

A – SCHOOL DISTRICT ORGANIZATION

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SCHOOL DISTRICT ORGANIZATION

School District Legal Status

School Districts Created by State Legislature

Local school districts are created by the legislature to execute the education policy as defined in the Constitution and by the State laws passed by succeeding legislative sessions. As a result, the service of public education is a state government function. The Constitution of New Mexico makes the legislature responsible by stating:

“A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the State shall be established and maintained.”

“Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such times as may be prescribed by law”.

The legislature provides for further decentralization in the creations of local school districts:

School Districts – Boundaries

- A. Every public school in the state shall be located within the geographic boundaries of a school district.
- B. A school district shall be created, exist or be consolidated only pursuant to the provisions of the law.
- C. The geographic boundaries of a school district shall not coincide or overlap the geographic boundaries of another school district except as may be provided by law.

School District a Corporate Body

A single school district is the territory under the jurisdiction of a single governing board which is designated as the Board of Education. A school district constitutes a body corporate which possesses all the usual powers of a corporation for public purpose, hold and sell personal property and real estate, and enter into such obligations as are authorized by law.

AUTHORITY

The Board of Education is a legal body created by the statutes of the State of New Mexico. Its members are state officials receiving their responsibilities and powers through State law.

Board members have no authority over school affairs as individuals. They have complete authority, within State law, over school affairs, when they serve as a legal body, meeting in official session.

BOARD MEMBERS POWERS AND DUTIES

The Board shall act as the general agent of the State in carrying out the will of the people of its District in the matter of public education. It shall be responsible for carrying out certain mandatory laws, and shall consider and accept or reject the provisions of the permissive laws. In all cases where State laws do not provide or prohibit, the Board shall consider itself the agent responsible for establishing and appraising the educational activities.

The Local Board of Education

In accordance with State statutes and regulations, the following are functions of the local Board of Education:

- A. Set and publish broad educational goals for the school district.
 1. Set policies which enhance attainment of educational goals. Democratic procedures, which ensure staff involvement, shall be utilized in the development of policies. These policies shall be in published form and available to employees and patrons of the school. The final decision on these policies shall rest with the local Board.
 2. Review educational policies at least annually.
 3. File up-to-date copies of educational policies with the State Department of Education annually.
- B. Conduct all meetings in accordance with Sections 10-5-1 through 10-15-4, NMSA, 1978.
- C. Employ and fix the salary of a Superintendent of Schools for the school district.
- D. Require and keep on file annual evaluations of (1) personnel performance, (2) educational goal achievements, (3) budget planning and utilization, and (4) management of the District.

- E. Authorize expenditures on the recommendation of the Superintendent of Schools.
- F. Forbid employment in conflict with Section 22-5-6 of the Public School Code.
- G. Implement Public Education Commission regulations delegated to the local Board.
- H. Refrain from involvement in administrative functions.
- I. Involve the Superintendent in any transaction with an employee of the District.
- J. Supervise and control all public schools within the school district and all property belonging to or in the possession of the school district, subject to the regulations of the State Board.
- K. Delegate administrative and supervisory functions of the local School Board to the Superintendent of Schools.
- L. Fix the salaries of all employees of the school district.
- M. Contract, lease, purchase, and sell for the school district.
- N. Acquire and dispose of property.
- O. Bring suit or be sued.
- P. Acquire real estate by eminent domain as in the case of railroads.
- Q. Issue general obligation bonds for the school district.
- R. Ensure that all property belonging to the school district is well maintained.
- S. Review the New Mexico Public Schools Insurance Authority report at least annually.

- T. Subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school board upon order of the district court and for good cause.
- U. Contract for the expenditure of money, except for expenditures for salaries, according to the provisions of Sections 10-17-1, through 10-17-12, NMSA, 1978.
- V. Adopt regulations pertaining to the administration of all powers or duties of the local school board.
- W. Accept or reject any charitable gift, grant, or bequest. The particular gift, grant, or bequest accepted shall be considered an asset of the school district or the public school to which it is given.
- X. Offer to pay rewards, subject to compliance with the conditions of such offer, 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 local school district property. All such rewards will be paid from school district funds in accordance with regulations which are promulgated by the Secretary of Education.

Legal Reference: Educational Standards for N.M. Schools, July 1986.

BOARD MEMBERS

The State has granted to the people the power to form school districts and elect Boards of Education who, under the law, are empowered to operate the public schools.

Number

Officers and membership of the Board of Education shall consist of five (5) members elected for four (4) year staggered terms.

Board of Education public elections will be conducted on the first Tuesday in February of each odd numbered year.

Board of Education members will be elected by position on a single member election district basis from within the school district.

Qualification

A candidate for membership on a local school board must be a qualified elector and a resident of the single member election district and school district in which he/she is a candidate.

Term of Office

- A. The full term of office of a member of a local school board shall be four (4) years from March 1, succeeding his/her election to office at a regular school district election. The terms are staggered so that the entire Board is never up for election at the same time.
- B. Any member of a local school board whose term of office has expired shall continue in that office until his successor is elected and qualified.

Local School Board Vacancies

- A. A vacancy occurring in the membership of a local school board shall be filled at an open meeting at which a quorum of the membership is present, by a majority vote of the remaining members appointing a qualified person to fill the vacancy.

- B. A qualified person appointed to fill a vacancy occurring in the membership of a local school board shall hold that office until the next regular school district election when an election shall be held to fill the vacancy for the unexpired term.
- C. If a qualified person is not appointed to fill the vacancy within forty-five (45) days from the date the vacancy occurred, the Secretary of Education shall appoint a qualified person to fill the vacancy until the next regular school district election.
- D. In the event vacancies occur in a majority of the full membership of a local school board, the Secretary of 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 for the unexpired terms.
- E. A candidate for membership on a local school board shall file a declaration of candidacy in the office of the County Clerk of Lea County in a method defined in the first publication of the public notice of the school district election.

SCHOOL DISTRICT ORGANIZATION PLAN

Local School Organization

Elementary is classified as grades, early childhood education, kindergarten (K) through six (6).

Junior High is classified as grades seven (7) through eight (8).

Freshman School is classified as grade nine (9).

Senior High is classified as grades ten (10) through twelve (12).

Special Education: classified in the same manner as the regular program.

Classrooms: Grades K-6 will be self-contained or may be departmentalized upon approval of the Superintendent or his/her designee.

Grades 7-12 will be departmentalized.

Each administrative unit (school unit) will be directed by a principal who is responsible for such school unit.

SCHOOL DISTRICT ATTENDANCE AREAS

- A. Attendance within school district – Any student subject to the provisions of the Compulsory School Attendance Law shall be permitted to attend public school within the school district in which he is a resident.
- B. The Board of Education shall establish school zones for each school unit in the system in order to maintain a balance in class size. Zones may be changed as necessary to maintain this balance.
- C. All students, grades K-9, will attend the schools in their home zones, the schools designated by their zone annexes or by their zone bus route assignments unless they are enrolled pursuant to paragraph F, below.
- D. High school students, grades 10-12, will attend Hobbs High School or Hobbs Alternative Learning Center.
- E. Any exceptions made in implementing the above policy will be a matter of administrative rules and regulations.
- F. Pursuant to the terms of SB 64 of the 1998 New Mexico Legislature, also known as the Open Enrollment Act, amending N.M. Stat. Ann. § 22-1-4:
 - 1) The attendance area of each school within the district shall be established annually by the Board of Education.
 - 2) Students shall be enrolled or re-enrolled in each district school according to the following priorities:
 - a) First, students residing within the attendance area of the school;
 - b) Second, students enrolled in a school ranked as a school that needs improvement or a school subject to corrective action;
 - c) Third, students (and their siblings) who previously attended the school; and
 - d) Fourth all other applicants for enrollment at the school.
 - 3) Transportation shall be provided by the district for transportation-eligible students residing within the attendance area of the school they attend. Transportation of students residing outside the attendance area of the school they attend shall be the responsibility of the parent/guardian or student.

- 4) The Superintendent shall determine the maximum allowable class size in the district by administrative regulation.
 - a) So long as the maximum allowable class size established by the Superintendent or as permitted by law is not exceeded by the enrollment of first-priority students (those residing in the attendance area) the school shall continue to enroll students on the basis of the priorities established in this policy.
 - b) If the maximum allowable class size would be exceeded by enrollment of an applicant in the second or third priority category, the school may deny such student enrollment.
 - c) Each school shall establish a waiting list of second and third priority students who are seeking enrollment in the school and enter the names of such students on the list in the order in which each student sought enrollment.
 - d) As classroom space becomes available in each school, students within the appropriate grade level shall be invited to enroll on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

SCHOOL YEAR

The school year shall be a minimum of one hundred eighty (180) full instructional days, or the equivalent thereof, exclusive of any released time for in-service training.

School Calendar

The Board of Education shall annually adopt the school calendar for the ensuing year(s). The Effective Schools Advisory Council may provide the Superintendent a proposed calendar. The Superintendent shall submit a proposed calendar to the Board in advance of the meeting in which the calendar is to be considered.

SCHOOL DAY

Teaching Day

A teaching day is defined as a day in which the school is open and the pupils are under the guidance and direction of teachers in the teaching process for the minimum time required by the Public Education Commission.

Length of School Day

- A. Regular students shall be in school-directed programs, exclusive of lunch, for a minimum of the following:
- 1) Kindergarten, five (5) hours per day or 900 hours per year;
 - 2) Grades one through six, five and one-half (5 - ½) hours per day or 990 hours per year; and
 - 3) Grades seven through twelve, six (6) hours per day or 1,080 hours per year.

During the teaching day when an emergency arises in a district or school within a district from an uncontrollable circumstance that results in the necessary early dismissal by the administration, the day may be counted as a teaching day if subsequently approved by the Secretary of Education.

Attendance – Membership Day

A pupil shall be counted in attendance for one full day if in attendance for the minimum time of specified above. When a pupil is present for only part of the day, it should be considered as a partial day of attendance in the same proportion that the pupil's time present at school bears to the total length of the school day. (Elementary student "cutoff" time is 11:30 a.m.; arrival through 11:30 a.m. or 11:30 a.m. through normal dismissal time. Secondary student "cutoff" time is third period; arrival through third period or third period through normal dismissal time.)

EMERGENCY CLOSING OF SCHOOL

The Superintendent's office shall determine the closing of the schools due to an emergency or inclement weather.

If the closing of school is necessary, an announcement will be given to the local radio stations by the Superintendent or his/her designee.

