year - An Observation

By William Bayne Anderson, MBM Candidate
and School Board Member in Deming Public Schools

The 2008 New Mexico Legislature in its thirty-day session considered and passed many measures. One of the new laws created from this concerns New Mexico's public school children. Specifically, students in secondary education who are now required, before graduation, to successfully complete a dual credit college course, AP course, or online college course.

The first year of school under this requirement has now been completed. Many students throughout the state have taken advantage of this program that allows high school students to complete college courses without the cost of college tuition or the cost of textbooks. It is simply a great opportunity for New Mexico students. The opportunity now exists for students to be well along with a college degree or even complete an associate degree before leaving high school.

This opportunity, however, is not without problems. It is likely that school districts across the state have encountered situations with their students throughout the school year. Districts have, hopefully, been able to find ways to overcome the problems and students have been successful but I would argue that many issues will reappear in the coming year.

The overall problem, which can appear in several forms, comes down to one basic situation. Many high school students can't be taken directly out of the classroom and thrown into the college atmosphere. There are those students who can accommodate the change in the educational environment and have adapted well to the college scene but many have difficulties with the transition.

I have taught, throughout this academic year, a large number of high school students who are appearing in the college classroom for the first time. I have seen students who have generally done well. The difficulty is that from my observation they have been the minority. Students, generally, are lost when encountering the college classroom.

Many students lack the maturity to meet the college scene where there are generally no "parachutes" for a safe landing as there are in most high school classrooms. Students have problems with time management, following a class syllabus, and meeting many of the writing requirements found in college courses.

This does not imply that the legislative program is a failure or that it should be removed as an opportunity for high school students. It is, in fact, a valuable tool that needs to be developed and brought to maturity for students. Here are some potential solutions

that I have practiced and discussed through the academic year.

First, I have found that to assist students, in my classes, required close contact with the high school. E-mail contact between myself and a member of the guidance department staff has made the difference between passing and failing for many students. The difficulty is that the normal high school guidance counselor already has a very full agenda and monitoring these students only adds to the burden.

The solution may be for high schools to look at someone to be added to the high school staff with direct advisory responsibilities to these students. Hiring an additional staff member is a very difficult suggestion to make as many school districts are facing very tight budgets in the upcoming school year. However, I would argue that the numbers of students taking advantage of the program in different forms will only be increasing and the need for assistance will increase with the numbers.

Two methods of reducing this cost can be implemented. One of the methods, for schools with home rooms or similar classes, is to assign these students to teachers who can then, through these class periods, monitor the progress of the students. College instructors can supply copies of class syllabus and be available to discuss the course requirements with the high school teachers. These advisor teachers would then guide the students through the college class.

The second solution, which was suggested to me by a high school principal, is for the high school to conduct an interview with prospective students before enrolling in college or AP courses to determine that the student has the grades, skills, motivation, and general desire to successfully complete an advanced course. The one obvious problem is that as the numbers of prospective students grows precious time needed to hold interviews will increase.

One skill which students must have prior to taking any of these advanced courses is a good background in writing. One problem that has been very obvious during the school year has been students without the skills to do quality, college level, written essays. Frustration, in some cases, by students with written assignments has led to plagiarism. High school must insure that students have a good background in writing.

There are many instructors, within the college community, who take the attitude that if these high school students appear in their classroom they are like any other college student. I would argue that if these

Five Characteristics of an Effective School Board

Effective Boards Focus on Student Achievement

The best school boards understand that student learning is job one. This emphasis necessarily means that policies and resources of schools are targeted to promote achievement for all students. School practices, which have their genesis in policy, ought to have a laser-beam orientation on high standards, a rigorous curriculum, and high-quality teachers. Issues a school board must consider are evaluated against the contribution toward student learning – the core business of schools.

Effective School Boards Allocate Resources to Needs

Not all students walk through the school doors with the same needs. Good school boards recognize this fact and allocate resources such as time, money, and personnel and adjust practices accordingly. Documents of the school district, such as the annual budget, are viewed as tools to reach student-learning priorities, and the district's spending and practices do not protect sacred cows.

Effective Boards Watch the Return on Investment

We are all accountable to somebody. Effective school boards are mindful of their own accountability to the communities that entrust their children to public schools; effective boards routinely and regularly measure and report the return on investment of the education dollars they spend. Effective policy makers today make their greatest gains by asking appropriate questions, and productive boards recognize the self-instructive value in making the following query an ongoing refrain: *What services are we providing to which students at what cost and resulting in what benefits?*

Dual Credit continued...

students were fully prepared for college this would be an acceptable attitude. However, it is not the case and it is going to take time for many instructors to be willing to take on the task to make the close contact with the high school to assist students to be successful. The high school administration should begin working with the colleges to determine the staff willing to work with students and then insure students are scheduled with those instructors.

Finally, the issue of cost of textbooks for these college courses is an issue that the legislature must face in future sessions. High schools are required to supply books for the high school students taking college courses just as they must provide textbooks for high

Effective Boards Use Data

It has been said, "In God we trust. All others bring data." By definition, informed policy making requires the use of data. Otherwise, effective boards cannot be assured that all students, regardless of gender, race, or socioeconomic status, are progressing toward and reaching high standards. The challenges to student learning, and particularly to provide equity among all students in achievement, are complex. Institution-based assessment of student learning is tricky at best and certainly is an insufficient basis to determine education policy. Further, without data, reports to communities about the education return on investment are hollow and unconvincing. Communities expect measurable results, through data, from their tax dollars.

Effective Boards Engage the Communities They Serve

The best school boards look for ways to institutionalize parent and patron involvement in providing policy-making input. Specifically, effective boards have established mechanisms for community involvement in setting the vision for the school district, representing the values of the community, and identifying the district's short-term and long-term priorities.

♦*Source:* Authored by Arthur Griffith Jr., Vice-President for national urban markets for McGraw-Hill Education and school board member in North Carolina's Charlotte-Mecklenburg School for eighteen years and Dr. Carter D. Ward is Executive Director of the Missouri School Boards Association. From *Board Bulletin* of the Missouri School Board's Association. Originally excerpted from *Edutopia Magazine*, a publication of the George Luca Foundation

school classes. Most of the college textbooks are not found on the state textbook adoption list. Therefore, other funding must be used for these books. This is an unfunded mandate that needs the attention of the legislature.

The New Mexico Legislature has created a great opportunity for our high school students. It is like many new programs that will take time and patience to work through the unforeseen problems that have surfaced. It should be the responsibility of both colleges and high schools to work together and make the members of the Legislature a partner in solving these situations. The bottom line is that making these students successful while in high school will increase their chances of success when they become fulltime college students.

‘Sexting’ found to be common among teens

While it may be shocking, the practice of “sexting” – sending provocative, nude or semi-nude self-images via text message is not unusual, especially for teens around the country.

Board members should be aware of this trend because it may affect your students and staff. School boards should discuss and develop clear district policies and administrative guidelines when investigating sexting incidents so that staff do not unfairly come under scrutiny or face criminal charges as a result of actions they take during an investigation. Some disturbing national instances that may give you a reason to start soon include:

In July, 2008 an Ohio teen hanged herself following months of harassment from fellow students after she had sent nude photos of herself to her boyfriend who then sent the photos to the rest of the school after they broke up.

In October, 2008 a Texas eighth-grader spent the night in a juvenile detention center after his football coach found a nude picture on his cell phone that a fellow student sent him.

In March, 2009 an Oklahoma Assistant Principal was arrested for possession of child pornography, but the charges were later thrown out. The school official was actually complying with the Superintendent’s instructions to transfer the semi-nude photo from a student phone to his office computer so that they would have evidence to show the parents of the teen being reprimanded. However, by possessing said photo, the school official was in violation of state pornography laws.

In May, 2009 three teenage girls who allegedly sent semi-nude cell phone pictures of themselves, and three male classmates in a western Pennsylvania high school who received them, were charged with child pornography. Depending on the specific state laws, charges can range from manufacturing pornography, distributing it and sexual exploitation of a minor. In some states, a convicted teen will then be forced to register as a sex offender for 10 or more years, even if he or she serves no jail time. In this case, the ACLU has filed a federal counter-lawsuit on the students’ behalf because the ACLU deems the threat to prosecute minors as limiting their “expressions of free speech”.

According to Michelle Collins of the National Center for Missing & Exploited Children, “of the 2,100 children the center has identified as victims of online porn, one-fourth initially sent the images themselves.”

In order to better understand the intersection between sex and cyberspace with respect to attitudes and behavior, the National Campaign to Prevent Teen and Unplanned Pregnancy and CosmoGirl.com commissioned a survey of teens and young adults to explore electronic activity. This is the first public study of its kind to quantify the proportion of teens and young adults that are sending or posting sexually suggestive text and images. The survey results in its entirety are available in a 20 page pdf at www.thenationalcampaign.org/sextech/.

The study classified teens as those between the ages of 13-19 and defined Young Adult as those ages

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20-26. Some key findings show that girls, more often than boys, are sending nude or semi-nude photos and that this behavior actually increases as they become young adults. The study also found that suggestive messages (text, e-mail and Instant Messages) were even more prevalent than images and were more likely to be sent by boys. Approximately forty-percent of both teen girls and boys say they share these images and texts with others for whom they were never intended. The most common reason given for sending such suggestive content is to be perceived as “fun and flirtatious”.

The survey was fielded online to a total of 1,280 respondents between September and October 2008. It was conducted by TRU, a global leader in research on teens and 20-somethings.

There has been much online discussion of the sexting cases pending. Peter Cumming, an associate professor at York University in Toronto, Canada argued in a paper on children’s sexuality defending the practice. “Technology does change things, and there can be very serious consequences. But that obscures the fact that children and young people are sexual beings who have explored their sexuality in all times, and all cultures and all places. A distinction has to be made between nudity and child porn.” In his paper he calls sexting a “modern variation on playing doctor or spin the bottle”.

♦ Summarized by EE

♦ Sources:

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Impact of the Mortgage Crisis on Children

We know that the mortgage crisis is wreaking havoc on the stock market, on the housing industry, and on our economy as a whole. But there are 2 million voiceless victims of this crisis about whom we hear little. Largely over the next two years, an estimated 2 million children will be directly impacted by the mortgage crisis as their families lose their homes to foreclosures. These children are not just losing their homes, but they also risk losing their friends, schools and in many ways, their childhood.

When foreclosures force children from their homes, their education is disrupted, their peer relationships crumble, and the social networks that support them are fractured.

Research shows that children who experience excessive mobility will suffer in school. The National Assessment of Educational Progress has found that students with two or more school changes in the previous year are half as likely to be proficient in reading as their stable peers. Other research found that school and residential changes can reduce the chances that a student will graduate by more than 50 percent. Student mobility is also associated with poor and delinquent behavior. One study found that frequent movers were 77 percent more likely than children who have not moved to have four or more behavior problems.

To read more, go to www.focusfirst.net.

♦ Source: Phillip Lovell and Julia Isaacs, *First Focus*, May 2008

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Throwing Money at Problems or Improving Schools?

By Alan W. Garrett, MBM Candidate
and School Board Member in Portales Municipal Schools

Schools face ever-growing demands to address a variety of issues, both academic and social. Attempting to satisfy these demands costs money. Requests for additional funding too often are met by the response, “Throwing money at schools will not improve them.” Critics may follow that assertion with the suggestion, “Schools should be run more like businesses.” All school board members no doubt have heard both of these comments many times. Such dubious but widely held beliefs about the nature of schools, what happens in them, and their relationships to businesses have historical roots that merit review. This history and a recent statement by a high government official raise the question of whether likening schools to businesses is an honestly held view intended to help schools improve or merely a popular and convenient rationale to run them cheaply.

The role of manufacturing in the nation’s economy relative to other areas grew significantly in the late 19th and early 20th centuries. Fredrick W. Taylor sought to improve manufacturing and materials handling processes with a system he termed “scientific management” in a 1911 book. The goal of scientific management was to increase productivity through the elimination of waste. After careful study, according to Taylor, one best way of doing anything could be determined. Workers were taught and required to follow that best way. Despite the incongruities between factories making products and schools offering educational opportunities to living human beings, the ideas of scientific management were applied, albeit poorly, in education, as well as to many other areas in American life.

Scientific management is not mentioned much today, especially in relation to education, except as a historical episode, one of the first business-inspired systems foisted on schools and educators. Nevertheless, to this day, two significant ideas derived from scientific management permeate many people’s thinking about schooling. First, there is waste, especially of money, that can and must be eliminated. Those critics of public schools who hold this belief contend that schools do not need additional funds; they simply need to root out waste and use their present resources better. Second, there is “one best way” for every teacher to teach every student in every classroom in every community in the United States. This second vestige of scientific management is especially troublesome in the current era when educational policy decision-making has been centralized in state capitals and now in the

United States Congress. No Child Left Behind is but the most egregious of many “one size fits all” under-funded or entirely unfunded mandates placed upon schools by politicians and other policy makers who are largely out of touch with the realities of teaching, learning, and schooling.

If only schools were run more like businesses . . .

Apparently, some problems can be solved by throwing money at them, and one size does not fit all in every endeavor. Neel Kashkari, the Interim Assistant Secretary of the Treasury for Financial Stability, was asked if banks receiving from \$2 million to \$25 billion each from a \$250 billion federal government fund were required to explain how they would use the money. They were not. The Associated Press quoted Kashkari’s explanation of why even a simple plan was not required. “It’s very hard for us to try to micromanage and say this is how you have to run your business, because each bank and each community is a little bit different.” This truly is an example of “throwing money at a problem” if ever there was one. Banks were not even asked to present a simple outline describing how the money they received *might* be used, much less to submit to the test of *accountability* (to use one of today’s more common words from the world of education) for how they actually used the money and the results they obtained.

Two undeniable facts emerge from this episode. First, some people of the same philosophical persuasion as those who claim “throwing money at schools will not improve them” see no intellectual incongruity in throwing money at other problems, especially when those problems involve private groups more politically favored than public schools. Second, one size does not seem to fit all when dealing with businesses, only with schools. Apparently, the communities in which banks exist differ enough to necessitate allowances for local decision-making. Are there not schools located in those same varied communities that likewise would benefit from greater local autonomy?

Frederick Taylor’s scientific management served a useful purpose when used in those areas for which it was intended. In a typically American way, unfortunately, it was applied (or, at least, attempted in some fashion) in areas of life, such as education, in which it made no sense. Under the guise of improving schools by becoming more “business-like,” the misapplication of scientific management to education mutated into simple-minded cost cutting.

Believing that schools can be operated cheaply and attempting to do so are lessons from that chapter of educational history that were learned well and remain in practice today. Likewise, in today's world where creativity and diversity are promoted and valued in virtually all human endeavors, mindless uniformities in teaching and curriculum are the inevitable results as many would-be educational reformers pursue their futile quest for the single best answer to any and all educational questions. Clearly, good schools cannot be bought merely by spending more money. On the other hand, good schools cost money, more money than many people appear willing to spend.

Raymond E. Callahan recounted the story of the misapplication of Frederick Taylor's scientific management and its impact on American public schools as well as the public's conception of their schools in his 1962 book *Education and the Cult of Efficiency*. Callahan offered the following observation that remains a sage warning:

"Although education is not a business and schools are not factories, no reasonable man can deny the advisability of applying certain business practices where they are appropriate to the work of the schools. But they are a means to an end – the end being to provide the best possible education for our children. When efficiency and economy are sought as ends in themselves . . . the education of children is bound to suffer."

Invoking the tired phrase "throwing money at schools" too often is an excuse for the false efficiency and economy Callahan warned against.

Some critics of public education contend that schools should be run like businesses, yet many businesses today are not run like businesses, at least not the kind of businesses schools supposedly should emulate. The problem extends beyond the hypocrisy of remarks such as those of Mr. Kashkari. Too many people are in the habit of likening schools to other organizations – businesses, factories, hospitals, the military, whatever – and then imposing on them practices and solutions to problems that seemingly worked in those other organizations, expecting them to work quick miracles in schools. Educators, policy makers, politicians, and the public at large need to begin thinking about schools as schools and not anything else.

Got Forms?

Go to the NMSBA website, www.nmsba.org, click on "publications" and you will find the forms for Resolutions, Nominations, Awards and Independent Training Credit are there as well as four years of back issues of the NMSBA newsletter in pdf format.

Louisianan Named President of NSBA at San Diego Conference

C.H. "Sonny" Savoie, a school board member from St. Charles Parish, LA was named the 62nd President of the National School Boards Association (NSBA) at the Association's annual conference in San Diego in April 2009. Savoie has been a member of the NSBA Board of Directors since 2002. He has been a member of the St. Charles Parish school board for 23 years. He worked for more than 32 years in the oil and gas industry for Chevron/Texaco as well as an independent consultant.

Savoie has been a ten-year HOST (Help One Student To Succeed) math mentor at the middle school level and has taught Junior Achievement to third grade classes. He is retired and actively involved in numerous church and community activities. He and his wife Merle provide before- and after-school day care for their four grandchildren ages 6 to 11.

♦ Source: NSBA "School Board News", April 2009

Disclosure continued from page 4 ...

concern that fewer people would apply for the position. With respect to the City's arguments that the hiring processes for city managers in other cities and states are closed processes, and that the City had implicitly guaranteed confidentiality to the applicants for the city manager position, the Court analyzed an Alaska case addressing many of the same points made by the City and concluded that an implicit guarantee of confidentiality is insufficient to overcome the public's interest in information regarding applicants for a high-profile public position.

Given the *City of Farmington* decision, we recommend that school districts inform those considering submitting applications – particularly for high-profile positions at the top administrative levels, or other high-profile positions such as head football coach or athletic director – that the school district cannot guarantee to keep the applications confidential, and that the school district may be required to disclose the applications and certain other documents submitted with those applications in response to an IPRA request. We recommend that you contact your school district's legal counsel for assistance in drafting such a notification, which should be prominently displayed on your application forms and in your vacancy announcements.

(Footnotes) ¹As of the time this article went to press, the deadline to appeal the *City of Farmington* decision to the New Mexico Supreme Court had not expired. Unless and until this decision is reversed by the New Mexico Supreme Court, school districts must comply with the Court of Appeals' ruling.

MARK YOUR CALENDAR!

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July 17-18, 2009
The Lodge
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T+L Conference
October 28-30, 2009
Denver, CO
www.nmsba.org/tl/Events/

Annual Convention
December 4-5, 2009
Albuquerque Hotel
Albuquerque, NM

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

Tidbits...

Tough Market for Teens Looking for Summer Jobs

USA Today reports that teens could have a hard time finding a job this summer. That's because many adults, who have lost their job or are looking for a secondary income, are applying for many of the same summer jobs that high school and college students rely on. A report from Northeastern University Center for Labor Market Studies found that last summer was the worst teen employment market in six decades. The center predicts that market will be even worse this summer. The U.S. Bureau of Labor Statistics found that last summer (June-August) only 32.7 percent of teens worked. That was down 45 percent from 2000. Unemployment rates for 16-19 year olds was at more than 21 percent this March, which was up more than 15 percent from last March. According to the Bureau of Labor Statistics, that is the highest rate has been since 1992. Part of the reason teens have had a hard time finding employment is because more adults are taking lower paying jobs. Tim Miller, a spokesman for Employment Policies Institute, a research group that studies public policy, says employers have a big pool of applicants to select from. "The first people they're going to hire are people with higher skills – those who have a college degree or have worked before," he told *USA Today*. Traditional summer teen jobs, like working at Six Flags, which has 20 amusement parks across the U.S., Mexico and Canada, have seen more adult applicants. "We've seen retirees. We've seen people who have been laid off," said Spokeswoman Sandra Daniels.

♦ Source: Wisconsin Association of School Boards, May 2009

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