

CES NEWSLETTER

February 2023



CONTENTS:

- ORDER CORNER
- PROCUREMENT NEWS
- CALENDAR OF EVENTS
- COMPLIANCE CORNER
- JOB OPPORTUNITIES
- READING ROOM
- BULLETIN BOARD
- CES STAFF CONTACTS

Feature Article

Employers May Have to Provide Reasonable Accommodations to Pregnant Workers

President Biden recently signed the Pregnant Workers Fairness Act (PWFA) and the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) into law. The PWFA, which goes into effect on June 27, 2023, applies to employers with 15 or more employees and imposes obligations on employers with respect to pregnant employees and applicants. The PUMP Act, which went into effect December 29, 2022, amends the Fair Labor Standards Act (FLSA) with respect to break time for nursing mothers and applies to employers with 50 or more employees.

The PWFA

Previously, the Pregnancy Disability Act (PDA) protected workers from discrimination on the basis of pregnancy and related conditions. It

did not, however, expressly require employers to provide accommodations to pregnant workers. But, in 2015, the U.S. Supreme Court held in *Young v. United Parcel Service, Inc.*, that pregnant workers were entitled to accommodations under the PDA, but only if the employer provided comparable accommodations to similarly situated workers. The decision resulted in uncertainty and inconsistency among the courts regarding which employees were proper comparators such that pregnant workers would be entitled to accommodations.

The PWFA was enacted, in part, to address this confusion and provide clarity as to employers' obligations to pregnant workers.

The PWFA's Requirements

Although the PDA only prohibited employers from discriminating against workers on the basis of pregnancy, the PWFA now expressly requires employers to also provide reasonable accommodations to pregnant workers



regardless of whether accommodations are provided to similarly situated employees.

The PWFA applies many of the protections under the Americans with Disabilities Act (ADA) to pregnant workers on a temporary basis. The PWFA also adopts the same definition of "reasonable accommodation" as the ADA.

Some of the PWFA's key elements include:

- Employers must grant reasonable accommodations to qualified employees for "known limitations" related to pregnancy, childbirth or related medical conditions. "Known limitation" is defined as a physical or mental condition relating to or arising from pregnancy, childbirth or related medical conditions that has been communicated to the employer, regardless of whether the condition is a "disability";
- Employers may not require a qualified employee affected by pregnancy, childbirth or a related medical condition to accept an accommodation she did not agree to through the interactive process;
- Employers are prohibited from denying employment opportunities to qualified employees if such denial is based on the need for the employer to provide a reasonable accommodation for limitations related to pregnancy, childbirth or related medical conditions;
- Employers are prohibited from requiring a pregnant employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided; and
- Employers are prohibited from taking adverse action in the terms, conditions or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation.

PWFA Remedies and Enforcement

The U.S. Equal Employment Opportunity Commission is charged with enforcing the PWFA and will provide additional guidance concerning reasonable accommodations for pregnant workers within two years. Employers that violate the PWFA may be subject to backpay, costs and fees (including attorneys' fees), and compensatory and punitive damages.

The PUMP Act

Previously, the FLSA obligated employers with 50 or more employees to provide reasonable break time to non-exempt employees to express their breast milk and provide them with a private place shielded from view and intrusion that is not a bathroom. Those obligations continue.

Under the PUMP Act, however, employers are now obligated to provide these same breaks to all employees-including exempt employees.

Although employers are generally not obligated to pay non-exempt workers for this break time, they should if employees perform work during this break or are using an otherwise paid break. Employers should pay exempt employees their full weekly salary regardless of whether they take break time to express breast milk.

What the PWFA and PUMP Act Mean for Employers

Employers should be aware that they may be obligated to provide a reasonable accommodation to an employee or applicant experiencing a pregnancy-related condition. Employers should ensure their managers and human resource employees are trained to spot such a request and engage in the interactive process if necessary. Managers and human



resource employees should also be trained on their obligations to provide employees with reasonable breaks to express breast milk.

Employers should also be aware that neither the PWFA nor the PUMP Act preempts state or local law. Therefore, employers in areas with more favorable laws will still need to comply with those requirements.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Driscoll, Robert S. and Katie Triska (Reinhart Boerner Van Deuren S.C.), January 20, 2023.

Order Corner

Many of CES' contracts allow for leasing options. Examples are copiers, vehicles, and heavy equipment. However, the CES process requires that leases be handled differently than purchases.

When pursuing a lease option,

- 1) Contact the CES vendor and request a quote and terms for leasing via their CES contract.
- 2) Produce your purchase order, made out per instructions you receive from the vendor.
- 3) Send your purchase order directly to the vendor (or their identified agent) via either their snail mail or email address, and send a copy (clearly marked as COPY) to CES via email to po@ces.org.
- 4) All of your transaction will occur directly between your organization and the vendor. The vendor will remit their owed CES Administration Fee to CES.

Procurement News

1) Current & Upcoming Solicitations:

RFP #	RFP Description	Release	Due	Award
2023-02	Indoor and Outdoor Athletic, Recreational + Auditorium Lighting Systems - <i>Rigging, Fixtures, Equipment, Install, Maint., and Repair</i> (combining RFPs 19-014 & 19-015)	1/17/23	2/17/23	3/8/23
2023-11	Indoor / Outdoor Scoreboards, <i>Marquees, Message Boards, Street and Building Signage</i>	1/17/23	2/17/23	3/8/23
2023-12	Solar Power <i>Consulting, Design, Engineering, Installation and Related</i>	1/17/23	2/17/23	3/8/23



Calendar of Events

- 2/2 Groundhog Day
- 2/2-4 NMSBA Board Institute
- 2/7 TAP: Designing Successful Behavior Plans
Part 1: The Functional Behavior Assessment
- 2/8 TAP: The Framework for Increasing Learning Behaviors and Decreasing Challenging Behaviors
- 2/9 TAP: Educators Resources for Individuals with Autism Spectrum Disorders & Other Disabilities: Challenging Behaviors Toolkit PART 1
- 2/14 Valentine's Day
- 2/14 TAP: Designing Successful Behavior Plans
Part 2: The Behavior Intervention Plan
- 2/15 TAP: Facilitating and Developing Compliant IEPs
- 2/15-17 NMASBO Winter Conference
- 2/16 TAP: Facilitating and Developing Compliant IEPs
- 2/20 Presidents' Day; CES Offices Closed
- 2/21 TAP: Bringing the Calm: De-escalation and Regulation Strategies
- 2/22 TAP: Section 504
- 2/23 TAP: Educators Resources for Individuals with Autism Spectrum Disorder & Other Disabilities: Challenging Behaviors Toolkit PART 2
- 2/28 TAP: Special Education Discipline Rules & Behavioral Interventions to Prevent the Need for Discipline

FEBRUARY 2023

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				



It's Apparent: You Need to Include the Parent(s)!

February 2023

By Cindy Soo Hoo, TAP Consultant

csoohoo@ces.org

Parents play a crucial role in their child's/children's education. They are essential partners in helping students become academically and socially successful in life. Their contributions, whether it is through volunteering in the classroom, baking goodies for a class party or participating in an Individualized Education Program (IEP) meeting, help to form a working relationship between them and school staff that may lead to a higher percentage of success for their children.

The Individuals with Disabilities Education Act (IDEA) recognizes the importance of parent participation and spells out the requirements school districts must follow in ensuring their opportunity to participate. Parents are invited to discuss their child's strengths, needs and concerns for enhancing their education as well as future goals for their child. Providing invitations to parents with adequate time for the parent to prepare for a meeting will also increase participation. While there is no set timeline set forth in IDEA, it does state:

34 CFR §300.322(a) (Parent Participation):

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting

or are afforded the opportunity to participate, including –

- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and*
- (2) Scheduling the meeting at a mutually agreed on time and place.*

However, many parents may feel reluctant to participate fully in an IEP meeting. This may be due to many factors, including perhaps their own past history of schooling or the overwhelming number of participants at the table represented by the school district. Whatever the reason may be, there are many ways in which school personnel can help a parent feel welcome. Reaching out to parents at other times during the school year may be one way to involve parents. Letting parents know how their child is doing not just during designated progress reporting times or when their child may have violated a code of conduct can build relationships between home and school.

For those parents who may have difficulty expressing their thoughts and concerns during a meeting, the New Mexico Public Education Department (NM PED) has a parent questionnaire that may be given to a parent ahead of an IEP. This would allow the parent to gather their thoughts to later be considered and discussed during the meeting. (*See Appendix A: Parent Report Questionnaire Preparing for the IEP, Developing Quality IEPs, Technical Assistance Manual, 2011*).

The NM PED also provides a guidance document that can be shared with parents who are unfamiliar with or have difficulty navigating



the IEP process. Parents' Guide to an IEP (Appendix A, Developing Quality IEPs, Technical Assistance Manual, 2011) helps parents understand what an IEP is, who to expect to be involved in developing the IEP, what they can do to prepare for the IEP and what to expect both during and after the IEP. Sharing this document with each child's parent(s) will not only provide parents with important information involving the IEP process but also helps reinforce your commitment to involving them as crucial members of the IEP Team and valuing their input.

There may be times, however, when school personnel are unable to convince a parent to attend an IEP. IDEA has provisions for what to do in such a situation. It is important to note there are no specified number of attempts to convince a parent to attend. School personnel must do their due diligence in working with parents to try to convince them to participate. 34 CFR §300.322(d) (Conducting an IEP Team meeting without a parent in attendance) states:

A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as –

- (1) Detailed records of telephone calls made or attempted and the results of those calls;*
- (2) Copies of correspondence sent to the parents and any responses received; and*
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.*

(e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) Parent copy of child's IEP. The public agency must give the parent a copy of the child's IEP at no cost to the parent.

Some parents may find it difficult to attend in person and may request an alternate means of participating. IDEA has that covered as well. School personnel saw this all too well during the throes of the pandemic. IEP meetings were held virtually. That and other ways of participating are viable means for conducting meetings.

34 CFR §300.328 (Alternative Means of Meeting Participation) states:

When conducting IEP Team meetings and placement meetings...the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

For those parents who may be difficult to contact or who may have a history of canceling meetings, it is recommended school personnel start early based on the due date of the annual IEP or other meetings. This may help the school district remain in compliance with any due dates for meetings allowing for possible multiple attempts to reschedule.

Finally, it's important that school personnel not only invite parents a reasonable time before an IEP meeting is scheduled, but they also include required information that informs parents as to the reason for the meeting, who to expect to be present and that transition needs will be addressed for students whose IEP will be in



effect during the year in which the student turns fourteen.

34 CFR §300.322(b) (Information Provided to Parents) states:

(1) The notice required under paragraph (a)(1) of this section must –

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and

(ii) Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

(2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must – (Important to note: In New Mexico, it's the IEP to be in effect when the child turns 14)

(i) Indicate –

(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and

(B) That the agency will invite the student; and

(ii) Identify any other agency that will be invited to send a representative.

While it may appear there are many regulations that are required when it pertains to involving parents in special education processes, their participation and partnership are very important. Being an essential partner in the educational process of their children results in better student outcomes. No doubt, that becomes a win-win situation for everyone involved.

The information included herein is not intended to provide legal advice. Should you need legal advice or guidance on any issue involving special education, please contact the appropriate person for your district.



Job Opportunities

Ancillary Positions Open

- Adaptive Physical Educator – Region 4
- Audiologist – Regions 1, 3, 4
- Certified Occupational Therapy Assistant – Regions 2, 4
- Certified Orientation Mobility Specialist – Regions 4, 8
- Diagnostician – Regions 1, 2, 6, 8
- Occupational Therapist – Regions 1, 2, 3, 4, 7
- Physical Therapist – Regions 1, 2, 3, 4
- Registered Nurse – Regions 1, 2, 3, 4
- School Psychologist – Regions 2, 4, 7, 8
- Social Worker – Regions 2, 4
- Speech/Language Pathologist – Regions 1, 2, 4, 6, 8

Other CES Openings

- LEAP Coordinator



The Reading Room: Tips and Tricks - SYNTAX



syn·tax

/ˈsɪn,tæks/

noun

the arrangement of words and phrases to create well-formed sentences in a language.
"the syntax of English"

- a set of rules for or an analysis of the syntax of a language.

plural noun: **syntaxes**

"generative syntax"

- the branch of linguistics that deals with syntax.



This month we will be discussing syntax, one of the primary components of Structured Literacy. What is syntax, why do we need it, and tips on how to teach it.

more complex ones. You may also have to do a lot of modeling with students. A fun modification would be to divide students into teams and make this a bit competitive.

SENTENCE COMPLETION ACTIVITIES - Start with the beginning of a sentence and have students complete it. Ex. - Today I went..... The weather is beginning to.....

When doing this, you can also point out parts of speech, and with older students, you can discuss clauses and sentence types.

SENTENCE COMBINING & SENTENCE REDUCTION ACTIVITIES - Provide students with a variety of phrases and clauses and have them combine these elements to make more complex sentences. The reduction activity would be just the opposite. Have students look at complex sentences and then pull them apart to make simple sentences. Again, you may have to model with your students until they get the hang of it.

TENSE WORK - Make three columns on the board or paper with the following headings:

PAST

PRESENT

FUTURE

According to David Kilpatrick, author of "Equipped for Reading Success", knowledge of syntax is firmly correlated to improved reading comprehension. Students with syntactic knowledge and familiarity score higher on assessments of reading comprehension than do students who don't. They also tend to be better writers. Students who don't have explicit knowledge may confuse statements with questions. They may mix up tenses and use improper suffixes, thereby making their reading comprehension poor and their writing confused.

ANAGRAMS - Use index cards with one word on each card from a predetermined sentence. Mix up the cards and have the students put the cards in order so that the sentence makes sense. Depending on the age and skill level of your students you may have to start with very simple sentences and work your way up to



Give students a list of verbs and discuss what ending goes under which heading. Often when adding suffixes to words you will have to double the last consonant or drop the ending e to add a vowel suffix, but this can generate rich discussions about spelling rules.

RESOURCES & ARTICLES

Syntactic Awareness: Teaching Sentence Structure

<https://www.doe.mass.edu/massliteracy/skilled-reading/language-comprehend/syntax.html>

Teaching Sentence Awareness - Joan Sedita

<https://www.education.ne.gov/wp-content/uploads/2022/03/syntactic-awareness.pdf>

Grammar VS Syntax: What's the difference?
Allison Bressmer

<https://keystoliteracy.com/blog/syntactic-awareness-teaching-sentence-structure-part-1/>

Types of Sentences & Sentence Structure - Color Coding Grammar in Sentences

<https://academicguides.waldenu.edu/writingcenter/grammar/sentencestructure>

For questions, please contact:

Chris Fox - cfox@ces.org, Jessica Powell - jpowell@ces.org

Bulletin Board

New Mexico Summer Enrichment Internship Program

The College and Career Readiness Bureau (CCRB) of the New Mexico Public Education Department (PED) launched the *Summer Enrichment Internship Program* in the summer of 2021 and 2022. The federal government initially committed more than \$9.89 million for the program as part of pandemic relief efforts with funding to cover the cost of summer internships for New Mexico high school students in 2021 and 2022.

The Goal:

to provide high school students and at-risk youth with the opportunity to participate in high-quality internships (20 hours per week for 6 weeks or more) with government agencies and community organizations, including county, tribal, and/or municipal placements.



Are You Ready for Summer 2023?

Contact PED Program Manager Marc Duske marc.duske@ped.nm.gov



Applications OPEN NOW for Cohort 5!
(2023 - 2024)

Visit CESLEAP.org

Winter Conference

February
15-17, 2023



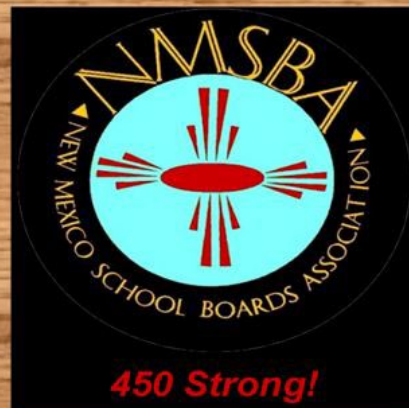
Embassy Suites Albuquerque
1000 Woodward Pl NE, 87102

REGISTER NOW!

2023 BOARD MEMBER INSTITUTE

FEBRUARY 2-4, 2023

HILTON HOTEL
& SANTA FE CONVENTION CENTER
SANTA FE, NM



CES Contacts

Jim Barentine
Southern Services Manager
Email: jim@ces.org
Phone: 575.646.5965
Fax: 866.877.0629

Kelly Bassham
Financial Specialist (AP)
Email: kelly@ces.org
Phone: Ext 135

Paul Benoit
Northern Services Manager, REAP
Email: paul@ces.org
Phone: 575.562.2922
Fax: 575.562.2523

Jason Broadwell
Purchasing Specialist (EANS)
Email: jason@ces.org
Phone: Ext 115

Joanna Calderon
Executive Admin Assistant
Email: joanna@ces.org
Phone: Ext 127

David Chavez
Executive Director
Email: dchavez@ces.org
Phone: Ext 109

Elizabeth Diaz
Prof. Devel. Admin Assistant
Email: ediaz@ces.org
Phone: TBA

Gino Evans
Purchasing Specialist
Email: gino@ces.org
Phone: Ext 137

Michael Floyd
Purchasing Specialist
Email: michael@ces.org
Phone: Ext 131

Maggie Furlano
Purchasing Specialist
Email: maggie@ces.org
Phone: Ext 148

LeAnne Gandy
Prof. Development Coordinator
Email: leanne@ces.org
Phone: Ext 146

Loretta Garcia
TAP Coordinator
Email: lgarcia@ces.org
Phone: 505.985.8454

Aaron Gonzales
Media Specialist
Email: aaron@ces.org

Abigail Hansen
Receptionist
Email: abigail@ces.org
Phone: Ext 101

Bryan Hardy
Purchasing Specialist
Email: bryan@ces.org
Phone Ext 110

Merlynda Johnson
HR Assistant
Email: merlynda@ces.org
Phone: Ext 104

VACANT
LEAP Coordinator
Email:
Phone: Ext 139

Tanya Marquez
Business Specialist
Email: tanya@ces.org
Phone: Ext 144

Patricia Martinez
Purchasing Specialist
Email: patricia@ces.org
Phone: Ext 128

Margaret Mikelson
Purchasing Specialist
Email: margaret@ces.org
Phone: Ext 126

Anthony Montañó
Finance Manager
Email: anthony@ces.org
Phone: Ext 128

Monica Myers
Purchasing Specialist
Email: monica@ces.org
Phone: Ext 134

Bertha Ochoa
Purchasing Specialist (EANS)
Email: bertha@ces.org
Phone: Ext 123

Lianne Pierce
Director of Ancillary Services
Email: lianne@ces.org
Phone: Ext 103

Bridget Rivera
Finance Specialist (AR)
Email: bridget@ces.org
Phone: Ext 122

Lisa Romo
Procurement Admin Assistant
Email: lisa@ces.org
Phone: Ext 116

Gustavo Rossell
Procurement Manager
Email: gustavo@ces.org
Phone: Ext 117

Elena Salazar
SITE / Professional Dev. Coord.
Email: elena@ces.org
Phone: Ext 136

Angelina Sandoval
Ancillary Admin Assistant
Email: angelina@ces.org
Phone: Ext 119

Kara Scheib
Purchasing Specialist
Email: kara@ces.org
Phone: Ext 107

Kelley Scheib
Financial Specialist (Payroll)
Email: kelley@ces.org
Phone: Ext 107

Brad Schroeder
IT Manager
Email: brad@ces.org
Phone: Ext 114

Robin Strauser
Deputy Executive Director
Email: robin@ces.org
Phone: Ext 108

Yvonne Tabet
Human Resources Specialist
Email: yvonne@ces.org
Phone: Ext 113

John Tortelli
Procurement & Contract Specialist
Email: john@ces.org
Phone: Ext 129

Joe Valencia
Procurement & Contract Specialist
Email: joe@ces.org
Phone: Ext 124

Valerie Yoakum
Ancillary Admin Assistant
Email: valerie@ces.org
Phone: Ext 111

