

POLICY SERVICES ADVISORY

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Senate Bill 137 becomes law effective July 1, 2024. SB 137 makes changes to the School District Campaign Reporting Act at NMSA. 1978, § 1-22A-1 *et seq.*, and various sections of the Public School Code. Except as set forth in this Advisory, not all sections of SB 137 result in changes to the Policy Service policies. The eight sections of SB 137 are summarized below.

- **Sections 1 and 2 of SB 137** amend the School District Campaign Reporting Act at NMSA. 1978, § 1-22A-1 *et seq.* That Act was enacted in 2013 to require campaign finance reporting for candidates for school board positions in districts with enrollment of 12,000 students or more (or their campaign committees) who received contributions or made expenditures of \$500 or more to file a report with the secretary of state. SB 137 removes that enrollment limitation and now the Act applies to all school board candidates and campaign committees that receive contributions or made expenditures (as those terms are defined in the Act) of \$1,000.00 or more to file reports with the Secretary of State in the manner described by the Act.

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None of the existing Policy Service master policies address campaign finance reporting for school board members. Because these Sections of SB 137 address campaigns for school board positions, and not the operations of the school district or the conduct of board members in their official capacities, the Policy Service determined that no new policies or amendments to existing master policies are made necessary by Sections 1 and 2 of SB 137. Individual Districts may have policies that address campaign finance reporting and those districts should check those policies for compliance with SB 137 and the School District Campaign reporting Act.

- **Section 3 of SB 137** amends NMSA 22-2F-3 of the School Support and Accountability Act to require the PED to include the number of hours of training attended by each school's local school board members and whether each member met statutory training requirements in the school support and accountability system dashboard website for each school (New Mexico Vistas). Policy Service has determined that Section 3 does not require a change to the existing master policies. (Note that under existing policy C-2450 CM and the Assessment and Accountability Act, NMSA 22-2C-11, Districts' annual accountability reports are required to include the names of board members who failed to attend mandatory annual training.)
- **Section 4 of SB 137** adds a new section to Article 5 of the Public School Code, which deals with Local School Boards. The new section prohibits a school board from extending a superintendent's contract, or terminating a superintendent without cause, during any time between the date of a regular local election in which school board positions are on the ballot and sixty days after the convening of the newly elected board or until sixty days after a majority of a local school board has been appointed. Existing Policy C-0100 CB contains a section addressing the Superintendent's Contract which includes provisions that the Board will take action on an existing Superintendent's contract in February of the year the contract expires and that the Board may extend the contract in intervening years of a multiple year contract. Because Section 4 of SB 137 limits the Board's ability to extend the Superintendent's contract at certain times, Policy Service provides a recommended amendment to C-0100 CB.
- **Section 5 of SB 137** amends NMSA 22-5-13 of the Public School Code. The existing NMSA 22-5-13 requires NM PED to develop a mandatory training course for school board members. Pursuant to the existing statute, PED enacted NMAC 6.29.1.9(A)(3) which mandated certain board training to be provided by the NMSBA. The newly amended statute will require more training hours and will be much more specific about the required subjects, while still requiring PED to develop a mandatory training course. The Policy Service policy that addresses board member training is B-0200 BBA Board Powers and Responsibilities. PED will most likely amend its regulations to

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address the changes to the statute, and such changes may require future changes to B-0200 BBA or other Policy Service policies. As it stands now, only B-0200 BBA is changing as a result of Section 5 of SB 137.

- **Section 6 of SB 137** adds a new section to Article 5 of the Public School Code, which deals with Local School Boards. The amendment creates new requirements for school board meetings that go beyond those required by the Open Meetings Act (OMA). Beginning July 1, 2024, school districts must provide live audio and video webcasts of school board meetings through the district's website. The webcasts must include a user interface that allows members of the public to submit written or verbal comments (which is not a current legal requirement for in-person meetings). The new law also requires that the recordings of the webcasts and a copy of any minutes approved at the meeting to be posted on the district's website within one week of the meeting's conclusion and publicly available for at least three years following the date of the meeting. The new law requires the webcast to begin when the meeting is called to order and to end upon adjournment, and it does not address or provide any carve-out for closed meetings. The Policy Service presumes that the legislature did not intend to require school boards to broadcast portions of the meetings that the OMA allows to be closed and has drafted policy amendments consistent with that presumption. Local boards may wish to consult their attorneys on this question.
- **Sections 7 and 8 of SB 137** are changes to the Charter School Act and not applicable to this Policy Advisory.

Policy Advisory 238 – BBA (B-0200) Board Powers and Responsibilities. As explained in the Discussion related to Section 5 of SB 137, school board member training requirements will now be spelled out in statute rather than PED regulation. Existing B-0200 BBA sets out board member training requirements by reciting from NMAC 6.29.1.9(A)(3)'s obsolete language. It is anticipated that PED will amend NMAC 6.29.1.9(A)(3) to account for the new statutory training requirements. For that reason, Policy Service deleted the old training requirements language from the portion of BBA dealing with the Board's powers and duties as set forth in the Administrative Code while retaining the language that the Board will "ensure that each member of the Board participates in a planned program of training which will assist in the performance of specified duties. The new statutory training requirements were then placed at the end of BBA.

Policy Advisory 239 – BE (B-1400) School Board Meeting. Existing B-1400 BE addresses school board meetings generally and includes the Open Meetings Act requirements that meetings be open to the public, so this policy is the appropriate policy to address the new requirement that school board meetings be webcast live. B1400 BE also states requirements for items to be included in meeting notices so a provision was added to require notices to inform the public how they may view the live webcast.

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Policy Advisory 240 - BEC-E (B-1581) Executive Sessions/Open Meetings. SB 137 does not change the Open Meetings Act's list of reasons a Board may meet in closed session but in reviewing policies for the purpose of this Advisory, it was noticed that the Exhibit at B-1581 BEC-E omitted a valid reason for closed session (collective bargaining strategy and negotiations) and omitted an important limitation on the discussion of pending threatened litigation (i.e., that it be a meeting "subject to the attorney-client privilege). Policy Service took this opportunity to remedy those omissions.

Policy Advisory 241 – BEDA (B-1650) Notification of Board Meetings. Because this policy stated that meeting notices include the time and place of meetings, Policy Service added a sentence to state that meeting notifications shall include a link or shall otherwise provide information to enable the public to access the live audio and video webcast of the meeting.

Policy Advisory 242 – BEDBA (B-1750) Agenda Preparation and Dissemination. Because this policy reiterates that meeting notices include the time and place of meetings and spells out requirements for inclusion on the agenda, Policy Service added a sentence to state that meeting notifications and agendas shall include a link or shall otherwise provide information to enable the public to access the live audio and video webcast of the meeting.

Policy Advisory 243 - BEDG (B-2100) Minutes. Because this policy spells out statutory requirements related to board meeting minutes, it was the appropriate policy to address the new requirement that minutes be posted to the district website within one week of approval and retained for a minimum of three years.

Policy Advisory 244 – BEDH (B-2150) Public Participation at Board Meetings. Until now, there has never been a legal requirement to allow public comment in New Mexico school board meetings. Despite that, virtually all districts allow public comment at in-person meetings and policy B-2150 BEDH provides a fairly specific set of procedures governing in-person public comment. With respect to public comment, SB 137's only requirement is that the live audio and video webcast of the meeting through the district's website "include a user interface that allows members of the public to submit written or verbal comments." Policy Service anticipates that District will vary widely on 1) how they wish to comply with that requirement and 2) the technology available to do so. For that reason, Policy Service opted against providing a detailed procedure for online public comment and instead left it to district administration to develop the procedures for how the public may submit written or verbal comments during an online meeting. It should be noted that the same constitutional requirements of viewpoint neutrality and free speech will apply the same to online public comments as they do to in-person public comments.

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Policy Advisory 245 – CB (C-0100) Superintendent. As mentioned in the Discussion, existing Policy C-0100 CB contains a section addressing the Superintendent’s Contract which includes provisions that the Board will take action on an existing Superintendent’s contract in February of the year the contract expires and that the Board may extend the contract in intervening years of a multiple year contract. Because SB 137 limits the Board’s ability to extend, renew, and terminate (without cause) the Superintendent’s contract, this policy was the appropriate place to address that limitation. It should be noted that nothing in the law requires the Board to take action on a Superintendent’s contract in February (or any other month) of the year in which the contract expires. Despite that, Policy Service has elected to retain that provision in the master policy.

If you have any questions or requests call Policy Services at (505) 469-0193 or email Dan Castille, Policy Services Director [at rdcpolicyservices@outlook.com](mailto:rdcpolicyservices@outlook.com).

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ADVISORY 238

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BOARD POWERS AND RESPONSIBILITIES

A member of the Board of Education is a public officer, but has no power or authority individually. The law vests power in the Board, and not in the members, either individually or otherwise, and these powers must be exercised by the Board at a public board meeting in regular or special called meetings, with action duly recorded in its minutes. The Board shall have the following powers or duties in accord with statutes.

- subject to the rules of the Secretary of Public Education, develop educational policies for the School District;
- employ a superintendent for the School District and fix the salary;
- review and approve the School District budget;
- acquire, lease and dispose of property;
- have the capacity to sue and be sued;
- acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code [42A-1-1 to 42A-1-33 NMSA 1978];
- issue general obligation bonds of the School District;
- provide for the repair and maintain all property belonging to the School District;
- for good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school boards;
- except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code [13-1-28 NMSA 1978];
- adopt rules pertaining to the administration of all powers or duties of the Local School Board;
- 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;

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- offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of theft, defacement or destruction of School District property. All such rewards shall be paid from School District funds in accordance with rules promulgated by the Secretary of Public Education; and
- give prior approval for any educational program in a public school in the school district that is to be conducted, sponsored, carried on or caused to be carried on by a private organization or agency.

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

- approve and support the District's Educational Plan for Student Success (EPSS) and each school site-level EPSS action plan;
- employ and evaluate the Local Superintendent on an annual basis in accordance with Section 22-10-3.1 NMSA 1978;
- ensure that each member of the Board participates in a planned program of training which will assist in the performance of specified duties. ~~All Local School Board members must receive a total of five (5) hours of annual training.~~
 - ~~• For newly elected or appointed Local School Board members who are in office for less than a year, they shall receive three (3) of the five (5) hours from attending a training course developed by the State Public Education Department (PED) and sponsored by the New Mexico School Boards Association (NMSBA). This course shall be offered no later than three (3) months after a local school board election. The PED will periodically announce the dates of these courses which will cover numerous topics including PED policies and procedures, statutory powers and duties of local boards, legal concepts pertaining to public schools, finance and budget. For the additional two (2) hours of annual training for these new board members, these board members shall attend sessions sponsored by the NMSBA, approved by the PED.~~
 - ~~• For all existing local school board members, they shall attend five (5) hours of annual training sponsored by the NMSBA, approved by the PED.~~
 - ~~▪ In order to be credited with attendance at these courses, each attendee must comply with written attendance procedures established by the PED. Prior to September 1st, the NMSBA shall provide each local superintendent with a list of training hours earned annually by each local school board member.~~

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- delegate administrative and supervisory functions to the Local Superintendent;
- refrain from involvement in delegated administrative functions;
- review, revise as needed, and submit policies to PED on an annual basis;
- award diplomas to students who have successfully completed graduation requirements;
- ensure the alignment of District curricula with Content Standards with Benchmarks;
- ensure that District funds are appropriately managed and disbursed;
- be responsible for oversight of revenue and expenditures within the District budget;
- accept responsibility for ensuring the success of each school in the District.

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

- The legislative function is the policy-making aspect of the school system. It is the policy of the Board to retain and exercise full legislative authority and control over the schools by adopting general policies or by acting directly in matters not covered by its policies.
- The executive function of the Board is concerned with placing in operation existing Board policy. Most of this function is delegated by the Board to its executive and administrative officer, the Superintendent.
- The appraisal function involves the determination of the efficiency of the school operation and an evaluation of the educational program of the District based on the policies as outlined in the policy manual.

School Board members in their first term shall complete at least ten (10) hours of mandatory training during their first year serving on the Board in courses approved by the State Public Education Department (PED). Training for new School Board members shall include:

- at least two (2) hours covering laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;
- at least two (2) hours covering public school finance, budgeting and fiduciary responsibilities of local school boards;

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- at least two (2) hours covering legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;
- at least two (2) hours covering effective governance practices and effective methods of supporting and supervising the local superintendent; and
- at least two (2) hours covering student achievement and student support services.

Mandatory training for all other school board members shall be approved by PED and shall include at least five (5) hours per year and shall cover:

- laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;
- public school finance, budgeting and fiduciary responsibilities of local school boards and performance-based budgeting;
- a local school board's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in each of the school district's public schools;
- a local school board's role in providing a safe learning environment conducive to improving student outcomes;
- legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;
- effective governance practices and effective methods of supporting and supervising the local superintendent; and
- other matters deemed relevant by the department.

In order to be credited with attendance at these courses, each attendee must comply with written attendance procedures established by the PED.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 NMSA (1978)
 22-5-13 NMSA (1978)
 6.29.1.9 NMAC

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ADVISORY 239

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SCHOOL BOARD MEETINGS

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

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

- Regular meeting - a meeting of the members of a local school board at which at least a quorum is present, about which notice has been published, and at which normal school district business is transacted.
- Special meeting - an official legal-action meeting called between scheduled regular meetings to consider only specifically identified topics.
- Emergency meeting - an official legal-action meeting called due to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

A local school board shall hold at least one (1) regular meeting each month of the calendar year.

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

Beginning July 1, 2024, live audio and video webcasts of Board meetings shall be accessible through the District's website. The live webcast shall include a user interface that allows members of the public to submit written or verbal comments. The Superintendent may develop regulations or procedures related to the public's submission of written or verbal comments through the webcast medium. At the latest, the webcast shall begin as soon as practicable after the Board chair has called the meeting to order and shall terminate as soon as practicable after the meeting has adjourned. Recordings of the webcasts shall be posted on the District's website within one (1) week of the meeting's conclusion and shall be available for at least three (3) years following the date of the meeting unless the state records retention schedule provides otherwise.

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Regular Board Meetings

The _____ of each calendar month is designated as the regular Board meeting date.

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

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

- Notice shall be posted at least ten (10) days preceding the scheduled time of the meeting, with the exception of an actual emergency, in which case such notice as is appropriate to the circumstances shall be given.
- Notice shall be posted in prominent places, convenient to the public, and available for reading at all time during the posting.
- The notice shall include a link or shall otherwise provide information to enable the public to access the live audio and video webcast of the meeting.
- The notice shall include an agenda or information as to when and where an agenda can be obtained at least seventy-two (72) hours prior to the meeting and posted on the District's web site, if one is available.

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

Special Board Meetings

Special meetings may be called whenever deemed necessary by the Board President or when requested by a majority of the Board. Written or telephoned notice of all special meetings shall be given to the members of the Board, and written notice shall be posted, at least three (3) days prior to the time stated for the meeting to convene. The notice shall include an agenda or information as to when and where an agenda can be obtained. The agenda shall be made available to the public at least seventy-two (72) hours prior to the special meeting and posted on the District's web site, if one is available. The Superintendent's office shall transmit copies of the written notice to those broadcast stations licensed by the federal communications commission (FCC) and newspapers of general circulation that have made written request for notice of public meetings. No business other than the matters specified in the notice shall be transacted at such meeting.

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

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Emergency Meetings

An "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

An emergency meeting may be called as necessary. The normal notice and posting of an agenda along with the requirement of discussing only agenda items is not required when the Board declares an emergency in accord with the statutory definition, but notice twenty-four (24) hours prior to the meeting is expected unless the emergency precludes such notice. The District must, within ten (10) days of taking action on an emergency matter, report to the attorney general's office the action taken and the circumstances creating the emergency. The requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

In addition to the information specified above, all notices shall 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 of schools, at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Superintendent's Office, if a summary or other type of accessible format is needed."

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA *et seq.*
22-5-12 NMSA
SB 137 2024 regular session (TBD)

CROSS REF.: BEC - Executive Sessions/Open Meetings
BEDA - Notification of Board Meetings
BEDB - Agenda
BEDC - Quorum

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ADVISORY 240

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EXECUTIVE SESSIONS / OPEN MEETINGS

The Open Meetings Act requires all Board meetings to be open to the public at all times unless an exception found in the Act permits a closed executive meeting. A closed executive meeting may be held to discuss:

- Issuance, suspension, renewal, or revocation of a license. Final actions shall be taken at an open meeting.
- "Limited personnel matters" which means the discussion of hiring, promotion, demotion, dismissal, assignment, or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Final actions on personnel which the Board is lawfully authorized to take shall be taken at an open public meeting.
- An "administrative adjudicatory proceeding" which 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 which the Board is lawfully authorized to take as a result of the proceeding shall occur in an open meeting.
- Personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise.
- Bargaining strategy preliminary to collective bargaining negotiations between the Board and a bargaining unit representing the employees of the District and collective bargaining sessions at which the Board and the representatives of the collective bargaining unit are present;
- Purchases exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source, and 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.
- Meetings subject to the attorney-client privilege pertaining to Tthreatened or pending litigation in which the Board is or may become a participant.
- The purchase, acquisition, or disposal of real property or water rights.

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ADVISORY 241

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NOTIFICATION OF BOARD MEETINGS

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

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

- District office;
- All District schools; and
- Other locations as appropriate.

At least ten (10) days notice shall be given for any regular meeting and three (3) days for any special meeting time and place with the exception of an actual emergency, in which case such notice as is appropriate to the circumstances shall be given (usually twenty-four [24] hours). Notice shall be provided to Board members at least ten (10) days prior to the regular meeting, three (3) days prior to the special meeting and as appropriate to the circumstances for emergency meetings of time and place so that they may make plans to be present.

All meeting notifications shall include a link or shall otherwise provide information to enable the public to access the live audio and video webcast of the meeting.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA (1978)

CROSS REF.: BE - School Board Meetings
BEC - Executive Sessions/Open Meetings

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ADVISORY 242

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AGENDA PREPARATION AND DISSEMINATION

Regular Meetings

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

The Superintendent or Board members may place items on the agenda. Any Board member desiring to place an item on the agenda will notify the Superintendent of the particular item of business at least five (5) central office working days before the meeting agenda is finalized (at least eight [8] days prior to the meeting). Inclusion on the next agenda will depend upon the amount of time necessary to provide information to the Board for deliberation and decision making. The Superintendent will make this decision in consultation with the Board President.

The agenda and supporting materials shall be distributed to the Board members not less than seventy-two (72) hours prior to the meeting.

Meeting notices shall include the date, time and place of the meeting and an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency, the agenda shall be available to the public at least seventy-two (72) hours prior to the meeting. Reasonable public notice of a meeting shall be by a notice given at least ten (10) days before a scheduled meeting and distributed to broadcast stations licensed by the federal communications commission (FCC) and newspapers of general circulation that have provided a written request for such notice. Meeting notifications and agendas shall include a link or shall otherwise provide information to enable the public to access the live audio and video webcast of the meeting.

Special Meetings

The procedures for agenda preparation and dissemination used for regular meetings will be used for special meetings.

Emergency Meetings

Agenda preparation for an emergency meeting shall be as appropriate for the circumstances, since normal notice of an agenda along with the requirement of discussing only agenda items is not required when the Board declares an emergency in accord with the statutory definition. Notice of the meeting being held twenty-four (24) hours prior to the meeting is expected unless the emergency precludes such notice.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA (1978)

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ADVISORY 243

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MINUTES

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

The minutes of the Board of Education shall include:

- The date, place and classification of the meeting (regular, special, etc.).
- Record of the roll call of Board members.
- A notation of the presence or absence of the Superintendent.
- A record of any modification of the published agenda.
- A record of any corrections to the minutes of any previous meeting and the action approving them.
- A record of any communications, petitions, or reports presented to the Board.
- A record of each motion placed before the Board, the member making the motion and the member seconding it (if any), the declaration of the person presiding as to whether the motion passed or failed and the name of each person voting "aye" or "nay," or abstaining on other than unanimous votes.

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

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

Minutes shall be permanently filed and kept in the Superintendent's office after approval by the Board. They shall be kept for inspection by any citizen at any time the Superintendent's office is open during regular business hours. The minutes shall not be removed from the Superintendent's office. A copy of any minutes approved at a meeting shall be posted on the District's website within one week of the meeting's conclusion and shall be publicly available for at least three (3) years following the date of the meeting unless the state records retention schedule provides otherwise.

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Summary of the Minutes

On or before the tenth (10th) day of each month the Superintendent shall prepare a summary of the minutes of all meetings held by the Board during the preceding calendar month, such summary shall contain a full and correct account of all business transacted, showing all matters presented, the action taken thereon, or other disposition thereof. A statement of all moneys received during the preceding calendar month shall be prepared showing the source and the amount received from each source with a detailed statement of all expenditures made during such preceding calendar month, including a list of all warrants issued, to whom issued, the amount of each warrant and the purpose for which the warrant was issued.

The summary of minutes shall be filed with the Board Secretary and shall be a public record open to inspection of the public and a copy thereof shall be mailed to each and every legal newspaper published in the county for such use as such newspaper may see fit.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA
10-17-1 NMSA
10-17-2 NMSA
SB 137 2024 regular session (TBD)

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ADVISORY 244

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PUBLIC PARTICIPATION AT BOARD MEETINGS

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

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

- Any individual desiring to address the Board shall complete a form (Request to Address Board) and give this form to the Superintendent prior to the start of the Board meeting.
- The Board President shall be responsible for recognizing speakers, maintaining proper order, and adhering to a time limit of thirty (30) minutes for all presentations and a maximum of five (5) minutes per speaker. In order to ensure that each individual has an opportunity to address the Board, the President may also set a time limit of less than five (5) minutes for individual speakers based upon the length of the comment period and number of requests received.
- Questions of fact asked by the public shall, when appropriate, be answered by the President or referred to the Superintendent for reply. No action or discussion shall transpire among Board members regarding such questions or comments. Questions requiring investigation shall be referred to the Superintendent for later report to the Board. Questions or comments on matters that are currently under legal review will not receive a response.
- Members of the public or invited guests may be recognized by the President to assist the Board with information for the conduct of its official business.
- Personal attacks upon Board members, staff personnel, or other persons in attendance or absent by individuals who address the Board are discouraged. Presenters are cautioned that statements or representations concerning others that convey an unjustly unfavorable impression may subject the presenter to civil action for defamation. Policies KE, KEB, KEC, and KED are provided by the Board for disposition of legitimate complaints, including those involving individuals.

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Beginning July 1, 2024, live audio and video webcasts of local school board meetings shall be accessible through the District's website and shall include a user interface that allows members of the public to submit written or verbal comments. The Superintendent may develop regulations or procedures related to the public's submission of written or verbal comments through the webcast medium.

Adopted: date of manual adoption

LEGAL REF.: 10-15-1 NMSA

CROSS REF.: BDB - Board Officers
BE - School Board Meetings
BHC - Board Communications with Staff Members
BHD - Board Communications with the Public
KEB - Public Concerns/Complaints about Personnel

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ADVISORY 245

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SUPERINTENDENT

The Board shall employ a Superintendent, who shall enforce the statutes of the state of New Mexico, the rules of the Secretary of Public Education, and the policies of the Local Board of the District. The Superintendent shall:

- carry out the educational policies and rules of the State Board and Local School Board;
- administer and supervise the School District;
- employ, fix the salaries of, assign, terminate or discharge all employees of the School District;
- prepare the School District budget based on public schools' recommendations for review and approval by the Local School Board and the department. The Local Superintendent shall tell each school principal the approximate amount of money that may be available for their school and provide a school budget template to use in making school budget recommendations;
- perform other duties as required by law, the department or the Local School Board.
- administer Local Board policies and state and federal regulations including the Public School Code;
- be accountable for student achievement, budget management, expenditure of funds, dissemination of information, District communications, and the development, implementation, and evaluation of the Educational Plan for Student Success (EPSS), and all other District business;
- attend all Board meetings or, when necessary, designate a licensed administrator to attend;
- ensure that school patrons and the public are informed and involved in the acquisition, planning, and development of school facilities, and that students are provided with adequate facilities which conform to state and federal mandates;
- ensure that all students are supervised; and
- administer and implement the District's approved staff accountability plan and procedures.

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The administration of the school system in all aspects is the responsibility of the Superintendent, whose functions shall be carried out in accordance with the policies of the Board.

The Superintendent may establish regulations for the administration of the District that are in compliance with applicable statutes or regulations of the Secretary of Public Education and the policies of the Board. These regulations are binding on the employees of this District and students in the schools.

Superintendent's Contract

The Board may contract with a Superintendent for a term not to exceed three (3) years. The contract year for the Superintendent shall be twelve (12) months and shall begin on July 1 of the year and end on June 30. The Board will take action on an existing Superintendent's contract no later than February of the year the contract expires. The Board may extend the contract in the intervening year of a multiple year contract. The Superintendent's benefits shall be determined at the time of appointment or reappointment and shall be made part of the written contract. The Board may also issue a contract addendum outlining any specific conditions or requirements negotiated by the Board and the Superintendent that extend beyond the regular contractual provisions.

Notwithstanding the foregoing, the Board shall not, during any time between the date of a regular local election in which school board positions are on the ballot and sixty (60) days after the convening of the newly elected board or until sixty (60) days after a majority of a local school board has been appointed:

- Extend the Superintendent's contract; or
- Terminate the Superintendent without cause.

Adopted: date of manual adoption

LEGAL REF.: 22-5-14 NMSA
22-10A-21 NMSA
SB 137 2024 regular session (TBD)

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RELEVANT STATUTES AND CITATIONS

HB 137

- **Final Version:**

<https://www.nmlegis.gov/Sessions/24%20Regular/final/HB0171.pdf>

- **Amendments in Context:**

<https://www.nmlegis.gov/Sessions/24%20Regular/AmendmentsInContext/HB0171.pdf>

Open Meetings Act, NMSA 1978 Section 10-15-1:

https://nmonesource.com/nmos/nmsa/en/item/4364/index.do#!fragment/zoupio-Toc156901522/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoAvbRABwEtsBaAfX2zgEYBWANgE4ADNwBMwgJQAaZNIKEIARUSFcAT2gBydRiEwuBIuVrN23fpABIPKQBCagEoBRADKOAagEE_AcgGFHE0jAAI2hSdjExIA

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