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## STATEMENT OF MISSION AND PHILOSOPHY

Mission Statement: The Hobbs Municipal School District believes that all children will learn the basic skills to be independent, productive citizens.

Philosophy

Hobbs Municipal Schools strive to provide, through continuing improvement, an educational program that gives each student the greatest opportunity to develop as an individual and as a contributing member of the community and our democratic society. The Schools should motivate and help each student develop: (i) a wholesome attitude toward our democratic government and toward family life, and an appreciation of the achievements of others; (ii) respect for the rules and regulations of society; (iii) the moral, and aesthetic values to lead a full and rewarding life; (iv) an understanding of the workday world and the possibilities and responsibilities within it; (v) general knowledge and basic skills essential to function in a democratic society; (vi) emotional stability, social adjustment and physical health, and (vii) creative, analytical thinking enabling the student to solve problems arising in our changing world.

## EQUAL EMPLOYMENT OPPORTUNITY POLICY

Nondiscrimination

With certain exceptions stipulated below, the District shall adhere to a policy of equal employment opportunities for all employees. On the basis of an individual's race, color, religion, sex, national origin, or age, the District shall not fail or refuse to hire or discharge, nor shall it otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, nor shall the District limit, segregate, or classify its employees, or applicants for employment, in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as employee.

Exception

As an exception to the policy stated above, the Board may employ an individual on the basis of the individual's religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the formal operation of the educational program or the business of the School District.

Title IX

The District shall not discriminate on the basis of sex in its employment practices or academic programs that receive direct federal financial assistance.

Title IX Coordinator

The District shall designate at least one employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and its implementing regulations. The District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated.

Handicap

No qualified handicapped person shall, on the basis of handicap, be subject to discrimination in employment or the academic programs of this District.

With respect to employment, a “qualified handicapped person” is a handicapped person who, with reasonable accommodations, can perform the essential functions of the job in question.

Grievance Procedure

Individuals who perceive they have been discriminated against in School District employment or academic programs may file a grievance in accordance with the procedure adopted by the Superintendent as an administrative regulation for implementation of this policy.

TITLE VI, TITLE IX, ADA, SECTION 504  
GRIEVANCE PROCEDURE

It is the policy of the Board of Education of the Hobbs Municipal School District to establish and maintain for all students and staff a working environment which provides for fair and equitable treatment. The District is committed to assuring a school and working environment which is appropriate for an institution of learning and which strives for the safety and welfare of all. Students, parents and staff shall have the opportunity to initiate the procedure set forth in this section for the prompt resolution of grievances or complaints of discrimination against the school system. Confidentiality will be respected to the greatest extent possible. The District will investigate allegations of potentially discriminatory conduct and take corrective action when appropriate.

PURPOSE

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to grievances and discrimination complaints which may arise. Applicants for admission and employment, students and parents of elementary and secondary school students, are hereby notified that the District does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the educational programs or activities which it operates and that it is required by Title VI, Title IX, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act not to discriminate in such a manner.

DEFINITIONS

- A. Complaint – a student, parent, or employee of the District who submits a grievance or complaint alleging discriminatory action or treatment and

alleging that he/she is personally and directly affected by such action or treatment.

- B. Respondent – the person alleged to be responsible for the violation alleged in a grievance or complaint.
- C. Grievance/Complaint – a written grievance or complaint alleging that the complainant is directly and adversely affected by any policy, procedure, or practice which discriminates on the basis of race, color, national origin, sex, religion, or disability or that there has been a violation, misinterpretation or inequitable application of school board policy or school rules which has personally impacted the complainant.
- D. Day – a regular school day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.
- E. Equity Conciliation Team – the persons designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and other state and federal laws addressing equal educational opportunity. The Title IX Coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.
- F. School Conduct/Hearing Committee for School Rules – have a Conduct/Hearing Committee. This committee is made up of teachers, nurses, counselors, principals, and/or other staff. The committee assists the building administrator in dealing with misconduct offenses and problems associated with student behavior.
- G. Title VI of the Civil Rights Act of 1964 – no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- H. Title IX of the Educational Amendments of 1972 – no person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

- I. The Americans with Disabilities Act – The Americans with Disabilities Act (ADA) expands disability coverage to most employers with at least 15 employees in public and private institutions. It prohibits discrimination against a qualified individual with a disability because of that person’s disability with respect to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.
- J. Rehabilitation Act of 1973, Public Law 93-112, Section 504 – no otherwise qualified disabled individual in the United States shall solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

### COMPLAINT PROCEDURES

A complainant may file a complaint with a building principal, supervisor, any District Equity Conciliation Team Committee member, or any school conduct/hearing committee member.

If a complainant feels he or she has a complaint or has been subjected to discriminatory action or treatment, he or she is encouraged to act promptly in order to resolve the situation at the lowest possible level.

The District is responsible for investigating reports of alleged complaints, grievances, discriminatory action or treatment. The District reserves the right to file a complaint itself when the seriousness of an incident warrants starting an investigation.

Confidentiality will be maintained to the greatest extent possible. Any information gathered during an informal procedure might be used during a formal procedure if it is begun. There can be no assurance of complete confidentiality but complaints of perceived grievances or discriminatory action will be treated as sensitive information not to be shared with others except as consistent with the requirements of, the procedures herein, and generally recognized “need-to-know” principles.

These suggestions are not intended to be all-inclusive nor are any specifically recommended. Any member of the administrative staff or District Equity Conciliation Team can provide direction, and is available to discuss these and any other possible options. It is important that parents, students and staff make their concerns known to the District to afford the District an opportunity to review their concerns and respond to them. Anyone needing assistance should call the Office of the Superintendent at 505-433-0100, and ask for the names and phone numbers of the Equity Conciliation Team members.

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The following situations are not covered by this grievance procedure and therefore not grievable under this policy:

- a. the discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his or her immediate supervisor, or relating to the assignment of grades or assessment of academic performance of any student by his or her instructor.
- b. any personnel decision made by the Board, including, but not limited to, a refusal to re-employ, a discharge, a demotion, or any other action directly and adversely affecting the employment of an employee; or any student disciplinary decision made pursuant to State Board of Education's regulation, "Rights and Responsibilities of the Public Schools and Public School Students" 6 NMAC 1.4, or local policies adopted pursuant thereto.
- c. situations in which the administration and Board are without authority to act;
- d. situations in which the remedy for the alleged violation exclusively resides in some person, agency or authority other than the Board or the administration;
- e. situations as to which an alternative procedure or remedy has been provided by the Board;
- f. situations as to which a different and more specific procedure applicable to the bases for the grievance is prescribed by state or federal authority other than those listed above; and
- g. situations involving a grievance by a contractor with the agency.

A grievance may not be filed by a former employee after the effective date of termination or discharge of employment, or by a former student after the effective date of expulsion, withdrawal or disenrollment of the student from the School District.

#### INFORMAL AND FORMAL STEPS

- A. Informal Complaint Options: Listed below are several informal ways from which to choose to deal with alleged grievances or discriminatory actions or treatment.
  1. Speak directly to the person with whom there is a problem. Include information about what the person is doing, how you feel about the behavior and how you would like the behavior to change.

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2. Write a letter to the person with whom there is a problem. Include information about what the person is doing, how you feel about the behavior and how you would like the behavior to change. Make a copy of the letter for yourself and deliver the letter in person, preferably accompanied by someone else as a witness to the delivery of the letter. (This person need not know the contents of the letter). A copy may also be sent to the District Equity Conciliation Team as documentation of the event, if the complaining party deems it appropriate and so desires.
  3. Meet with a neutral third party to discuss the situation. A friend, minister, counselor, teacher, family head, administrator, supervisor, school conduct/hearing committee member, or other staff person. A member of the District Equity Conciliation Team committee can also serve as or recommend a neutral third party. A discussion of the situation with a third party can help examine other ways to deal with the complaint. Following the discussion, a decision as to whether and how to pursue the matter can be made. In choosing a third party with whom to talk, choose someone with whom you feel comfortable and whom you feel can be trusted to listen sensitively, maintain confidentiality to the greatest extent possible, and have information about the options available for resolving such problems.
  4. Request a third party to discuss the problem with the person with whom there is a problem.
  5. Request mediation through the District Equity Conciliation Team.
- B. Formal Complaint Procedures: Formal procedures for dealing with grievances or discriminatory actions or treatment, requires a written complaint that a School District student or staff member has violated written policies or regulations of the District or District agreements with other governmental agencies.

### LEVEL ONE

1. File Written Complaint: A student, staff, parent or guardian files a written formal complaint which he or she has signed, with the building supervisor, or the District Equity Conciliation Team. If the supervisor is the person being complained against the complaint is filed with the next-level supervisor.

- a. A description of the events in question and date of occurrence to the best of the complainant's knowledge.
  - b. The name(s) of the individual(s) involved.
  - c. the negative effects that the action or treatment have caused to the complainant relative to his or her ability to be educated or to carry out job responsibilities.
  - d. The desired remedy.
2. Copies of the complaint are given to the respondent and if appropriate, to the District Equity Conciliation Team. The supervisor receiving the complaint sends a copy of the complaint by registered mail to the home address of the respondent, or delivers the complaint in person, and sends a copy of the complaint to the District Equity Conciliation Team, should they be involved.
3. Supervisor interviews complainant and respondent: As soon as practical, but within ten (10) school days, the supervisor will arrange a conference with both parties, either together or separately. The supervisor shall advise parties of their right to be accompanied by a union representative, advisor, Equity Conciliation Team member, parent or guardian. The purpose of the interview is for the supervisor to review the complaint with the parties, to offer the respondent the opportunity to explain his or her version of the situation.
- a. If the complaint is mutually resolved, the supervisor shall present a written summary of the resolution to all parties involved, within five (5) work days.
  - b. If the complaint is not satisfactorily resolved, the supervisor shall, within five (5) school days, or recommend a solution in writing to all parties involved.
  - c. If the supervisor needs additional information, he or she may request the District Equity Conciliation Team to conduct a fact-finding investigation. The investigation shall be concluded in no more than ten (10) school days. After receiving a written report of the findings of the fact-finding investigation (with copies given to the complainant and the respondent) the supervisor shall within five (5) days, recommend a solution in writing to all parties involved.

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4. If the complainant or the respondent is not satisfied with the decision made by the supervisor, they must notify the Supervisor and the District Equity Conciliation Team, if appropriate, within ten (10) school days. A review of level one action will be conducted and a written appeal will be started for level two.

## LEVEL TWO

1. File written appeal with the Board of Education through the Office of the Superintendent. The appeal of the Level One action is filed, in writing, with the Office of the Superintendent. If the Equity Conciliation Team Office is involved, they will review the Level One procedure to be certain that each party was given a fair opportunity to present his or her position and supporting information to the supervisor and that possible solutions of the issue at Level One have been exhausted. If the Equity Conciliation Team office is involved, they will work with the parties and the next-level supervisor to correct any procedural errors and to achieve a resolution. If an appeal is still desired, the next step is taken.
2. File Board of Education appeal request form. The person appealing presents an Appeal Request form to the Administrative Assistant of the Superintendent along with copies of the written complaint, the written responses, and the basis for the appeal. The appeal must be based on (a) new information and/or (b) challenge of procedures followed. These should be signed, dated and submitted within ten (10) school days of receipt to the supervisor's findings and recommendations.
3. Board does not accept appeal. The Board of Education upon receipt of the appeal and a review of the documents, shall decide whether to review the case.
4. Board bases decision on submitted documents or hearing. If the Board decides to review, it shall decide whether to render a decision to schedule submitted documents or on the basis of formal hearing. The District reserves the right to accept, reject or modify resolutions proposed or to increase or decrease the severity of the consequences recommended at lower levels.

If a decision is made on the basis of the submitted documents, copies of the Board's decision will be given to the complainant, the respondent, the supervisor and the District Equity Conciliation Team office, within five (5) school days.

They Superintendent will communicate to the supervisor what steps are to be taken to implement the decision of the Board.

5. Board Hearing. If a hearing is to be held, the Superintendent's Office will advise Board members and contact the supervisors involved, the District Equity Conciliation Team office, and if appropriate, the complainant and the respondent and ask them to bring relevant materials to the hearing. The formal hearing will be conducted in a closed meeting unless the complainant requests otherwise. The hearing will be held within ten (10) school days of the Board's determination to conduct a formal hearing. Following the hearing, copies of the Board's decision will be given to both the complainant and the respondent, within five (5) school days. The Superintendent will communicate to the supervisor what steps are to be taken to implement the decision of the Board.

## CONCLUSIONS

In using the District's informal or formal complaint procedure, the following should be kept in mind.

- A. The District Equity Conciliation Team members are available to provide assistance at any point in the process to the complainant, the respondent, and any witnesses called or interviewed in an investigation.
- B. Confidentiality will be maintained to the greatest extent possible.
- C. Students, staff or parents who make complaints in good faith, shall be free from, retaliation, coercion, and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint, in good faith, shall be free from reprisal.
- D. Any time limits stipulated in the complaint procedure may be extended for a reasonable and definite period of time by the appropriate District representative at the level being extended. Written notice of the reason for and length of the extension shall be provided to all parties before the original timeline expires.
- E. Failure of a complainant to comply with any time limitation in the complaint procedure constitutes grounds for dismissal of the complaint. Dismissal shall not preclude the individual's right to pursue the complaint through other agencies.

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- F. If a District representative fails to comply with any time limitation in the complaint procedure, the complainant may immediately proceed to the next level in the complaint procedure.
- G. Whenever possible, mediation or problem-solving meetings shall be scheduled during normal District working hours.
- H. Persons who file a false or misleading complaint are subject to appropriate disciplinary action, or dismissal of the complaint.
- I. The supervisor will be responsible for informing all parties involved of the status of a procedure in a timely and sensitive way.
- J. A complaint shall be filed at Level One if the remedy sought is within the authority of the supervisor or principal. If it is a remedy on which the supervisor or principal has no authority, it shall be filed at Level Two through the Office of the Superintendent.
- K. Complaint records will remain confidential, unless permission is given by the parties involved to release such information. All written and printed matter dealing with the processing of a complaint will be filed separately from the official personnel/student file. Complaint records shall be maintained on file for three (3) years after complaint resolution with the Office of the Superintendent, and if appropriate, the District Equity Conciliation Team.

### DISCIPLINARY ACTIONS

Staff may be disciplined for violations of these policies. Discipline may be imposed where this process demonstrates that discriminatory actions, treatment, harassment or retaliation for complaining, has occurred. Discipline shall be commensurate with the conduct and may range from an oral warning through suspension, termination or discharge. Discipline shall be imposed in accordance with, applicable District practices, policies, due process procedures or statutory requirements.

Criteria to consider when deciding upon a sanction shall include, but not be limited to, the extent to which the conduct:

- Indicated, that the staff is unqualified or unfit to carry out assigned duties;
- Affected either parties ability to perform assigned duties;

- Occurred in the presence or hearing of student(s) and, interfered with a student's pursuit of academic goals, and disregarded the staff's role as an exemplar to students;
- Interfered with ability to provide an academic environment necessary for quality education;
- Disrupted routines or undermined discipline;
- Is determined by this procedure to be intentional.
- Is based upon improper personal motivation rather than professional considerations.

## BOARD MEMBERS

The state has granted to the people the power to form School Districts and to elect members to a local Board of Education, who are empowered by statute to operate the public schools.

### Membership

Officers and membership of the Board shall consist of five (5) qualified members elected for four (4) year terms according to the provisions of the Public School Code.

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

NOTE: Staggered terms held unconstitutional in Sanchez - v – Vigil-Giron, D-1010-CU-2001-02250 (1<sup>st</sup> Judicial District Court, Feb. 6, 2002)

## QUALIFICATIONS OF MEMBERS

### Qualifications

A candidate for membership on the School Board must be a qualified elector and a resident of the district in which he/she is a candidate. All Board members shall take the oath of office subscribed by Article 20, Section 1 of the Constitution of New Mexico.

### Single-Member Districts

A candidate for the Board representing a single-member district must be a resident of the election district he/she seeks to represent, and continue to reside in such election district during his or her term of office.



## INTERNAL ORGANIZATION

## OFFICERS

The Board, at its regular meeting of the month following a board election shall be organized by administering the oath of office to newly elected members and by electing its officers. Every member of the Board before entering active service shall take an oath to support the Constitution of the United States and the Constitution and laws of New Mexico and to faithfully and impartially discharge the duties of the office to the best of the members' ability. The Board shall be composed of five (5) qualified electors of the state residing within the School District, who shall be elected for a term of four (4) years beginning on March 1<sup>st</sup> following the election. From among its members the Board shall select:

- 1) A president,
- 2) A vice-president,
- 3) A secretary,
- 4) Such other officers and committees as the Board may deem necessary.

Duties

## President:

To direct the development of agendas.

To preside at all meetings.

To appoint committees unless otherwise directed by the Board.

To call special meetings of the Board.

To sign all contracts and such other documents as may be proper and incident to his/her position.

Shall be the spokesperson for the Board of Education to the media.

To make or second motions, to discuss questions, and to vote.

To perform such other duties as properly pertain to this office or such duties as may be delegated to him/her by the Board.

Vice-President:

To perform the duties of the president in the absence of the president.

Secretary:

To prepare, sign or co-sign all legal documents, contracts or checks as become the responsibility of his/her position.

To perform such other duties as may be prescribed by law and policy of the Board.

In the event of the inability of the secretary to attend a Board meeting, the president shall appoint one of the Board members to assume secretarial duties for said meeting.

## BOARD MEMBERS: POWERS AND DUTIES

In accordance with New Mexico state statutes and regulations, the local Board of Education shall have the following powers or duties:

- A. Develop 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 District.
  - 2) Review education 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 New Mexico's Open Meetings Act, Sections 10-15-1 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 school district.
- E. Except for expenditures for salaries, contract for the expenditure of money according to the provisions of New Mexico's Procurement Code;

- F. Implement State Public Education Department regulations delegated to the local Board.
- G. Refrain from involvement in administrative functions.
- H. 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 Public Education Department.
- I. Delegate administrative and supervisory functions of the local school board to the Superintendent of Schools.
- J. Acquire, lease and dispose of property.
- K. Bring suit or be sued.
- L. Acquire property by eminent domain pursuant to the procedures provided in New Mexico's Eminent Domain Code (42A-1-1 to 42A-1-33 NMSA 1978).
- M. Issue general obligation bonds of the School District.
- N. Provide for the repair and maintain all property belonging to the School District is well maintained.
- O. Review insurance coverage at least annually.
- P. Review and approve the School District Budget.
- Q. 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.

- R. Adopt regulations pertaining to the administration of all powers or duties of the local School Board.
- S. Accept or reject any charitable gift, grant, devise or bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of the school district or the public school to which it is given.
- T. 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 School District property. All such rewards will be paid from School District funds in accordance with regulations which are promulgated by the State Public Education Department.
- U. Establish student discipline policies and file them with the State Public Education Department. The Board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance areas within the District.

BOARD MEMBERS: AUTHORITY

Board members have no authority except when functioning as a member of the Board in an official meeting. No individual member of the Board may exercise authority with respect to the operation of the schools or services of school employees by virtue of his/her status as Board member.

BOARD MEMBERS: DEVELOPMENT OPPORTUNITIES

The position of Board member carries with it the obligation of continually improving in all areas of Board membership.

The Board member can find development opportunities in:

- A. Attending local, state or national Board and administrative conferences and conventions.
- B. Exchanging ideas through joint meetings with neighboring school districts.
- C. Attending state level meetings which bear on education, particularly legislative committee meetings.
- D. Visiting local school units to become acquainted with program and staff.
- E. Reading publications designed for Board members.
- F. Studying and developing Board policies and administrative rules and regulations.
- G. Participating in new member orientation as provided by the Board of Education, State Board organization, and the Superintendent.
- H. Attending annual training as determined by the Board of Education.

BOARD MEMBERS:            BONDED MEMBERS

Before assuming the duties of office, the President and Secretary of a local School Board and the Superintendent of Schools of a School District shall each obtain an official bond payable to the school district and conditioned upon the faithful performance of their duties during their terms of office.

The bonds shall be executed by a corporate surety company authorized to do business in New Mexico. The amount of each bond required shall be fixed by the local School Board but shall not be less than five thousand dollars (\$5,000).

The Board may elect to obtain a schedule or a blanket corporate surety bond covering all local School Board members, the School District, administrators and employees for any period not exceeding four (4) years.

The cost of bonds obtained pursuant to this section shall be paid from the operational fund of the School District. The bonds shall be approved by the Director of the Public School Finance Division and filed with the Secretary of Finance and Administration. (22-5-7 NMSA 1978).



**BOARD MEMBERS:           COMPENSATION AND EXPENSES**

No member of a School Board shall be employed in any capacity by a School District governed by that local school board during the term of office for which the member was elected or appointed.

Board members shall serve without compensation.

Members of the Board of Education shall be paid travel expenses as authorized by law. They shall be reimbursed for expenses in attending meetings of the New Mexico State School Boards Association and the National School Boards Association and for travel expenses related to school board duties.

**Member's Expenses**

Reimbursement to Board members for reasonable travel expenses for attendance at regional, state, or national conventions, conferences, and workshops shall be made by the District when attendance is authorized and deemed by the Board to be necessary or desirable in carrying out the educational functions of the District.

**Nonmember's Expenses**

The Board may not pay the travel expenses of spouses and other persons who have no responsibilities or duties to perform for the Board when they accompany Board members to Board-related activities.

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Legal Reference:   §22-5-5 NMSA 1978

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## BOARD MEMBERS: ELECTIONS

Methods of Election

Election of Board members shall be by single-member district position in accordance with New Mexico law.

Term

The full term of office of a member of the Board shall be four (4) years from March 1<sup>st</sup> succeeding his/her election to office at a regular School District election. Any Board member whose term of office has expired shall continue in that office until his/her successor is elected and qualified.

Filing Information

No candidate shall have his/her name printed on a ballot for election to membership on the Board without having filed in writing an application with the County Clerk for a place on the ballot.

Polling Places

Each polling place shall be accessible to and usable by the elderly and physically handicapped and meet the standards of accessibility as provided by law.

Bilingual Materials

The District shall provide bilingual election materials, as specified by law.

Absentee Voting

The Board shall provide for absentee voting in Board elections as provided by law.

Voting Rights Act

The Board, being subject to the provisions of the Voting Rights Act of 1965, shall submit as soon as possible after enactment, but at least sixty (60) days before an

election, any changes that would affect elections to the U.S. Justice Department for clearance. Such clearance is necessary before the election may be held.

## BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE

Vacancies

Any vacancy or vacancies occurring on the Board, whether by death, resignation, forfeiture, lack of qualifications, or removal, shall be filled with citizens having the same qualifications as candidates for election.

A vacancy occurring in the membership of the 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.

A qualified person appointed to fill a vacancy occurring in the membership of the Board shall hold that seat until the next regular School District election when an election shall be held to fill the vacancy for the unexpired term.

If a qualified person is not appointed to fill the vacancy within forty-five (45) days from the date the vacancy occurred, the State Board shall appoint a qualified person to fill the vacancy until the next regular School District election.

In the event vacancies occur in a majority of the full membership of a local School Board, the State Board 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.

Vacant or Vacated Offices

The office of any member of the Board, if the member misses four (4) consecutive regular meetings, may be declared vacant by a majority vote of the remaining members of the Board. The office of any member of a Board, if the member misses six (6) regular meetings, shall be vacant.

For the purpose of this policy, a "regular meeting" is a meeting of the Board which at least a quorum is present, about which notice has been published and at which normal School District business is transacted. No two consecutive meetings may be counted for determining a Board member's absence under this policy if at least seven (7) days have not elapsed between the two meetings.

Any vacancy of an office on the Board created by reason of failure to attend regular meetings as set forth above, shall be filled in the same manner as other

vacancies on the Board whose seat is declared vacant or vacated by reason of failure to attend regular meetings as set forth above, shall not be eligible for appointment to the Board until the term for which the member was originally elected or appointed has expired.

Removal From Office

Board members may be removed from Board membership for causes defined by law.

## BOARD COMMITTEES

The Board may from time to time as it deems necessary create committees to facilitate the efficient operation of the Board.

### Temporary Committees

Temporary committees may be created by the Board for special assignment. When so created, such committees shall be terminated upon completing their assignments, or such committees may be terminated by a vote of the Board. No action or decision of a special committee is legally binding or official unless authorized or approved by the Board in an official meeting. The special committee shall automatically be dissolved when it has performed its function.

### Committees of the Whole

Except as provided, committee work shall be done by members of the Board sitting as a committee of the whole. The committee of the whole may be called to meet by the president of the Board, when, in his/her opinion, it is desirable, or when requested by three members of the Board.

Official committees composed of members of the Board, meeting to formulate recommendations for the disposition of matters pending before the Board, must comply with the notice and open meetings provisions of New Mexico Open Meetings Act, NMSA 1978, 10-15-1 through 10-15-4.

## BOARD – SCHOOL SUPERINTENDENT RELATIONS

Legislation of policies is the most important function of the Board, and execution of the policies is the function of the Superintendent.

Delegation by the Board of its executive power will provide freedom for the Superintendent to manage the Schools within established policies. The Superintendent will be held responsible by the Board.

- A. The Board shall require the Superintendent to maintain an instructional program through the twelfth grade which will be broad and varied enough to address all content areas requirements as defined by state law, and as being the responsibility of the District.
- B. The Board shall require of the Superintendent a program of special education for exceptional children as is generally provided for and in accordance with policies and plans of the State Public Education Department in accordance with the individual needs of the students of the District.
- C. The Board shall hold the Superintendent responsible for the efficient administration and supervision of the entire School System.
- D. The Board shall be responsible for the enactment of broad general policies and plans, and for appraising the outcomes which result after implementation of them.
- E. The Board will have input on all budgetary matters.
- F. The Board, in cooperation with the Superintendent, shall appraise and evaluate the results of the educational process.
- G. Board Members shall refer persons making complaints about the schools, or any phase of the total school operation, to the Superintendent.

- H. Equally important in a successful Board – Superintendent relationship is for both parties to know what is expected of the Superintendent. In accordance with State Public Education Department regulations, the local Superintendent shall:
1. administer local Board policies, state law and federal regulations;
  2. be accountable for student achievement, School District business, budget management, expenditure of funds, dissemination of information, District communications, and the development, implementation, and evaluation of the Educational Plan for Student Success;
  3. attend all Board meetings or, when necessary, designate a licensed administrator to attend;
  4. ensure that School District patrons and the public are informed and involved in the acquisition, planning, and development of School District facilities, and that students are provided with adequate facilities which conform to state and federal mandates;
  5. ensure that all students are supervised; and administer and implement the School District's approved staff accountability plan and procedures.
- I. In addition, the Superintendent of Schools shall:
1. conduct school business in a fair and ethical manner at all times;
  2. work with Board Members on an equal basis and not show undue preference to individual Members of the Board;
  3. strictly enforce the policies set forth by the Board and operate within the established procedures;
  4. keep the Board fully informed on all matters of concerns;
  5. interpret accurately the needs of the school system to the public;
  6. work toward the improvement of the instructional program and staff relations;



7. avoid unexpected issues, topics, and areas of action at Board meetings so the Board can have adequate time to respond after being fully advised of all the facts;
8. operate the school system in a fiscally sound manner;
9. support Board decisions at all times;
10. evaluate the staff on a regular basis and in a fair and objective manner;
11. keep the Board advised of changes, innovations, and trends in education that might be applicable to the system; and
12. function as the Board's chief executive officer.

## ACCESS TO LEGAL COUNSEL

The Board may employ an attorney to provide legal counsel and representation for the District

Legal counsel for the Hobbs Municipal Schools is appointed to serve the Board. The Board President and Superintendent are authorized to consult with the Board's attorney(s) as needed. In the event of any dispute between the Superintendent and the Board, it shall be clearly understood that the Board's attorney(s) shall represent the Board's interests.

If the Superintendent and Board President refuse to consult with the Board's legal counsel on a matter raised by at least two (2) members of the Board, the attorney(s) shall respond to a request for information made in writing to the firm by the two members. The response from the attorney(s) shall be made available to the Superintendent and/or Board President and distributed to all members of the Board.

Copies of written responses from legal counsel must be provided to Board members within two weeks of receipt.

No District employee may consult the Board's legal counsel without permission of the Superintendent.

## ADVISORY COMMITTEES

### Effective Schools Advisory Committee

The Effective Schools Advisory Committee is a standing committee whose purpose is to advise the Superintendent of Schools and the Board of Education on matters pertaining to Effective Schools which include, but are not limited to, the Educational Plan for Student Success and the school calendar.

The membership is made up of representatives from each school's SIT (School Improvement Team) and the National Education Association – Hobbs, appointed by the Superintendent of Schools.

ADOPTED: 03-24-87

AMENDED: 05-21-91; 09-15-98; 10-19-04

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## ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

The District shall establish a District-wide local advisory council for vocational education.

The council shall be composed of representatives of the general public, business, industry, and labor, including at least one representative from each vocational program area offered in the District (agriculture, health occupations, home economics, marketing and distributive, office, and trade and industrial). The council shall have appropriate representation of both sexes and of the racial and ethnic minorities found in the schools, community, or region which the council serves.

The council shall have the following duties:

- 1) Advise the District on current job needs and the relevance of programs and courses being offered by the District in meeting current job needs.
- 2) Solicit input from persons representing each vocational course offered in the District.
- 3) Consult with the District in developing its annual application for federal funds.
- 4) Meet at least two times each year. Minutes of council meetings shall be maintained in the District.

## CONSULTANTS

The Board may retain consultants and contract for professional services to provide expertise in specific areas in a manner consistent with the requirements of the Procurement Code.

## MEETINGS OF THE BOARD OF EDUCATION

All meetings of a quorum of the Hobbs Municipal School Board of Education for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or delegated authority of the Board are declared to be public meetings open to the public at all times. Such meetings shall be held only after reasonable notice to the public. The Board will meet at least once on a regularly scheduled monthly basis to conduct School District business. Other meetings of the Board may be called for special purposes.

A. Quorum

The Board can transact business that is binding on the School District only when it is in session with a quorum present, or participating telephonically as defined under the New Mexico Open Meetings Act. An electronic recording or written minutes must be maintained for all regular, special or emergency meetings of the Board.

B. Regular Meetings

1. *Date, Place and Time of Regular Meeting.* Regular meetings of the Board shall be held on the third Tuesday of each month, at 6:00 p.m. in the Board Room of the School Administration Building, 1515 E. Sanger Street, unless otherwise specified by the Board.
2. *Public Notice of Regular Meeting.* Public notice of the date, time, place and subject (agenda) of each meeting of the Board shall be given as follows:
  - a) By posting written notice on a bulletin board in the Hobbs Municipal Schools' central administration office for at least seventy-two (72) hours preceding the scheduled time for the meeting.
  - b) Instead of (but not in addition to) the notice of regular meeting outlined in paragraph 2(a) above, notice requirements are also met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and in any regularly published community newsletter at least three (3) days prior to the date of the regular meeting and posted in the following locations: the

foyer of the School Administration Office, bulletin board. The Administrative Assistant to the Superintendent shall also mail or fax copies of the written notice to those broadcast stations licensed by the Federal communications Commission, and newspapers of general circulation which have made a written request for notice of public meetings.

- c) Notice of a regular meeting shall also include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office at (505) 433-0100 or at 1515 East Sanger, Hobbs, NM 88240.

3. Additional Notice. Nothing herein shall prevent the use of additional means of giving notice of regular or special meetings, and nothing herein shall require new notice for any public meeting for which notice has been given and which is recessed or adjourned except an oral announcement of the time and place, which shall be made by the presiding officer before such meeting is recessed or adjourned. The Superintendent or his/her designee is authorized to give any such foregoing notice and any additional notice of regular and special meetings as the Superintendent or his/her designee, in his/her sole discretion, may consider to be appropriate.
4. Agenda of Meeting. The agenda of the meeting will be available at least twenty-four hours prior to the meeting from the Superintendent. Items of business may be suggested by Board members, staff, administration or patrons of the District for inclusion on the agenda. Business items suggested by patrons of the District shall be submitted in writing and received in the Office of the Superintendent at least four (4) days before the meeting in order to ensure inclusion on the written agenda. Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be discussed, setting out any special or unusual matters to be considered, or any matter in which the public has a particular interest. The agenda shall be prepared and sent to members of the

Board, news media and others as may be determined. Additional subjects may be added to the agenda for any meeting by posting a supplemental notice which expresses the emergency or urgent public necessity requiring consideration of such additional subjects. The supplemental notice must be posted at least two (2) hours before the meeting is convened.

Items of business may not be suggested from the floor for discussion and/or action at that same meeting except at the discretion of the President of the Board or by agreement of the majority of the Board members present.

5. Notice to, and Coverage by, Media of Regular Meeting. The Board shall give notice by telephone or telegraph to any news media requesting such notice and consenting to pay any and all expenses incurred by the District in providing special notice. The Superintendent or his designated representative will make provisions for adequate dissemination to the public of information covering Board action. The Superintendent or his/her designated representative will also provide accommodations for press services at all Board meetings and will make available material pertinent to the meeting when possible and practical, except that the Board reserves the right to limit broadcasting and taping of regular meetings. Permission to tape or broadcast a regular meeting must be obtained from the Board prior to the day of the regular meeting.

C. Special Meetings

Special meetings may be called by the President of the Board or a majority of the members upon forty-eight (48) hours advance notice of a special meeting. Notice of the special meeting shall be delivered to Board members at their homes or regular offices at least forty-eight (48) hours prior to the time set for the meeting. Alternatively, special meetings may be held without formal notice to the Board members at any time or place in the District when all five (5) Board members execute a written waiver of notice and consent to hold the meeting. If a waiver is signed by the Board members for the calling of a special meeting, a copy of the signed waiver shall be posted in the Hobbs Municipal Schools' central administration office as soon as it is available. The notice or waiver shall specify the items to be considered at the meeting. No business shall be transacted by any special meeting of the Board which does not come within the



purposes set forth in the call for the meeting unless all members of the Board are present and agree to the consideration of an additional item.

1. Public Notice of Special Meeting. Public notice of the date, time, place and subject (agenda) of each special meeting of the Board shall be given as follows:
  - a) By posting written notice on a bulletin board in the Hobbs Municipal Schools' central administration office for at least forty-eight (48) hours preceding the scheduled time for the meeting.
  - b) Instead of (but not in addition to) the notice of special meeting outlined in paragraph 1(a) above, notice requirements are also met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and in any regularly published community newsletter at least one day prior to the date of the special meeting and posted in the following locations: on the bulletin board in the Hobbs Municipal Schools' central administration office. The Administrative Assistant to the Superintendent shall also mail or fax copies of the written notice to those broadcast stations licensed by the Federal Communications Commission, and newspapers of general circulation which have made a written request for notice of public meetings.
  - c) Notice of a special meeting shall also include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office at (505) 433-0100 or at 1515 East Sanger, Hobbs, NM 88240.
- 2) Additional Notice. Nothing herein shall prevent the use of additional means of giving notice of regular or special meetings, and nothing herein shall require new notice for any public meeting for which notice has been given and which is recessed or

adjourned except an oral announcement of the time and place, which shall be made by the presiding officer before such meeting is recessed or adjourned. The Superintendent or his/her designee is authorized to give any such foregoing notice and any additional notice of regular and special meetings as the Superintendent or his/her designee, in his/her sole discretion, may consider to be appropriate.

D. Emergency Meetings

Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board of Education will avoid calling emergency meetings whenever possible. Emergency meetings may be called by the President of the Board or a majority of the Board members upon twenty-four (24) hours' notice, unless threat of personal injury or property require less notice.

1. Public Notice of Emergency Meeting. Public notice of the date, time, place and subject (agenda) of each emergency meeting of the Board shall be given as follows:
  - a) By posting written notice on a bulletin board in the Hobbs Municipal Schools' central administration office for at least twenty-four (24) hours preceding the scheduled time for the meeting.
  - b) Instead of (but not in addition to) the notice of emergency meeting outlined in paragraph 1 (a) above, notice requirements are also met if notice of the date, time, place and agenda is posted in the following locations: on the bulletin board in the Hobbs Municipal Schools' central administration office. The Administrative Assistant to the Superintendent shall also provide written or telephonic notice to those broadcast stations licensed by the Federal Communications Commission, and newspapers of general circulation which have made a written request for notice of public meetings.
  - c) Notice of an emergency meeting shall also include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office at (505) 433-0100 or at 1515 E. Sanger, Hobbs, NM 88240.

2. Additional Notice. Nothing herein shall prevent the use of additional means of giving notice of regular or special meetings, and nothing herein shall require new notice for any public meeting for which notice has been given and which is recessed or adjourned except an oral announcement of the time and place, which shall be made by the presiding officer before such meeting is recessed or adjourned. The Superintendent or his/her designee is authorized to give any such foregoing notice and any additional notice of regular and special meetings as the Superintendent or his/her designee, in his/her sole discretion, may consider to be appropriate.

E. Recessed Meetings

Recessed meetings of the Board will be scheduled when necessary to complete the agenda of business remaining from a regular or special meeting.

F. Closed Meetings or Executive Sessions

1. Authority for Closed Meetings or Executive Sessions. The Board of Education may close a meeting to the public and enter into executive session only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the New Mexico Open Meetings Act. Closed meetings or executive sessions are authorized for the following purposes:
  - a) To consider the issuance, suspension, renewal or revocation of a license, except that a hearing at which evidence if offered or rebutted shall be open. Final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting.

- b) To discuss “limited personnel matters” such as the appointment, hiring, employment, promotion, demotion, evaluation, discipline, duties, dismissal, assignment or resignation of, or the investigation or consideration of complaints or charges against, any individual public employee or officer, unless such public employee or officer request a public hearing. Final actions on personnel shall be taken at open public meetings. For purposes of this subsection, an independent contractor, such as an engineering, architectural, or consulting firm, is not a public employee.
- c) To deliberate in connection with an “administrative adjudicatory proceeding”. An “administrative adjudicatory proceeding” means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Final action taken as a result of the proceeding shall occur in an open meeting.
- d) To consult privately with the Board’s attorney with respect to pending or contemplated litigation, settlement offers, and matters subject to the attorney-client privilege.
- e) To discuss the purchase, acquisition, exchange, lease, disposal or value of real property or water rights and negotiated contracts for prospective gifts or donations.
- f) To consider discipline of public school student or students unless an open hearing is requested in writing by a parent or guardian of the student(s).
- g) To discuss personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise.
- h) To consider deployment of security personnel or implementation of security devices and measures.

- i) To discuss bargaining strategy preliminary to collective bargaining negotiations between the Board and a bargaining unit representing employee groups and collective bargaining sessions at which the Board and the representatives of the collective bargaining unit are present.
- j) To discuss or adopt individual assessment instruments, assessment instrument items, or achievement tests.
- k) To make a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source and to discuss the contents of competitive sealed proposals solicited pursuant to the Procurement Code during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting.

In order to conduct a closed meeting or executive session, the Board shall follow the following procedure:

1. If a convened open meeting is to be closed, a majority roll call vote by the Board, based on a motion which states the reason for closing the meeting, is necessary. The vote of each member shall be noted in the minutes.
2. If a closed meeting is to be called when the Board is not otherwise in session, the Board shall give notice according to its public notice policy. Such notice shall give the reason(s) for closing the meeting.

G. Voidable Action

Any action taken at a meeting on a subject which was not stated on the agenda or in the notice posted for that meeting is voidable. However, the requirement for notice on a subject does not apply to specific factual information or recitation of existing policy furnished in response to an inquiry made at a meeting by the general public or a member of the Board. Any deliberation, discussion, or decision, with respect to the subject about which inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided as required by law.

H. Voting

Voting shall be done by voice, a show of hands, or by secret ballot. The Board President shall have a vote.

I. Preparation for Meetings

The agenda for the meeting shall be prepared and sent to members of the Board, news media and others as may be determined prior to the date of the regular meeting.

The minutes of the previous meeting(s) shall be in the hands of all Board members prior to the regular meeting. The only exception that shall be made is for special meetings.

The Board may schedule a form of presentation concerning some phase of the curriculum or school operation. Preparation for these presentations shall be made in advance of the Board meeting. The presentation shall begin when called for by the President of the Board.

Copies of committee reports shall be in the hands of the Board members at the time of the regular meeting.

J. Minutes

Pursuant to state statute, written minutes shall be kept of all public School Board meetings. Draft minutes shall be prepared within ten (10) working days after the meeting. Board minutes will be finalized and approved at the next regular monthly Board meeting, at which point they become official. At the time minutes are approved by the Board, any tape or electronic recording of the proceedings will be erased. Minutes shall include the following:

1. The nature of the meeting (regular, special, or emergency), the date, time, place, members present and members absent.
2. The substance of all proposals considered.
3. A record of any decisions made.
4. A record of all votes taken which shows how each member voted.

The minutes of the meeting of the Board of Education constitute the written record of the Board's action. For most purposes, the Board speaks only through the minutes, and it is by the minutes that the record of what the Board has done, or not done, is proven. Regardless of the importance of any discussion at the meeting, it is only that which is recorded in the minutes that becomes official.

Members who are late should be marked absent on the roll call. It is important that the entry of late members and the withdrawal of members present be recorded accurately in the minutes. Proper recording of these proceedings can prevent confusion.

The Administrative Assistant to the Superintendent should include the wording of a motion, the name of the member making the motion, the name of the member seconding it, if applicable, the record of the vote on the motion, and the declaration of the presiding officer that the motion passed or failed, attested to by the Board President and Board Secretary. These minutes will be available for public inspection in the School District offices after they have been approved by the Board. Minutes shall be maintained in an official record book designated for said purpose.

K. Public Participation in Board Meeting

The public is invited to attend Board meetings and will be given limited time to voice opinions or concerns. All meetings of the Board shall be open to the public, except executive sessions or closed meetings. All actions of the Board shall be taken openly.

The Board recognizes its responsibility to conduct the business of the District in an orderly and efficient manner and will therefore require reasonable controls to regulate public address to the Board.

The Board shall provide a designated portion of the agenda of regularly scheduled monthly meetings for public comment. Any group wishing to speak under Public Comment shall designate a spokesperson. The individual or spokesperson desiring to address the Board shall complete the sign in sheet provided in the Board Room prior to the start of the meeting.

Public Comment will be limited to three (5) minutes per individual speaker and five (5) minutes for each group spokesperson. The Board President or presiding officer may further restrict or waive these time limits.

ADOPTED: 10-19-04

AMENDED:

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The Board President or presiding officer retains the authority to rule on the appropriateness of the subject matter being discussed. Disorderly or inappropriate conduct will not be allowed.

The Board will not generally answer questions or respond to issues brought forth under Public Comment. Members of the Board, the Superintendent or administrative staff are under no obligation to answer or respond to issues brought forth during or subsequent to the meeting.

L. Annual Budget Notice

For the Board's annual budget meeting, written notice, stating that the purpose of the meeting is the adoption of the District's budget for the succeeding fiscal year, shall be given ten (10) days prior to the meeting.

M. Parliamentary Rules

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall be guided by the rules of procedure for conduct of School Board meetings recommended by the New Mexico School Boards Association.

See Policy BI.



## FORMAL PRESENTATIONS TO THE BOARD

Persons desiring to make a formal presentation to the Board must submit to the Superintendent of Schools, on a date not later than four (4) days prior to the next regular Board meeting, the following information:

- A. A clear description of the matter to be discussed with the Board or presented to the Board.
- B. Identification of the person or persons who will appear.
- C. An estimate of time the presentation will require.

The Superintendent, upon receipt of such a request, will distribute copies to the members of the Board of Education. The Board, at its next regular meeting, will determine if the matter to be presented or discussed with the Board is within the Board's legal jurisdiction, and whether to hear the matter. The Superintendent will notify the individual(s) making the request of the Board's decision. If the Board agrees to the request, the Superintendent will notify the petitioner(s) of the time and place for the presentation. The presentation will be limited to thirty (30) minutes or less unless the request includes reasons for a longer period of time.

If the request is from a group or organization, the person(s) serving as speaker for the group or organization must be named. The Board may limit the number of spokespersons as it deems necessary.

The procedures in this section may be waived if, in the opinion of the President of the Board or the Superintendent of Schools, the request is of such urgency that a need for immediate attention exists.

Following the presentation, the Superintendent will formally notify the petitioner(s) of any action taken by the Board concerning the presentation.

## POLICY DEVELOPMENT

The Board shall reserve to itself the function of providing guides for the discretionary action of those to whom it delegates authority. These guides for discretionary action shall constitute the policies governing the operation of the School system. They shall be recorded in writing.

### Policy Development System Adoption

The formulation and adoption of policies shall constitute the basic method by which the Board shall exercise its leadership in the operation of the School System. The study and evaluation of reports concerning the execution of its written policies shall constitute the basic method by which the Board shall exercise its control over the operation of the School System.

The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

### Policy Draft Writer

The Superintendent will be responsible for the drafting of proposed Board policies.

### Policy Proposals

Adoption of new policies, or changing existing policies is solely the responsibility of the Board.

Proposals for new policies, or changes to existing policies, may be initiated in writing by any Board member, by any citizen of School District #16, or by any employee of the Board.

### Attorney Involvement

The Board attorney will review all policy proposals and make recommendations for clarity, brevity and legality.

Staff Involvement

In the development of policies affecting personnel, the Board may seek the judgment and counsel of appropriate personnel before adopting such policies. Members or organization of the staff may seek consideration of policies which will be processed through regular administrative channels and, whenever appropriate, will be considered and acted upon by the Board.

Policy Adoption

Policies introduced and recommended to the Board shall not be adopted until a subsequent meeting. Thus, time shall be given to permit further study. However, temporary approval may be granted by the Board in lieu of formal policy to meet emergency conditions or special events which will take place before formal action can be taken.

Policy Review

Written policies shall be reviewed regularly by the Board and shall be used consistently by the Board as the basis for its actions.

Review of Administrative Rules

The Board shall review administrative rules as needed.

Administration for Policy Absence

In cases where action must be taken within the School District where the Board has provided no guides for administrative action, the Superintendent shall have the power to act, but his decisions shall be subject to review by the Board at its regular meeting. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the need for policy.

Suspension of Policies

The policies of the Board shall be subject to suspension only upon a majority vote of the members of the Board present at a meeting for which the proposed suspension has been placed on the agenda.

Amendment of Policies

The policies of the Board shall be subject to amendment only upon a majority vote of the members of the Board present at a meeting for which the proposed amendment had been placed on the agenda.

Board Policies

The District shall be guided by Board-adopted written policies that are given appropriate distribution and are accessible to District employees, citizens, and all interested individuals. Policies shall be updated at least annually and shall be completely reviewed every three years.

## SCHOOL BOARD RECORDS

The Superintendent is designated as the custodian of the Board records. All Board records will be housed in the School Administration Building, 1515 East Sanger Street. Such safeguards as are required by law will be observed in record security. Board records will be available for all Board meetings and may be used by an individual Board member at any time by contacting the Superintendent or a designated representative. Records may be removed from the office only by consent of the Board and shall be receipted at time of removal.

ADOPTED: 03-24-87

AMENDED:

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ANNUAL REPORTS

The Board may require an annual report covering certain phases of School System operation from the Superintendent and staff.

ADOPTED: 03-24-87

AMENDED:

1 of 1

ORGANIZATIONAL AFFILIATION

The Board may affiliate with local, state, and/or national organizations whose interests, aims and objections coincide with those of the Board. Such dues as are required will be budgeted in the regular School District operational budget.

ADOPTED: 03-24-87

AMENDED:

1 of 1

## CODE OF ETHICS

As a member of the Hobbs Board of Education, and recognizing that my actions will directly influence the children in this school district, I will:

- Strive toward ideal conditions for most effective School Board Service to my community.
- Devote time, thought and study to the duties and responsibilities of a School Board Member, enabling effective and creditable services.
- Work with fellow Board members in a spirit of harmony and cooperation, respecting their rights and views, making no critical remarks, in or out of meetings, about other members of the Board or their opinions.
- Keep an open mind and carefully consider all available facts in every situation before reaching a decision.
- Render all decisions in open, public meetings.
- Accept and support majority decisions of the Board.
- Recognize that there is no authority of an individual Board member either expressed or implied other than during legally Constituted sessions of the Board or when representing the Board officially.
- Welcome and encourage active cooperation of sincerely interested individuals, organizations, school personnel and media of communication.
- Confine the Board's functions to policy making, planning and appraisal.
- Delegate administrative and supervisory functions to the Superintendent of Schools.
- Work through the Superintendent. Make criticisms of School Administration and/or personnel only to him/her or his/her designee.



- Resist every temptation and outside pressure to use the position as a School Board Member for personal benefit, or any individual or agency or any special interest group(s) apart from the total interest of the school district.

### Confidential Conditions

The Board recognizes that confidential information will be brought to the attention of individual Board Members as a whole pertaining to, but not limited to, the following:

1. Matters relating to the litigation or proposed litigation in which the Board is or may become a party, or attorney-client privileged communications;
2. Consideration of the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor;
3. Consideration of wages and benefits during salary discussions;
4. Consideration of suspension, expulsion or disciplinary action in connection with a student; and
5. Matters relating to the security of students, personnel, visitors, and or school property.

The Board recognizes that public disclosure of such information may result in injury to individuals or potential harm and possible liability to the School District; therefore, Board Members are honor – bound by the Code of Ethics for New Mexico School Board Members to respect the confidentiality of information that is privileged under applicable law. It is the policy of the Board that Board Members shall discuss or disclose confidential information only in connection with legitimate School District business and only with individuals with a legitimate right to know. All information discussed or documents provided to Members of the Board which fall within the categories listed above or which are presented to members of the Board in executive session, authorized to be closed by the Open Meetings Act, NMSA 1978, Section 10-15-1, shall be kept confidential unless the Board authorizes disclosure.

It shall be the duty of each Board Member to voluntarily excuse himself/herself from discussion of confidential information and abstain from voting on matters in which the Board Member has a personal or financial interest, including an interest by a member of the Board Members' immediate family, or where the Board Member's participation will or may compromise the confidential nature of the discussion.

Where a Board Member fails or refuses to voluntarily excuse himself/herself from such discussions and confidential information is disclosed as a result, the Board may enforce this policy by requiring the Board Member to excuse himself/herself from future discussions of the same or similar matters and abstain from voting, publicly censuring the Board Member or by such other remedies available under applicable state law.

ADOPTED: 03-24-87

AMENDED: 10-19-04

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## PARLIAMENTARY PROCEDURE

The Board desires to use rules of procedure for its meetings which assist in the achievement of the following:

1. Meetings proceed efficiently.
2. The Board acts by the decision of a majority of a quorum of its members, but with equal opportunity for all members to participate fully, whether in the majority on a given issue or not.
3. Decisions are made on the merits as determined by the voted conviction of a majority rather than from a manipulation of the procedural rules.

The rules of procedure on the following page are adopted for use. The President is authorized to declare the Board's approval of the minutes, the agenda and adjournment when it is evident that no charge or objection is being proposed. Similarly, the President may declare a recess or rule a motion out of order. After the agenda has been approved by the Board, it must be followed unless a motion to consider an item out of order is approved by a majority vote. The maker of a motion shall have the right to withdraw the motion at any time prior to a vote being taken by the Board.

The President of the Board surrenders none of the privileges of being a member by virtue of office. The President may discuss business, make motions, second motions, and is expected to cast votes on matters calling for Board action.

## RULES OF PROCEDURE

ACTION BY THE BOARD: The Board shall proceed by motion. Any member, including the President, may make a motion.

SECOND NOT REQUIRED: A motion need not be seconded.

ONE MOTION AT A TIME: A member may make only one motion at a time.

SUBSTANTIVE MOTION: A substantive motion is out of order while another substantive motion is pending.

ADOPTION BY MAJORITY VOTE: A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of New Mexico. The President is permitted to vote on all motions.

DEBATE: The President shall state the motion and then open the floor to debate on it. The President shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

PROCEDURAL MOTIONS: In addition to substantive proposals, the following procedural motions and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

In order of priority (if applicable), the procedural motions are as follows:

1. **To adjourn.** The motion to adjourn may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.
2. **To take a recess.**

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3. **Call to follow the agenda.** The motion must be made at the first reasonable opportunity or it is waived.
4. **To suspend the rules.** For adoption, the motion requires a vote equal to the number required for a quorum.
5. **To divide a complex motion and consider it by paragraph.**
6. **To defer consideration.** The Board may vote to defer action or consideration of a pending matter indefinitely. A substantive motion consideration of which has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
7. **Call of the previous question.** The motion is not in order until there has been debate and every member has had an opportunity to speak.
8. **To postpone to a certain time or day.**
9. **To refer to a committee.** Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.
10. **To amend.** An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended, and an amendment may be amended, but no further amendments may be made.
11. **To revive consideration.** The motion is in order anytime for one hundred (100) days after a vote to defer consideration. A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
12. **To reconsider.** The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken, it cannot interrupt deliberation on a pending matter but is in order at anytime before actual adjournment.
13. **To rescind or repeal.**
14. **To ratify.**

15. **To prevent reconsideration for six months.** The motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption, the motion must receive a vote equal to the number required for a quorum. It is valid for six months or until a new Board member is appointed, whichever occurs first.

RENEWAL OF MOTION: A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

WITHDRAWAL OF MOTION: A motion may be withdrawn by the introducer at anytime before a vote.

DUTY TO VOTE: Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the President, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his/her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

PUBLIC HEARINGS: Public hearings required by law or deemed advisable by the Board shall be organized by a special order, which is adopted by a majority vote, that sets forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker, etc. At the appointed time the President or his/her designee shall call the hearing to order and then preside over it, unless a hearing officer is chosen to preside. When the allotted time expires or when no one wishes to speak who has not already done so, the President or his/her designee shall declare the hearing ended.

MINUTES: Pursuant to the New Mexico Open Meetings Act, written minutes shall be kept of all public School Board meetings and all minutes shall be open to public inspection. Draft minutes shall be prepared with ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Draft minutes may be inspected by members of the public after completion in final draft form but shall not become official until approved by the Board.

Minutes shall include the following:

1. The nature of the meeting (regular, special or emergency), the date, time, place, members present, and members absent.

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2. The substance of all proposals considered.
3. A record of any decisions made.
4. A record of all votes taken which shows how each member voted.

APPOINTMENTS: The Board shall use the following procedure to make appointments to various subordinate offices:

The President shall open the floor to nominations. At this time, the names of possible appointees shall be put forward by the members and debated. When the debate ends, the President shall call the roll of the members, and each member shall cast his/her vote. The votes shall not be tallied until all members have voted.

Single Appointment

- Option 1. The nominee who receives the highest number of votes shall be appointed; or
- Option 2. The voting shall continue until one nominee receives a majority of the votes cast, whereupon he/she shall be appointed.

Multiple Appointments

- Option 1. If more than one appointee is to be selected, each member shall have as many votes as there are positions to be filled. A member must cast all of his/her votes and cast them for different nominees; or
- Option 2. If more than one appointee is to be selected, each member shall have as many votes as there are positions to be filled. A member need not cast all of his/her votes.

REFERENCE TO ROBERT'S RULES OF ORDER (RRO)

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order, Revised for unresolved procedural questions.

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NEPOTISM

The School District is prohibited from the initial employment or approval of employment, in any capacity, of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter or daughter-in-law of any member of the School Board, except for a person employed on or before the date the related Board Member assumed the duties of office.

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CONFLICT OF INTEREST

Conflicts of interest shall be handled in accordance with state statutes. See NMSA 1978 Sections 22-21-1; 13-1-190 to 13-1-194; 10-16-1 et seq.; 10-16A-1 et seq.

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## BOARDMANSHIP

Board Members DO:

1. Recognize that their responsibility is not to run the schools, but to see that they are well run.
2. Function as a part of a policy-forming and policy-control Board, rather than as part of an administrative Board.
3. Refer, as far as possible, all complaints and request to the Superintendent of Schools.
4. Familiarize themselves in a broad and non-technical manner with the problems of the school system.
5. Try to interpret to the school staff the attitudes, wishes and needs of the people of the District, and try to interpret to the people the needs, problems and progress of the schools.
6. Voice opinions frankly in Board meetings and vote for what seems best for the children of the District.
7. Recognize fully that the appropriate administrative office is entirely responsible for carrying out a particular policy in accordance with state law and local regulations.
8. Help to frame policies and plans only after considering the recommendations of the appropriate administrative officer, together with his/her reasons for making such recommendations.
9. Require oral and written reports for the purpose of keeping the Board properly informed on school matters.
10. Give all school officials authority in keeping with their responsibilities.
11. ~~Vote only for the best-trained technical and professional employees who have been properly recommended by the Superintendent of Schools.~~
12. Maintain harmonious relations with other Board Members when harmonious relations are consistent with their obligations to the schools.

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13. Visit the schools to gain a clearer understanding of school problems, but not to interfere in the day-to-day administration of the schools.
14. Establish criteria for evaluating the efficiency of the administrative officers.
15. Present personal criticisms of school employees only to the Superintendent of Schools.
16. Support and protect school officials in the performance of their duties.
17. Give friendly counsel and advice to the Superintendent of Schools.

Board Members **DO NOT:**

1. Interfere with the day-to-day routine of school administration and supervision.
2. Refuse to support worthwhile school programs because of personal reasons.
3. Show favoritism to relatives or friends.
4. Make promises and commitments before the questions are fully discussed in Board meetings.
5. Join a clique to control Board action.
6. Use Board membership for political or business advancement for themselves, their families, their relatives or their friends.
7. Indulge in petty criticism of the administration of the schools.
8. Divulge confidential information.
9. Assume authority in school matters when the Board is not in session.
10. Accept gifts from school suppliers or contractors, or make personal purchases through the schools to gain advantage of the school discount.

Effective Boardmanship – A Board Member:

1. Is legally a Board Member only when the Board of Education is in session. No one person, unless authorized, should speak on behalf of the Board.
2. Avoids administrative decisions or attempting to second-guess the administration.
3. Is well acquainted with school policies.
4. Should vote at all times in the best interest of the School District.
5. Is flexible and realizes there are times when changes need to be made, when tradition cannot be honored and when pressure must be ignored.
6. Remembers that Board business at times requires periods of confidentiality, especially in processes involving personnel and or land acquisition.
7. Is interested in obtaining facts, but remembers that the administration has the responsibility of operating the schools, not spending a great deal of time gathering data or making reports to the individual Board Member.
8. Knows that the reputation of the entire School District is reflected in his/her behavior and attitude.
9. Is able to sift fact from fiction, to sort out rumors from reality, and to know the difference.

BOARD MEMBERS' RELATIVES DOING BUSINESS  
WITH THE SCHOOL DISTRICT

It is the intent of the Board to allow lawful, open and fair bidding for all vendors wishing to conduct business with the District.

- A. Where the vendor is a member of the immediate family of a School Board Member as defined herein, both parties shall adhere to the following requirements:
1. The family member and Board Member(s) shall publicly disclose the relationship of the vendor to the Board and shall sign an affidavit stating that the Board Member has no financial interest in the business or transaction being considered and will not directly or indirectly profit from or receive compensation from the award of a contract.
  2. The Board Member shall not participate in the discussion or vote regarding the award of the contract, nor shall they participate in the discussion or vote regarding payment of the contract. Action on such a contract shall be taken at a public meeting.
- B. In the event a Board Member has a financial interest in the contract or transaction, the Board of Education reserves the right to grant a waiver from unlawful-employee participation pursuant to NMSA 1978, Sections 13-1-190 and 13-1-194 of the Procurement Code, upon making the following findings:
1. The financial interest of the Board Member has been publicly disclosed.
  2. The Board Member will be able to perform his/her procurement functions without actual or apparent bias or favoritism.
  3. The Board Member's participation is in the best interest of the School District; and
  4. The Board Member abstains from discussion or vote on award of contract or payment under the contract after award.

In the event that the Board determines that it is in the best interest of the School District to waive unlawful employee participation, an affidavit stating that the terms of the waiver have been complied with shall be completed by the participating employee(s) and appropriate School District officials and remain on file in the School District's Finance Department and in the procurement file for the applicable transaction.

C. Definitions – For the purpose of this policy, the following definitions apply:

1. "Immediate Family" means a spouse, children, parents, brothers or sisters.
2. "Financial Interest" means holding a position in a business as officer, director, trustee or partner or holding any position in management or ownership of more than five percent (5%) interest in a business.
3. "Employee" means an individual receiving a salary, wages or per diem and mileage from a state agency or local public body whether elected or not and any non-compensated individual performing personal services as an elected or appointed official or otherwise for a state agency or a local public body.

## BOARD TRAINING

The State Public Education Department shall develop a mandatory training course for local School Board Members that explains state Board rules, department policies and procedures, statutory powers and duties of local School Boards, legal concepts pertaining to public schools, finance and budget and other matters deemed relevant by the department. The department shall notify local School Board Members of the dates of the training course, the last of which shall not be later than three (3) months after a local School Board election.

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