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Some Say Board Misled SF Voters

By Jessica Dyer*Journal Staff Writer*

Voters who approved a \$160 million bond package for the Santa Fe Public Schools last year may be the victims of a "bait and switch" scheme, some opponents of the district's small-school consolidation plan claim.

Fred Nathan, executive director of Think New Mexico, said Friday that the school district led voters to believe that the bond money would be used for several specific projects outlined in the district's facilities master plan, but never indicated that funds would go toward the consolidation-related construction now under way.

Santa Fe Superintendent Bobbie Gutierrez said the district didn't deliberately mislead the public prior to the February 2009 election. Information provided by the district was indicative only of what officials viewed as important projects at that point in time, she said, and was only intended for advisory purposes.

The language on the actual ballot was intentionally nonspecific, so that it wouldn't limit the district to certain projects that may not make sense at a later date, she said. "I believe we're on solid ground."

Nathan is not similarly convinced. He wants to know if the district needed to go back to voters to approve any projects not discussed prior to the election. In fact, Think New Mexico contacted Santa Fe-area legislators about the bond money concerns, prompting Sens. Phil Griego, Nancy Rodriguez and Rep. Luciano "Lucky" Varela, all Santa Fe area Democrats, to seek input from the New Mexico Attorney General's office.

In a letter dated July 13, the legislators requested an opinion on whether a school district can "use funds from a general obligation bond for capital projects when those projects were not included in the plan for the use of the funds that was presented to the voters."

In addition, the letter asks for an opinion on whether the Attorney General's Office would need to approve a district's "changing the use of the bond funds."

Varela said he has no opinion on consolidation but has heard from constituents concerned that the plan was too rushed. He said he believes the Attorney General's input on the matter will benefit the entire state.

"We want some clarity on that not just for Santa Fe," he said. "There might be other

schools in other parts of the state that might have this issue but need clarification."

Phil Sisneros, spokesman for the Attorney General's office, said there's no way of knowing when the office will render such an opinion.

"Every request is different," he said. "Some can be done in 60 days, some take a year."

Meanwhile, construction is already under way at Alameda Middle School where students from the now-closed Alvord, Kaune and Larragoite elementary schools will attend a consolidated school this fall.

Another elementary, Acequia Madre, is scheduled to close next spring, and its students will be sent to Atalaya Elementary. But Gutierrez said Friday that first-phase renovations at Atalaya may cost up to \$14 million — millions more than planned — meaning the plan will be re-evaluated.

The Santa Fe school board approved consolidation earlier this year as a way to save money in the face of a \$7 million budget shortfall, though opponents argue that the savings will be minimal. Critics also maintain that closing small schools is counter-productive because children do better in those environments.

Nathan is among those critics, but many parents of students at affected schools have also fought the change, though the protests haven't managed to alter the district's course.

Nathan hopes the appeal to the AG might do the trick and he points to projects discussed by the district that may no longer happen as bond money is shifted to pay for consolidation. He cites a \$7 million expenditure at the south-side Ramirez Thomas Elementary that would've included an early education center and four new kindergarten classes.

"We think they need to get the taxpayers' position before they divert \$7 million from Ramirez Thomas to implement their school-closure scheme," Nathan said.

Gutierrez said the Ramirez Thomas construction is still being evaluated, though officials think now may not be the right time to do it. The school is already in a three-year "school improvement" plan as a result of not meeting state Adequate Yearly Progress standards. Managing school construction "is almost a full-time job," and one that Ramirez Thomas staff shouldn't be burdened with at this juncture, Gutierrez said.

"I think that's a great example why you have to have flexibility within your bond," she said. "You'd never put on your (ballot) question 'We're going to renovate three classrooms and such-and-such school,' because you can't predict the future."