

BOARD RESPONSIBILITIES, KEY WORK OF BOARDS, BOARD RELATIONS, BOARD ETHICS

NMSBA BOARD MEMBER INSTITUTE

FEBRUARY 25, 2017

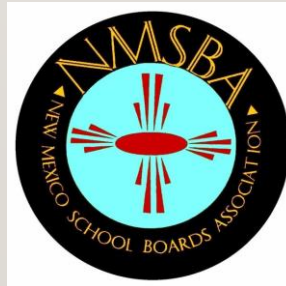
PRESENTED BY:

JOHN F. KENNEDY

HUGH PRATHER

CUDDY & MCCARTHY, LLP OF COUNSEL

NEW BOARD MEMBER SUPPORT PROGRAM



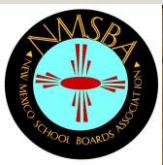
BOARD MEMBER OATH

- NMSA 1978, Section 22-5-9.1
 - All elected or appointed members of local school boards shall take the oath of office prescribed by Article XX, Section I of the constitution of New Mexico.
- Constitution of the State of New Mexico
 - Article XX, Section I
 - Every person elected or appointed to any office shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will support the constitution of the United States and the constitution and laws of this state, and that he will faithfully and impartially discharge the duties of his office to the best of his ability.



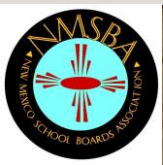
POWERS OF THE BOARD

- NMSA 1978, Section 22-5-4:
- A local school board shall have the following powers or duties:
 - A. subject to the rules of the department, develop educational policies for the school district;
 - B. employ a local superintendent for the school district and fix the superintendent's salary;
 - C. review and approve the annual school district budget;
 - D. acquire, lease and dispose of property;
 - E. have the capacity to sue and be sued;



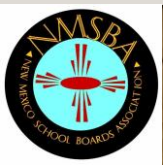
POWERS OF THE BOARD (CONTINUED)

- Section 22-5-4 (cont.)
 - F. acquire property by eminent domain
 - G. issue general obligation bonds
 - H. provide for repair & maintenance of property
 - I. subpoena witnesses for school hearings
 - J. contract for expenditure of funds, except for salaries



POWERS OF THE BOARD (CONT.)

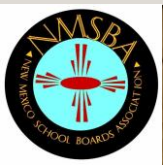
- Section 22-5-4 (cont.)
 - K. adopt rules for administration of all powers and duties of the board
 - L. accept or reject gifts to the District
 - M. pay rewards for information regarding theft, defacement or destruction to school property



PED REGULATIONS

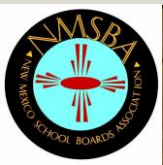
POWERS OF THE BOARD

- NMAC 6.29.1.9(A)
 - Employ and evaluate the local superintendent.
NMAC 6.29.1.9(A)(2)
 - Delegate administrative and supervisory functions to the local superintendent.
NMAC 6.29.1.9(A)(4)
 - Refrain from involvement in delegated administrative functions.
NMAC 6.29.1.9(A) (5)
 - Ensure that district funds are appropriately managed and disbursed.
NMAC 6.29.1.9(A)(9)
 - Be responsible for oversight of revenue and expenditures within the district budget.
NMAC 6.29.1.9(A)(11)



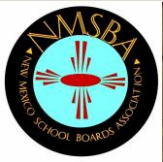
STATUTORY POWERS OF THE SUPERINTENDENT

- Section 22-5-14 NMSA 1978:
 - Supt. is chief executive officer
 - Carry out educational policies and rules of PED and the local board
 - Administer and supervise the District
 - Employ, fix salaries of, assign, terminate or discharge all employees of the District
 - Prepare budget for approval by Board
 - Supervise and manage Business Office functions



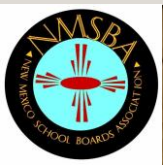
PED REGULATIONS POWERS OF THE SUPERINTENDENT

- NMAC 6.29.1.9(B)
 - Administer local board policies and state and federal regulations, including the Public School Code.
NMAC 6.29.1.9(B)(1)
 - Attend all board meetings or, when necessary, designate a licensed administrator to attend.
NMAC 6.29.1.9(B)(4)
 - 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.
NMAC 6.29.1.9(B)(5)
 - Be accountable for student safety.
NMAC 6.29.1.9(B)(6)



GOVERNANCE VS ADMINISTRATION

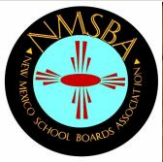
- The Board Governs
 - Legislative Function – Adopts Policies
 - Quasi-Judicial – Student & Employee Hearings
- The Superintendent Administers
 - Supervises & directs work of employees
 - Administers the day-to-day functions
 - Follows policies adopted by the Board



COMMUNICATION

Open, Honest, and Frank Communications:

- No surprises!
- Board and Superintendent
- Individual board members and Superintendent
- Between and among board members
- With Parents / Community / Employees
- Chain of Command with Employees



KEY WORK OF SCHOOL BOARDS (NSBA)

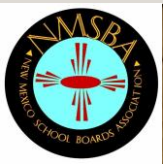
Vision

Accountability

Policy

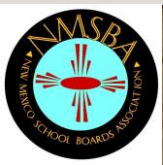
Community
Leadership

Board/Superintendent
Relationships



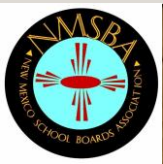
VISION

- Effective school boards establish a clear vision with high expectations for quality teaching and learning that supports strong student outcomes. They establish clear and specific goals to move the districts forward



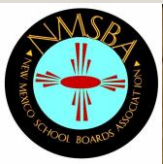
ACCOUNTABILITY

- High academic standards, transparency, and accountability undergird a world-class education. True accountability depends on open decision-making, community engagement and support, and receptivity to new ideas and constructive criticism.



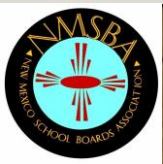
POLICY

- Policy is how a board sustainably exercises power to serve students. Through policy school boards establish a set of cohesive guidelines able to transform vision into reality



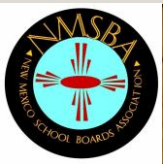
COMMUNITY LEADERSHIP

- Through public advocacy and community engagement, school boards share their concerns and actions with the public. Community leadership that builds public support is vital to implement the board's vision.



BOARD/SUPERINTENDENT RELATIONS

- Both the school board and the superintendent have essential leadership roles that are interconnected but different defective school boards lead as a United team with the superintendent, each in their respective roles with strong collaboration and mutual trust.

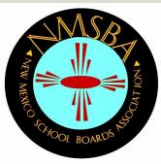


BOARD MEMBER BILL OF RIGHTS

The School Board recognizes that good governance depends on each Board member being able to expect the following in a manner consistent with Board Policy:

On joining the School Board ...

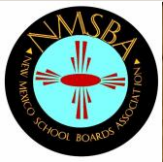
1. A thorough orientation to the Board, including the Board's governing process - the work the Board chooses to do and how the Board chooses to do the work.
2. A thorough orientation to the District's operations, finances and structures.
3. Access to the District's School Board Policy Manual, the Board's regular meeting minutes for the past year, material explaining the Board's roles and responsibilities and other information that might facilitate a better understanding of District operations



BOARD MEMBER BILL OF RIGHTS

Before a meeting...

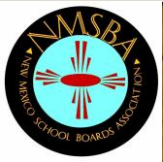
1. Notification of Board meetings and receipt of meeting agendas at the same time that other Board members receive theirs and consistent with Board policy
2. An opportunity to propose the addition of pertinent items to the agenda
3. The timely receipt of information before each meeting that will enable the Board member to make informed decisions



BOARD MEMBER BILL OF RIGHTS

During a Meeting

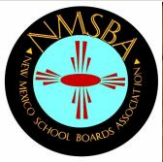
1. Board meetings that start on time, stay on task and end at reasonable times
2. Unless restricted by Board policy, the opportunity to question the appropriateness of any item on the agenda, to request the removal of an item from a consent agenda for independent consideration and to propose changes before the agenda is approved, consistent with legal constraints
3. The opportunity to make and second motions regarding agenda items and to move to defer any agenda item or to enter into closed session as allowed by law
4. An opportunity to request the justification, alternatives and consequences for items presented for a decision and to participate in full and free discussion before voting



BOARD MEMBER BILL OF RIGHTS

During a Meeting, Continued

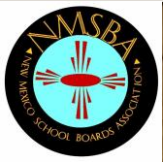
5. The opportunity to express opinions during a Board meeting without interruption and ridicule, as well as civil and respectful treatment by all other School Board members and staff members
6. The opportunity to speak candidly during a legally-called closed session without concern for being quoted or having confidentiality breached after the meeting
7. The opportunity to remind other Board members of policy and legal responsibilities, including those imposed by the Open Meetings Act, without fear of reprisal. This includes the ability to suggest that the Board or an officer, whichever is appropriate according to Board policy, consult with the Board attorney about the legality of current or planned actions or procedures



BOARD MEMBER BILL OF RIGHTS

During a Meeting, Continued

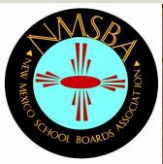
8. The opportunity to request to explain a vote or to append a statement to the minutes as to such vote when they are approved
9. The opportunity to suggest the correction of any inaccuracies in the minutes before their approval and, if the changes are not made, the opportunity to enter a minority view to the minutes
10. The opportunity to participate in the process of selecting officers when the Board reorganizes at an open meeting
11. The opportunity to participate in all policy-making functions, including suggesting changes to Board processes



BOARD MEMBER BILL OF RIGHTS

In general...

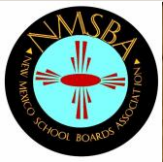
1. Similar opportunities afforded other members of the Board, including the opportunity to have expenses reimbursed, pursuant to Board policy for attending non-District meetings and educational opportunities
2. A professional relationship with the Superintendent characterized by mutual respect
3. The receipt of timely, accurate responses from the Superintendent to reasonable inquiries



BOARD MEMBER BILL OF RIGHTS

In general, continued ...

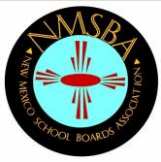
4. The opportunity to express personal opinions and viewpoints provided no attempt is made to undermine Board action, misrepresent the majority Board opinion, or otherwise violate Board policy or this “School Board Member Bill of Rights”
5. The opportunity to participate in regular Board self-evaluation
6. Access to relevant data pertaining to district and Board performance



CODE OF ETHICS

The citizens in my community have elected me to represent them. As a member of my local board of education, I will strive to improve public education for all children, and to that end, I will:

- * **Attend all scheduled board meetings** insofar as possible;
- * **Recognize that I have no legal authority outside the board meetings**, and that all decisions of the board will be made at a public meeting where a quorum of the board is present and only after a thorough review of all the available information;
- * **Work in harmony with the rest of the board members** to always promote and preserve the integrity of the board;



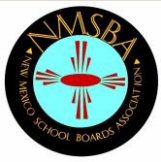
CODE OF ETHICS, CONTINUED

- ***Avoid speaking on behalf of the board** except at those times when the board, by official action, authorizes me to do so, and respect and protect the confidentiality of information that is privileged or required to be kept confidential under applicable law;
- ***Upgrade my performance as a board member** by informing myself about current educational issues by individual study and through participation in programs provided by the local school district and by the state and national school boards associations;
- ***Support the employment of those persons best qualified** to serve as school staff and make every effort to ascertain that all employees are properly remunerated for their services, and that they are dealt with fairly in the performance of their duties;



CODE OF ETHICS, CONTINUED

- ***Avoid being placed in a position of conflict of interest** and refrain from using my board position for personal or partisan gain;
- ***Accept that my primary function is to establish policy** by which schools are administered; and that the actual administration of the educational program is delegated to the superintendent and his staff;
- ***Welcome and encourage active participation by citizens** for better understanding of their needs and improvement of relations with the public that I serve;
- ***Strive to promote and perpetuate our democratic way** of life;
- ***Remember that my first and greatest concern must be the fair and equal educational opportunities** for all students attending public school.



CONTACT INFORMATION

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