

# CAPITAN MUNICIPAL SCHOOLS BOARD OF EDUCATION

## SECTION B SCHOOL BOARD GOVERNANCE AND OPERATIONS

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### **B.1.0 School Board Operational Goals**

The state legislature grants the people the power to form school districts and boards of education. Under the law, these boards are empowered to exercise legislative authority over the public school within their district.

As representatives of the people, the Board accepts the responsibility to identify community attitudes and opinions and District needs. The Board is also required to identify short and long ranges strategies that are responsive with the budgetary limitations of the District.

*Adopted: December 2009*

### **B.1.1 Evaluation of School Board**

The Board shall meet as necessary for the purpose of appraising its functioning as a Board and to evaluate Board performance. The appraisal plan utilized by the Board will be facilitated by the Board President working with the Superintendent.

The Board may develop an evaluation instrument for the evaluation process.

Areas of Board operations and relationships that may be appropriate to consider during the evaluation of Board procedures may include, but are not limited to:

- Board meetings/decision making process
- Policy development and implementation
- Board and District goal setting
- Curriculum and instruction management
- School plant planning and management
- Board member orientation
- Board member development
- Board officer/member performance
- Board member relationships
- Board-Superintendent relationships
- Board-community relationships
- Legislative and governmental relationships

*Adopted: December 2009*

### **B.2.0 School Board Legal Status**

The New Mexico Constitution places the responsibility of establishing and maintaining public schools on the New Mexico Legislature and directs the establishment of a Public Education Department and Public Education Commission with powers and duties as provided by law. The Department shall be a cabinet department headed by the Secretary of Public Education who shall have administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial

accounting for the public school to be performed as provided by law. It is further provided that school districts under the general supervision of the Secretary of Public Education shall be maintained, developed, and operated by locally elected boards. A school district is a political subdivision of the State for the administration of public schools and derives authority from the New Mexico Constitution, New Mexico statutes, and the rules of the Secretary of Public Education.

*Adopted: December 2009*

### **B.2.1 Board Powers and Responsibilities**

The Board shall have the following powers/duties in accordance with statutes:

- subject to the rules of the Secretary of Public Education, develop educational policies for the District;
- employ a Superintendent for the District and fix his/her salary;
- review and approve the District budget;
- acquire, lease, and dispose of property;
- have the capacity to sue and be sued;
- acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code [42A-1-1 to 42A 1-33 NMSA 1978];
- issue general obligation bonds of the District;
- provide for the repair and maintenance of all property belonging to the District;
- for good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school boards;
- except for the expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code [14-1-28 NMSA 1978];
- adopt rules pertaining to the administration of all powers or duties of the School Board;
- accept or reject any charitable gift, grant, devise, or bequest which, if accepted, shall be considered an asset of the District;
- offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of theft, defacement or destruction of District property. All such rewards shall be paid from District funds in accordance with rules promulgated by the Secretary of Public Education; and
- give prior approval for any educational program that is to be conducted, sponsored, carried on, or caused to be carried on by a private organization or agency.

The Board shall, in accordance with the Administrative Code of the Secretary of Education:

- approve and support the District's Educational Plan for Student Success (EPSS);

- employ and evaluate the Superintendent in accordance with Section 22-10-3.1 NMSA 1978;
- ensure that each member of the Board participates in a program of training which will assist in the performance of specified duties. All School Board members must receive a total of five (5) hours of annual training.
  - For newly elected or appointed Board members who have been in office for less than a year, they shall receive three (3) of the five (5) hours from attending a training course developed by the State Public Education Department (PED) and sponsored by the New Mexico School Boards Association (NMSBA). The PED will periodically announce the dates of these courses which will cover numerous topics including PED policies and procedures, statutory powers and duties of local boards, legal concepts pertaining to public schools, finance, and budget. New Board members may earn the additional two (2) hours of training by attending sessions sponsored by the NMSBA and approved by the PED.
  - For all existing Board members, they shall attend five (5) hours of annual training sponsored by the NMSBA and approved by the PED.
  - In order to be credited with attendance at these courses, each attendee must comply with written attendance procedures established by the PED. Prior to September 1<sup>st</sup>, the NMSBA shall provide each local Superintendent with a list of training hours earned annually by each local Board member.
  - Board members who fail to meet the NMSBA training requirement will be asked to give explanation for this failure to the CMS Board of Education during a stated meeting.
- delegate administrative and supervisory functions to the Superintendent;
- refrain from involvement in delegated administrative functions;
- review, revise as needed, and submit policies to PED on an annual basis;
- award diplomas to students who have successfully completed graduation requirements;
- ensure the alignment of District curricula with Content Standards with Benchmarks;
- ensure that district funds are appropriately managed and disbursed;
- be responsible for oversight of revenue and expenditures within the District budget;
- accept responsibility for ensuring the success of schools in the District.

The Board performs the following basic functions necessary to the discharging of its responsibilities: legislative, executive, and appraisal.

- The legislative function is the policy-making aspect of the school system. It is the policy of the Board to retain and exercise legislative authority and control over the schools by adopting general policies or acting directly in matters not covered by its policies.
- The executive function of the Board is concerned with placing in operation existing Board policy. Most of this function is delegated by the Board to its executive and administrative officer, the Superintendent.

- The appraisal function involves the determination of the efficiency of the school operation and an evaluation of the educational program of the District based on the policies as outlined in the policy manual.

*Adopted: December 2009*

### **B.2.2 Board Member Authority and Responsibilities**

All powers of the Board lie in its action as a public body. A member of the Board is a public officer, but has no authority or power individually. Individual Board members exercise authority over District affairs only by way of votes taken at a legal meeting of the Board.

An individual Board member has authority only when and to the extent that the Board, by vote, has so delegated such authority.

The Board shall not be bound in any way by an action or statement made on the part of an individual Board member except when such action or statement is pursuant to specific instructions from the Board.

*Adopted: December 2009*

### **B.2.3 Board Member Qualifications**

A person, who is a qualified elector of this state, physically resides in the District, and physically resided in the District on the date of the school Board's proclamation calling a regular district election is eligible for election to the Board.

A convicted felon shall not be qualified to be appointed or elected to public office unless pardoned or restored to political rights.

*Adopted: December 2009*

### **B.2.4 Board Member Oath of Office Requirement**

All elected or appointed members to the local school boards shall take the oath of office prescribed by Article 20, Section 1 of the Constitution of New Mexico. At the first regular meeting in March following a regular school board election the Board shall administer the Oath of Office to newly elected members.

### **Oath of Office for Board Members**

“I [state name], do solemnly swear (or affirm) that I will support the Constitution of the United States and laws of the State of New Mexico; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of School Board Member according to the best of my ability, so help me God (or so I do affirm).

*(this Oath of Office is included as an attachment in Appendix B-1 in order to provide signature documentation that the Oath has been administered and accepted)*

*Adopted: December 2009*

### **B.2.5 Board Member Resignation**

Any Board member who desires to resign from the Board shall send a letter of resignation to the Board in care of the office of the Superintendent giving the effective date of resignation. The resigning Board member should furnish a copy of such letter to each other member of the Board and the Secretary of Public Education prior to the date on which the resignation is to become effective.

*Adopted: December 2009*

### **B.2.6 Board Member Removal from Office**

If a Board member misses four (4) consecutive regular meetings, the office of such a member may be declared vacant by a majority vote of the remaining members. If a member misses six (6) consecutive regular meetings the office of such member shall be automatically vacated. Board members may also be recalled through the procedures set forth in state law.

*Adopted: December 2009*

### **B.2.7 Unexpired Term Fulfillment**

The Board shall have the power to fill a vacancy in their membership through an appointment by a majority of the remaining members. An appointee will hold the office until the next succeeding election for member of the Board. A new appointee will take the Oath of Office at the first regular meeting following the appointment. The appointment and administration of the Oath may take place at the same meeting.

If a qualified person is not appointed to fill the vacancy or a special election is not called by the Board within forty-five (45) days from the date the vacancy occurred, the Secretary of Public Education shall appoint a qualified person to fill the vacancy until the next succeeding regular Board election.

In the event of the resignation of a majority of the members of the Board, the Secretary of Public Education shall appoint qualified persons to fill the vacancies. Those persons appointed shall hold office until the next regular or special school district election when an election shall be held to fill the vacancies.

*Adopted: December 2009*

### **B.3.0 Board Member Conduct**

A Board member or candidate for the Board, or that person's family, shall not knowingly accept from a restricted donor a gift of a market value greater than two hundred fifty dollars (\$250). A restricted donor is a person or agent of a person:

- seeking a transaction with the recipient's agency;
- who will be directly and substantially affected financially by performance of recipient's duties or the effect will be greater on a class of persons to who the donor belongs than to the general public;
- with a matter pending before a regulatory agency in which the recipient has discretionary authority;
- who is a lobbyist or a client of a lobbyist with respect to matters within the recipient's jurisdiction.

A Board member shall not solicit gifts or donations for a charity in such a manner that it appears that the purpose of the donor in making the gift is to influence the Board member in the performance of an official duty.

*Adopted: December 2009*

### **B.3.1 Board Member Ethics**

The Board endorses the Code of Ethics of the National School Boards Association:

- As a member of the Board of Education, representing all the citizens of my District, I recognize:
  - That my fellow citizens have entrusted me with the educational development of the children and youth of the community;
  - That the public expects my first and greatest concern to be in the best interests of each and every one of these young people without distinction as to who they are or what their background may be;
  - That the future welfare of this community, of this state, and of this nation depends in the largest measure upon the quality of education we provide in the public schools to fit the needs of every learner;
  - That my fellow Board members and I must take the initiative in helping all the people of this community to have all the facts, all the time, about their schools, to the end that they will readily provide the finest possible school program, staff, and facilities;



- That legally the authority of the Board is derived from the state which ultimately controls the organization and operation of the school system and which determines the degree of discretionary power left with the Board and the people of this community for the exercise of local autonomy; and
- That I must never neglect my personal obligations to the community and my legal obligation to the State, nor surrender these responsibilities to any other person, group, or organization, but that beyond these, I have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States are kept free and strong.
- In view of the foregoing consideration, it shall be my constant endeavor:
  - To devote time, thought, and study to the duties and responsibilities of a school board member so that I may render effective and credible service;
  - To work with my fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of point at issue;
  - To base my personal decisions upon all available facts in each situation; to vote my honest conviction in every case not swayed by partisan bias of any kind; and therefore abide by and uphold the final majority decision of the Board;
  - To remember at all times, that as an individual, I have no legal authority outside the meetings of the Board, and to conduct my relationships with the school staff, local citizenry, and all media or communication on the basis of this fact;
  - To resist every temptation and outside pressure to use my position as a Board member to benefit either myself or any other individual or agency apart from the total interest in the school system;
  - To contribute to, and maintain the professional atmosphere of, personal relations in the District by voicing concerns regarding school employees only to the Superintendent;
  - To bear in mind, under all circumstances, that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the employed Superintendent and the professional and support staff;
  - To welcome and encourage active cooperation by citizens organizations and the communications media in the system with respect to establishing policy on current school operations and proposed future developments;
  - To support my State and National School Board Association; and
  - To strive, step by step, toward ideal conditions for most effective Board service to my community in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

*Adopted: December 2009*

### **B.3.2 Board Member Conflict of Interest**

A Board member shall not have any direct pecuniary interest in a contract with the District, nor shall a Board member furnish directly any labor, equipment, or supplies to the District for which the board member receives remuneration.

#### **B.3.2.1 Voting Restriction**

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnished goods and services to the District, the Board member shall declare the interest and refrain from debating and voting upon the question of contracting with the company.

#### **B.3.2.2 Nepotism**

The Superintendent shall not initially employ or approve the initial employment of a person who is the spouse, father, father-in-law, mother, mother-in-law, daughter, daughter-in-law, son, son-in-law, brother, brother-in-law, sister, or sister-in-law of a member of the Board or Superintendent may not be recommended for employment in any capacity in the District. Nothing in this section of policy shall prohibit the continued employment of such a person employed on or before July 1, 2008.

#### **B.3.2.3 Prohibited Acts**

It is unlawful for a public officer or licensed employee to take an official act for the primary purpose of directly enhancing a personal financial interest or position.

A Board member or licensed employee shall not, directly or indirectly, solicit, sell, or be a party to a transaction to solicit or sell a product or service to the school or district with which they are associated. This does not apply to a person making a sale in the regular course of business while complying with the procurement laws and rules of the State of New Mexico.

No person shall sell or use a student, faculty, or staff list with personal identifying information obtained from the District for the purpose of direct marketing of goods or services except for legitimate educational purposes or with the authorized release of each individual on the list(s).

*Adopted: December 2009*

### **B.4.0 Board Organizational Meeting**

The officers of the Board shall consist of a president, vice president, and secretary. All officers may serve for a term of two years, or less, and they may not succeed themselves in the same position.

For the purpose of organization of the Board, the Board shall at its first regular meeting in March review the need to reorganize the officers of the Board.

The meeting shall be called to order by the President of the Board for the preceding year. If that person is no longer a member of the Board, a temporary president shall be elected and the meeting shall be called to order by the temporary president. The person calling the meeting to order shall preside until a successor is chosen.

The new President of the Board shall take office upon election. Election for the vice-president shall then take place and following that the election of the secretary. Each officer shall take office upon election to that position.

Whenever there is a vacancy in a Board office, the Board shall elect a new officer to fill the vacancy during the unexpired term of office. This does not count toward the two (2) year limit of holding office.

*Adopted: December 2009*

### **B.4.1 Board Officers**

#### ***President:***

- Preside over all meetings and conduct meetings in accordance with New Mexico law, Secretary of Public Education rules, and policies of the District;
- Call special or emergency meetings;
- Consult with the Superintendent on the agenda for each meeting;
- Encourage and maintain orderly and democratic participation;
- Keep all discussions factual and on the subject at hand;
- Allow for full and complete exploration of each item of business;
- The President may not act for, or on behalf of the Board, without prior specific authority from a majority of the Board, and
- The President shall perform other duties as assigned by the Board or required by law.

#### ***Vice-President:***

The Vice-President shall perform the duties of the President in the absence of the President and shall perform other duties as assigned by the Board.

#### ***Secretary:***

The Secretary shall perform all duties as required by law and perform other duties assigned by the Board. The Secretary shall be responsible for all records of Board meetings and shall assist the Superintendent, custodian of public records for the District, in providing access to these documents as required by law.

*Adopted: December 2009*

### **B.4.2 Board – Superintendent Relationship**

The establishment of policies is the responsibility of the Board. The execution of those policies is a function of the Superintendent.

The Superintendent is the executive officer of the District and is responsible for the professional leadership and skill necessary to translate the policies of the Board into administrative action.

The Superintendent is responsible for the administration of the District. The Superintendent may delegate the necessary authority to other employees and develop such procedures and regulations as the Superintendent considers necessary to ensure effective operation of the District.

*Adopted: December 2009*

### **B.4.3 Board Committees**

Committee work of the Board shall usually be done by members of the Board sitting as a committee of the whole. The Board shall not establish standing or permanent committees, and there shall be no standing or permanent committees composed of the Board members. If a temporary committee is appointed, it shall serve only for the time needed for its designated purpose. Committee recommendations shall be advisory only.

*Adopted: December 2009*

### **B.4.4 Advisory Committees**

The Board may, by majority vote, appoint ad hoc committees when deemed advisable. Recommendations of such committees cannot be binding on the Board; they may be advisory only. These committees will be responsible for presenting to the Board recommendations for action based on research and facts. Any such committee shall automatically be dissolved upon completion of its assignment.

The Board President shall develop guidelines for each committee. These guidelines shall be approved by the Board prior to the first meeting of each committee and will include, but not necessarily be limited to, the following:

- A written, specific statement of the purpose of the committee;
- The dates on which interim and final reports of the committee are to be rendered;
- The date or event upon which the committee will be terminated;
- The extent to which facilities, supplies, equipment, and clerical support will be provided to each committee.

The Superintendent will ensure that the following actions are taken for each committee established by the Board:

- Committee members will be briefed on the requirements of the New Mexico Open Meeting Law as it applies to committees of the Board;
- Notices and agendas of all meetings of the committee will be posted;

- Minutes will be kept of each meeting.

A representative of the Board and the Superintendent will serve as ex-officio members of all advisory committees.

*Adopted: December 2009*

#### **B.4.5 School Attorney**

The Board recognizes the need for quality legal counsel in light of the increasing complexity of statutes, regulations, and policies under which the District operates.

Board attorneys are retained by the Board as counsel for the Board to provide legal service on any matter related to the operation of the District. The attorneys may be asked to provide legal advice, render legal opinions, prepare resolutions, review proposed Board actions, represent the Board in a court of law, or provide other legal services the Board or Superintendent may request on behalf of the District.

The Board designates the Superintendent as the sole administrative access to the Board's attorney for legal information regarding the day to day operations of the District. The Superintendent may, on a needs basis, delegate the responsibility for contact with the attorneys to a member of the staff.

The President of the Board shall have access to the Board's attorneys and may request legal advice about school business. Such requests may be in writing, in person, or by telephone.

Copies of all written requests for opinions shall be furnished by the Superintendent to all Board members. Requests for opinions requiring research or substantial amounts of work on the part of private counsel shall be in writing when practical.

All advice received from the attorneys is privileged under the attorney-client privilege and all recipients of such advice and the written letters/memoranda thereof shall keep such advice strictly confidential.

*Adopted: December 2009*

#### **B.4.6 Board Consultants**

The District may employ consultants when appropriate to carry out tasks or projects **(1)** when the District does not have the specialized competency on its staff or **(2)** when such assignments would be burdensome to the school staff when added to their full-time assignments.

The kinds of assistance sought from consultants may include, but is not limited to **(1)** conducting fact-finding studies, surveys, and research; **(2)** providing counsel or services

requiring special expertise; and (3) assisting the Board in developing policy and program recommendations. The employment of specific consultants, within the budgeted funds of the District, will be the responsibility of the Superintendent.

All consultants shall be engaged pursuant to appropriate rules of procurement.

*Adopted: December 2009*

### **B.5.0 School Board Meetings**

The Board shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to the District.

The Board shall transact all business at official meetings of the Board. These may be regular or special meetings, defined as follows:

- Regular meeting – A meeting of the members of the Board at which at least a quorum is present, about which notice has been published and at which normal school district business is transacted.
- Special meeting – an official legal action meeting requiring a quorum called between scheduled regular meetings to consider only specifically identified topics.

Every meeting of the Board, regular or special, shall be open to the public except for an Executive session that is held in accordance with state law. A “meeting” is defined as the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action, that has been properly noticed, pursuant to law.

The Board recognizes that Board members will occasionally attend social events, community functions, school activities or programs, athletic events, meeting of other groups or entities, or be present at local commercial establishments. In the event a quorum of the membership of the Board is present, a violation of this policy or the Open Meetings Act does not occur so long as the Board members do not discuss school business or prospective Board actions.

*Adopted: December 2009*

### **B.5.1 Regular Board Meetings**

The third (3<sup>rd</sup>) Monday of each calendar month is designated as the regular Board meeting date. The time of the Board Meeting shall be duly noted on the Public Notice of meeting as required.

A regular meeting may be rescheduled by agreement of a majority of the Board.

Written notice of the date, hour, place, and agenda of each regular meeting shall be given as follows:

- Notice shall be posted at least ten (10) days preceding the scheduled time of the meeting, with the exception of an emergency, in which case such notice as is appropriate to the circumstances shall be given;
- Notice shall be posted in prominent places, convenient to the public, and available for reading at all times during the posting;
- The notice shall include an agenda or information as to when and where an agenda can be obtained at least seventy-two (72) hours prior to the meeting.

Every regular meeting of the Board shall be open to the public to listen and observe the actions of the Board.

*Adopted: December 2009; Revised November 2012; Revised October 2014*

### **B.5.2 Special Board Meetings**

Special meetings may be called whenever deemed necessary by the Board President or when requested by a majority of the Board. Written or telephoned notice of all special meetings shall be given to the members of the Board, and written notice shall be posted, at least three (3) days prior to the time stated for the meeting to convene. The notice shall include an agenda or information as to when and where an agenda can be obtained. The agenda shall be made available to the public at least twenty-four (24) hours prior to the special meeting. The Superintendent's office shall transmit copies of the written notice to those broadcast stations and newspapers that have made written request for notice of public meetings. No business other than the matters specified in the notice shall be transacted at the Special Board Meeting.

Special meetings shall be open to the public to listen and observe the actions of the Board.

*Adopted: December 2009*

### **B.5.3 Executive Sessions**

The Board may enter into executive session after the following requirements have been met:

- The Board has first been convened in open meeting for which notice has been given;
- The Board President has announced in the open meeting that an executive session will be held;
- The Board President has identified the section of the Open Meetings Act or other applicable statute that authorizes the holding of the executive session and the subject to be discussed;
- The executive session is authorized by a majority vote of a quorum in open session. The vote of each Board member shall be recorded in the minutes.

No final action, decision, or vote shall be taken while the Board is in executive session, except as provided by law.

Executive sessions are authorized for the following purposes:

- Limited personnel matters for the discussion of hiring, promotion, demotion, dismissal, assignment, consideration of complaints or charges against any employee. This does not exempt the Board from taking final action on personnel in an open meeting. It does not preclude an aggrieved employee from demanding a public hearing;
- Deliberations by the Board in connection with an administrative adjudicatory proceeding. The actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;
- Discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise;
- Meetings subject to attorney-client privilege pertaining to threatened or pending litigation in which the Board is or may become a participant; and
- Meetings for the discussion of the purchase, acquisition, or disposal of real property or water rights by the Board.

The Board shall provide a statement in the minutes of the open meeting in which the executive session was held or at the next meeting following the executive session meeting, if it is a separate meeting, that the matters discussed in the executive session were limited only to those specified in the motion for closure or in the notice of the separate executive session meeting.

Board members and any persons attending an executive session are duty-bound not to disclose any details of the discussion held.

*Adopted: December 2009*

### **B.6.0 Meeting Procedures**

The President of the Board is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented, and the suitability of the time for such a presentation. All such rulings shall be consistent as to length of time allowed for discussion and viewpoint neutrality. These rulings are subject to review by the Board at a subsequent meeting, properly noticed, as long as the matter is included on the agenda.

*Adopted: December 2009*

### **B.6.1 Notification of Board Meetings**

The posting place for all notices of meetings shall be in an area available to the public twenty-four (24) hours per day, well lighted, and with at least one (1) of the locations reasonably close to the District office.



Notice of regular meetings shall be posted throughout the community at the following locations:

- Post Office Bulletin board
- District Office
- Other locations as appropriate.

At least ten (10) days notice shall be given for any regular meeting and three (3) days for any special meeting time and place with the exception of an actual emergency, in which case such notice as is appropriate to the circumstances shall be given. Notice shall be provided to Board members at least ten (10) day prior to the regular meeting and three (3) days prior to the special meeting of time and place so that they may make plans to be present.

*Adopted: December 2009*

### **B.6.2.0 Agenda**

Only those items on the agenda will be discussed and deliberated by the Board at a meeting. The order of business should be as follows unless reordered by the President:

#### **B.6.2-A Regular Meeting**

- Opening of Board Meeting
- Approval of Agenda
- School Presentations/Reports
- Public Comment
- Review and Adoption of Minutes
- Approval of Consent Agenda Items
- Financial Reports
- Business Items
- Informational Reports
- Executive Session
- Personnel Items
- Adjournment

Consent agenda items are defined as those items that are routine matters that require Board action and do not need discussion during Board meetings. Any Board member may remove an item on the Consent Agenda and add it to the Business Item section during approval of the agenda. All items on the Consent Agenda are approved by one motion and one vote.

#### **B.6.2-B Special Meetings:**

- Call to Order
- Items for which special meeting was called
- Announcements
- Adjournment

**B.6.2-C Executive Sessions:**

An executive session may be scheduled, as necessary, during either a regular or special meeting.

*Adopted: December 2009*

**B.6.2.1 Agenda Preparation and Dissemination for Regular Meetings**

The Superintendent will prepare Board meeting agendas in consultation with the Board President.

The Superintendent or Board members may place items on the agenda. Inclusion on the agenda will depend on the amount of time necessary to provide information to the Board for deliberation and decision making. The Superintendent will make this decision in consultation with the Board President.

The agenda and supporting materials shall be distributed to the Board members not less than twenty-four (24) hours prior to the meeting.

Meeting notices shall include the date, time, and place of the meeting and an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four (24) hours prior to the meeting. Reasonable public notice of a meeting shall be by a notice given at least ten (10) days before a scheduled meeting and distributed to broadcast stations and newspapers that have provided a written request for such notice.

*Adopted: December 2009*

**B.6.2.2 Agenda Preparation and Dissemination for Special Meetings**

Whenever possible, the procedures for agenda preparation and dissemination used for regular meetings will be used for special meetings.

These procedures may be altered by the Superintendent during an emergency or when compliance would be impractical. However, the Superintendent shall comply with all legal requirements in scheduling special meetings.

*Adopted: December 2009*

**B.6.3 Quorum**

A quorum consisting of a majority of the Board membership shall be necessary to conduct any business.

The Board may allow a member to participate in the business of the Board using a device configured in a manner that conversations from all participants can be heard on both ends of the deliberations when it is otherwise difficult or impossible for the member to attend the meeting in person.

*Adopted: December 2009*

#### **B.6.4 Rules of Order**

The Board prescribes rules for its meetings as follows:

- It shall hold a regular meeting once each month during the year and may hold other meetings as often as called.
- Each action item shall require a motion. Due to the small number of members of the Board, a second is not required before the President calls for a vote.
- The President may make and vote on all motions
- A motion to adjourn is in order at any time. Such a motion shall require a majority vote. No discussion is in order.
- A motion to table is in order at any time but can be considered only once on any given agenda item.
- The Board's action should result from a decision on the merits rather than a manipulation of the procedural rules.
- Rules of order may be subject to suspension only upon a majority vote of the members of the Board present at a meeting.
- In matters not covered by these rules, the President may consult a manual on parliamentary procedure for small organizations.

*Adopted: December 2009*

#### **B.6.5 Voting Method**

Votes on all motions and resolutions shall be by a voice or roll-call vote and the vote of members shall be recorded. No secret ballots shall be used.

Each member of the Board shall have one (1) vote and a proposal shall pass by the affirmative vote of a majority of the members present at the meeting.

*Adopted: December 2009*

#### **B.6.6 Minutes**

Minutes shall be kept of all regular and special Board meetings. Draft copies of minutes of each Board meeting will be available for public review in the District administrative office ten (10) days after the date of the meeting. The Board will take action at a subsequent meeting to amend and/or approve these minutes.

The minutes of the Board of Education shall include:

- The date, place, and classification of the meeting (regular, special, etc.);
- Record of the roll call of Board members;
- A notation of the presence or absence of the Superintendent;
- A record of any modification of the published agenda;
- A record of any corrections to the minutes of any previous meeting and the action approving them;
- A record of any communications, petitions, or reports presented to the Board;
- A record of each motion placed before the Board and the member making the motion, the declaration of the person presiding as to whether the motion passed or failed, and the name of each person voting “yes” or ”no” or abstaining on other than unanimous votes.

All reports, resolutions, agreements and other written documents which require Board action may be made part of the minutes by reference only, but shall be kept on file as part of the permanent record.

A “draft” copy of the minutes will be made available for public inspection within the (10) working days of the meeting and should clearly indicate that they are “not official”. Minutes become official when approved by the Board.

Minutes shall be permanently filed and kept in the Superintendent’s office after approval by the Board. They shall be kept for inspection by any citizen at any time the superintendent’s office is open during regular business hours. The minutes shall not be removed from the Superintendent’s office.

*Adopted: December 2009*

### **B.6.7 Public Participation at Board Meetings**

All regular and special meetings of the Board shall be open to the public.

The Board invites the viewpoints of citizens throughout the District, and considers the responsible presentation of these viewpoints vital to the efficient operation of the District. The Board also recognizes its responsibility for the proper governance of the schools and therefore the need to conduct its business in an orderly and efficient manner. The Board therefore establishes the following procedures to receive input from citizens of the District:

- Any individual desiring to address the Board shall, at least three (3) days before the meeting, inform the Superintendent of the topic and the name of any group being represented.
- The Board President shall be responsible for recognizing speakers, maintaining proper order, and adhering to a time limit of thirty (30) minutes for all presentations and a maximum of five (5) minutes per speaker. In order to ensure that each individual has an opportunity to address the Board, the President may also set a time limit of less than five (5) minutes for individual speakers based upon the length of the comment period and number of requests received.

- Questions of fact asked by the public shall, when appropriate, be answered by the President or referred to the Superintendent for reply. No action or discussion shall transpire among Board members regarding such questions or comments. Questions requiring investigation shall be referred to the Superintendent for later report to the Board. Questions or comments on matters that are currently under legal review will not receive a response.
- Members of the public or invited guests may be recognized by the President to assist the Board with information for the conduct of its official business.
- Speakers may offer objective criticism of school operations and programs, but the Board will not hear complaints about school personnel or other persons at a public session. Personal attacks upon board members, staff personnel, students, or other persons in attendance or absent by individuals who address the Board are discouraged. Presenters are cautioned that statements or representations concerning others that convey an unjustly unfavorable impression may subject the presenter to civil action for defamation.

*Adopted: December 2009*

### **B.6.8 News Media at Board Meetings**

Local news media representatives shall be welcome to attend all regular or special meetings of the Board with the exception of executive sessions. In the event that representatives of the news media are unable to attend a regular or special meeting, the Superintendent may provide a periodic summary of Board actions.

*Adopted: December 2009*

### **B.7.0 School Board Policy Process**

The Board adopts policies to serve as guidelines for its own operation and for the successful and efficient functioning of the District.

Policy adoption is one of the Board’s chief responsibilities. Suggestions regarding the content of policies may originate with a member of the Board, the Superintendent, a staff member, a parent, a student, a consultant, a civic group, and/or any resident of the District. A careful and orderly process shall be used in examining such proposals. These proposals shall be referred to the administration for study prior to recommendations being provided to the Board. The Board may take action after hearing the Superintendent’s recommendation. Adoption of policies must follow adopted policy guidelines.

All policies are to be interpreted within the context of applicable law and regulations.

Changes in needs, conditions, purposes, and objectives may require revisions, deletions, and additions to the Board Policies.

*Adopted: December 2009*

### **B.7.1 Policy Adoption**

Adoption of new policies or the revision or repeal of existing policies is the responsibility of the Board. The Board shall adhere to the following procedure in considering and adopting policy proposals to ensure that they are fully studied before final action:

- First meeting – proposal is presented for review
- Second meeting – proposal is presented for discussion and action.

During the discussion of a policy proposal, the views of the public, staff members, and the Board may result in changes. A change shall not require that the policy go through an additional review unless the Board determines that the change requires further study and that an additional review would be desirable.

Policies may be adopted or amended at a single meeting of the Board in a Board-declared emergency.

*Adopted: December 2009*

### **B.7.2 Policy Revision and Review**

In an effort to keep its written policies up to date, the Board authorizes the Superintendent to seek consulting advice when necessary. The Superintendent is responsible for calling to the Board's attention policies that are out of date or in need of revision.

*Adopted: December 2009*

### **B.7.3 Board Review of Administrative Regulations**

The Superintendent has the responsibility for carrying out, through administrative regulations, the policies established by the Board. The administrative regulations shall specify required actions and reflect the detailed arrangement under which the District will be operated.

The Board reserves the right to review all administrative regulations. Administrative regulations are to be written so that all have proper access and knowledge of the regulation.

*Adopted: December 2009*

### **B.7.4.0 Policy Communication and Feedback**

The Superintendent shall develop procedures to ensure that employees, patrons, and Board members shall have access to a current policy manual that contains the policies and administrative regulations of the District.

The manual is intended as a tool for District management and an information source for patrons, staff members, and others about District operation. Each Board member and

administrator shall have ready access to the manual. In addition, a print copy of the manual shall be available in the Superintendent's office and other places within the District as determined appropriate for staff members, students, and patrons.

All print copies of the manual shall remain the property of the District and shall be subject to recall at any time.

The Board's policy manual shall be considered a public record and shall be open for inspection during regular business hours at the District administration office.

The master copy of the manual will be securely maintained in the Superintendent's office. It is this copy that will be used to resolve any discrepancies in language existing in other copies.

*Adopted: December 2009*

#### **B.7.4.1 Policy Communication and Feedback Regulation**

Each person to whom a printed copy of the policy manual is issued will be responsible for the maintenance, control, and updating of the manual.

All changes to the policy manual will be issued by the Superintendent, with a change memorandum listing codes, pages to be removed, and pages to be inserted. After making the changes, a copy of the change memorandum shall be filed by the Superintendent. After the updated pages have been placed in to a policy manual, the outdated pages that have been superseded must be removed and destroyed. All policy manuals are subject to recall and/or inspection at any time to ensure that they are properly updated.

The master print copy of the policy manual shall be maintained by the Superintendent. It is this copy that shall be used to resolve any discrepancies in language existing in other copies.

The Superintendent will maintain one (1) copy of all outdated pages for historical and reference purposes.

*Adopted: December 2009*

#### **B.7.5 Suspension or Repeal of Policy**

The operation of any section or sections of Board policies not established or required by law or vested by contract may be temporarily or permanently suspended by a majority vote of Board members present at a regular or special meeting. An action under this policy would not require the two (2) presentations outlined in B.7.1 to reinstate a suspended policy.

*Adopted: December 2009*

### **B.8.0 Board Communication with Staff Members**

The Capitan Municipal Schools Board of Education is dedicated to facilitating means of communication that promote close and cooperative action for the continuing improvement of the District and the mutual benefit of the school system and the community.

Official communication between the Board and employees will occur as follows:

- An employee will first communicate on school or employment-related matters following normal chain of command (immediate supervisor/building principal/Superintendent). Any employee who exhausts the opportunity of discussing a matter at the administrative levels may then communicate in writing with the Board on the matter. No anonymous communication will be considered by the Board.
- Official communications, policies, directives, Board concerns, and Board action(s), as appropriate, will be communicated to employees by the Superintendent.

The Board requires all employees to follow the proper channels of authority in reporting or attempting to resolve problems. It is considered to be insubordination whenever an employee knowingly circumvents the proper “chain of command”.

Whenever an employee has a complaint, knowledge of wrongdoing in the workplace, a problem which requires administrative attention, or information pertaining to the job assignment or location, they must follow the chain of command in reporting to their supervisor.

No supervisor is to retaliate against any employee who follows this policy and is acting in “good faith”.

*Adopted: December 2009*

### **B.8.1 Board Communication with the Public**

Official communication between the Board and the community is subject to the following:

- Any community member who exhausts the opportunity of discussing a matter following normal chain of command (teacher/building principal/Superintendent) may communicate with the Board in writing. No anonymous communication will be considered by the Board.
- A member of the community who wishes to address the Board in person may do so by following the procedure in B.6.7.
- Official communications, policies, Board concerns, and Board action, as appropriate, will be imparted to the community by the Superintendent.

*Adopted: December 2009*



### **B.8.2 Board Member Confidential Communications**

The Board recognizes that confidential information will be brought to the attention of Board members. This may include, but is not limited to:

- Matters relating to the employment or dismissal of, or charges against, specific District personnel;
- Matters relating to litigation or proposed litigation in which the Board is or may become a party, or attorney-client communications;
- Matters of consideration regarding the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor;
- Consideration of wages and benefits during salary discussions;
- Consideration of the suspension, expulsion, or disciplinary action related to a student(s).

Recognizing that public disclosure of such information may result in injury to individuals or potential harm and possible liability to the District, the Board is honor-bound by the Code of Ethics to respect the confidentiality of information. Board members shall discuss or disclose confidential information only in connection with legitimate District business and only with individuals having a legitimate right to know.

All information discussed or documents provided to Board members which fall within the parameters of confidential information, or which are presented in an executive session authorized to be closed by the Open Meetings Act, shall be kept confidential unless otherwise authorized by a majority vote of the Board.

*Adopted: December 2009*

### **B.9.0 New Board Member Orientation**

Each newly elected or appointed Board member shall be provided an orientation program under the direction of the tenured Board members. Included shall be an updated copy of all policies and procedures, the current budget, and other documents deemed essential to the operation of the District. The tenured Board members shall set aside time as necessary to answer questions arising from the study of these documents, and shall cooperate fully in assisting the new member(s) become an active and informed member(s).

Board members-elect will be encouraged to attend meetings or workshops specifically designed for Board members-elect. Their expenses at these meetings may be reimbursed by the District in accordance with policy and law.

*Adopted: December 2009*

### **B.9.1 Board Member Development Opportunities**

Board members are encouraged to attend workshops presented by the county, state, and New Mexico School Boards Association. Board members may also have access to any professional journals and books available in the District.

*Adopted: December 2009*

### **B.9.2 Board Member Conferences, Conventions, and Workshops**

The Board encourages the participation of all members at appropriate Board training, conferences, workshops, and conventions. These policies are established for guidance:

- The Board will provide funds for members to participate in State Public Education Department mandatory training and NMSBA training each year. National Association trainings may be considered if funds are available.
- Funds for participation are budgeted on an annual basis. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting. With the prior approval of the Board, Board members may participate in meetings other than those authorized in the budget.
- When a conference, convention, or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and material acquired at that meeting.

*Adopted: December 2009*

### **B.9.3 Board Member Compensation and Expenses**

Board members shall serve without compensation.

Board members may be reimbursed for expenses incurred in connection with any school business authorized by the Board.

Reimbursement amounts shall be for actual expenses when a receipt is presented. Reimbursement may not exceed amounts allowed by law.

*Adopted: December 2009*

### **B.10 School Board Legislative Program**

The Board, as an agent of the State of New Mexico, must operate within the bounds of state and federal laws affecting public education. If the Board is to meet its responsibilities to the District, it must work for the modification or repeal of laws that impede the educational program and work for the passage of laws that promote that promote the educational program.

To this end:

- The Board will keep itself informed of pending legislation, actively communicate its concerns, and make its position known to elected representatives at the state and national levels.
- The Board will work with its legislative representatives, with the New Mexico School Boards Association, and the National School Boards Association, and other concerned groups in developing an annual, as well as long-range, legislative program. One of the major objectives of the Board's legislative program will be to seek full funding for all state and federally mandated programs.

*Adopted: December 2009*

### **B.11 School Board Memberships**

The Board may choose to be a member of and participate in school board associations at the state, county, regional, and national levels. The Superintendent will ensure that the subject of school board association membership is addressed during budget preparation.

*Adopted: December 2009*