A Well-Defined Process for Replacing a Board Member by the Local Board

Boardsmanship, Community Relations and Legal Issues

Saturday, February 10, 2018

Anasazi South, 9:45-10:45am

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The Case Study for Today

- Your board has a vacancy (for whatever reason) that has occurred prior to the completion of the board member’s term of office. The board needs to replace the board member. What are the requirements and a reasonable process?

The key questions to be answered

- Under what conditions is/can a board member be replaced and by whom?
- What is the minimum that has to be done to replace a board member?
- What is an example best practice/process for replacing the board member?

What this session will provide for you

- Answers to the above questions, based on state statutes and a process that APS has developed
- Sample process artifacts that might be able to be tailored for your board’s use.
Under what conditions can a board member be replaced and by whom?

New Mexico State Statute §22-5-9. Local school board vacancies

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

B. A qualified person appointed to fill a vacancy occurring in the membership of a local school board shall hold that office until the next regular school district election when an election shall be held to fill the vacancy for the unexpired term.
What is the timeline for replacement? What is the role of the Public Education Department? How long is the term?

**NM State Statute §22-5-9. Local school board vacancies**

C. If a qualified person is not appointed to fill the vacancy within forty-five days from the date the vacancy occurred, the state board [department] shall appoint a qualified person to fill the vacancy until the next regular school district election.

D. In the event vacancies occur in a majority of the full membership of a local school board, the state board [department] 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.
New Mexico Statutes > Chapter 22 > Article 5 – Vacancies: § 22-5-12 Local school boards; vacant or vacated offices

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

B. The office of any member of a local school board, if the member misses four consecutive regular meetings, may be declared vacant by a majority vote of the remaining members of the local school board.

C. The office of any member of a local school board, if the member misses six consecutive regular meetings, shall be vacant.

All APS committee, special, and regular meetings would satisfy this definition of “regular meeting”; all meetings include the whole board.
D. Any vacancy of an office on a local school board created pursuant to this section shall be filled in the same manner as other vacancies on a local school board are filled. Any member of a local school board who has his office declared vacant or vacated pursuant to this section shall not be eligible for appointment to the local school board until the term for which he was originally elected or appointed has expired.

E. As used in this section “regular meeting” means 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.
Do you have a policy on filling a board vacancy?

Sample Policy
The Board of Education shall consist of seven (7) members elected by geographic districts for four-year (4-year) staggered terms in accordance with New Mexico state statutes. All Board of Education members shall be residents of the districts from which they are elected or from which they are appointed. A vacancy on the Board of Education caused by the resignation, death, refusal to serve, incapacity, or removal from the district of a board member shall be filled in accordance with the provisions of the New Mexico state statutes.
**Sample plan**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 18, 2017</td>
<td>Board approval of appointment process, timeline, vacancy notice, application questionnaire, and interview/voting process.</td>
</tr>
<tr>
<td>October 20, 2017</td>
<td>Information for Applicants, Notice of Vacancy, eligibility requirements and District 1 map published on website. Notice of vacancy sent to government officials, chambers, media, community organizations, APS schools and charters in District 1. Application packets and information posted online and available at the reception desk for walk-ins.</td>
</tr>
<tr>
<td>October 22, 2017</td>
<td>Notice of Vacancy published in the Sunday Albuquerque Journal, including length of term.</td>
</tr>
<tr>
<td>October 24, 2017</td>
<td>Host informational meeting for interested applicants – Tuesday, October 24, 6 PM, Atrisco Heritage Academy High School</td>
</tr>
<tr>
<td>November 2, 2017</td>
<td>Applicant letters of intent, candidate questionnaires, and resumes that include references with contact information are due in the Board of Education Services Office.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
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<tr>
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</tr>
<tr>
<td>November 3, 2017</td>
<td>Copies of all application packets will be hand-delivered to board members.</td>
</tr>
<tr>
<td>November 3, 2017</td>
<td>Checks performed by the county clerk and APS Human Resources on candidates to ensure qualifying status. Applicant addresses and voter registration will be confirmed. Applicants must be registered to vote by date of application. The person to be appointed must be at least 18 years of age, a registered voter in New Mexico, a resident of the Board of Education District 1, not a convicted felon, and not an APS employee.</td>
</tr>
<tr>
<td>November 6, 2017</td>
<td>Confirmation letter sent to candidates confirming that the application has been received and that they have met or have not met the qualifications to be a board member. Letters of regret will be mailed to any applicants who do not meet the qualifications.</td>
</tr>
<tr>
<td>For November 9 and 13 meetings</td>
<td>Deadline to submit notice of Special Meeting and calendars throughout the process of interviewing the applicants and appointing a board member.</td>
</tr>
<tr>
<td>November 6-12, 2017</td>
<td>The president and vice president will check applicant references to share with the Board of Education on November 13.</td>
</tr>
<tr>
<td>November 9, 2017</td>
<td>Facilitated community forum at Rio Grande High School. Process will include an external moderator and question compiler/sorter. Forum questions will come from community members through the submission process. Input from the community will be compiled and provided to the Board of Education for consideration prior to November 13, 2017.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
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<td>-----------------------------</td>
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<tr>
<td>November 10, 2017</td>
<td>Board members will submit his or her interview question for the Board Services Office to compile all the questions for board review.</td>
</tr>
<tr>
<td>November 13, 2017, immediately following the COPT/Finance meetings. Board members should reserve the entire day until the number of applicants is known</td>
<td>The Board of Education will conduct interviews of all applicants who are registered to vote in New Mexico, 18 years of age, residents of District 1, not a felon, not an APS or locally-authorized charter school employee or a member of a governing body of a state or locally authorized charter school, and who returned application packets on time. The Board of Education will ask each applicant the same questions. The interviews are conducted in open session. The board will deliberate and will take action to appoint the person to fill the board membership vacancy. Nomination(s) and a second will be taken from board members for the appointment process. Board members will vote to appoint a new board member for District 1 by a majority vote. Public speakers will not be permitted on this agenda item. The president will confirm that the board member is required to take the oath of office at the November 15, 2017, Regular Board meeting. The new board member will take an oath of office and be sworn in to join the Board of Education.</td>
</tr>
<tr>
<td>November 15, 2017, Regular Board meeting</td>
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<tr>
<td>Week of November 27, 2017</td>
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How will you get the word out?

- Notice of vacancy
- Flyer
- Website
- Informational meeting for interested applicants
- Media
- Social Media
Sample of a notice of vacancy sent to the media

Contact:
Board of Education, Albuquerque Public Schools
Board of Education Services Office
Physical Address: 6400 Uptown Blvd. NE, Suite 100E
Mailing Address: P.O. Box 25704
Albuquerque, New Mexico 87125-0704
Telephone: (505) 880-3729
Fax: (505) 880-2575
http://www.aps.edu

Notice of Vacancy: Board of Education
Albuquerque Public Schools
Published in the Albuquerque Journal
Sunday, October 22, 2017

Notice is hereby given that the Albuquerque Municipal School District 12, New Mexico, has received notification that the Board of Education member from District 1 has resigned, thereby creating a vacancy on the board in District 1. Such vacancy will be filled by appointment of the Board of Education, pursuant to NMMSA §22-5-9, within a maximum of 45 days from the resignation date of October 10, 2017, to November 24, 2017. The appointee will serve only until March 6, 2019, or until the newly elected board member has been sworn into office.

The person to be appointed must be at least 18 years of age, a registered voter in New Mexico, a resident of the Board of Education District 1, not a convicted felon and not an employee of Albuquerque Public Schools.

A letter of intent, a resume that includes references with contact information and a completed application questionnaire should be provided in writing to the Board of Education Services Office no later than Thursday, November 2, 2017, 5 p.m.: Physical Address: 6400 Uptown Blvd. NE, Suite 100E, Albuquerque, New Mexico Mailing Address: P.O. Box 25704, Albuquerque New Mexico, 87125-0704

The application questionnaire is available through the Board of Education Services Office and APS website www.aps.edu or email at boarded@aps.edu.
Are you the next Albuquerque Public Schools Board of Education Representative for District 1?

The Albuquerque Municipal School District 12, New Mexico, received notification that the Board of Education member from District 1 has resigned, thereby creating a vacancy on the board in District 1. This vacancy will be filled by appointment of the Board of Education, pursuant to NMSA §22-5-9.

Qualification Requirements
The person to be appointed must be at least 18 years of age, a registered voter in New Mexico, a resident of the Board of Education District 1, not a convicted felon and not an employee of Albuquerque Public Schools.

Application Process
A letter of intent, a resume that includes references with contact information and a completed application questionnaire should be provided in writing to the Board of Education Services Office no later than Thursday, November 2, 2017, 5 p.m.

The application questionnaire and additional information is available through the Board of Education Services Office and APS website www.aps.edu or email at boarded@aps.edu.
Sample webpage

What will it include?
• Details about the vacancy
• Criteria for serving on the board
• Application details
• Important dates
• Contact information
• NM state statute
• Schools and maps for the vacant district
Will you host an applicant informational meeting?

If so:
• Who will be invited?
• Where will it be held?
• How will you get the word out?

Sample of a flyer sent to invite interested applicants
Candidate Information Meeting

Key Ideas

• Meet at a location that is within the district with the vacancy
• Invite all potential candidates – media release helpful to create interest
• Ensure some staff are present in case there are detailed questions
• Ensure the media is alerted about the informational meeting
• Open the meeting with an introduction of the purpose and have all attendees introduce themselves
• Meeting takes about an hour and a half – with questions about the process and board roles and responsibilities
• APS example had seven potential candidates
What information will you provide to applicants?

**Ideas:**
- New Mexico School Board’s Association orientation PowerPoint
  - Joe Guillen often is available to walk through this PowerPoint with your applicants
- General district information
  - Recent newsletter
  - Information or statistics about the district
- Notice of vacancy
- Invitation to a community forum
- Requirements for applicants
How will applicants apply?

• Letter of intent
• Applicant questionnaire
• Resumé with references and contact information
A sample of a questionnaire

**Albuquerque Public Schools**

**2017 Questionnaire for Board of Education Applicants**

The Board of Education is an elected body created according to the laws of the state of New Mexico to serve as the governing board of the school district for the purpose of organizing, maintaining, and locating schools and for providing educational opportunities and services for all citizens residing within the school district.

Applicants are required to return the questionnaire to the Board of Education Services Office, by 5:00 p.m., on Thursday, November 2, 2017.

- Mailed questionnaires must be received by Thursday, November 2, 2017. Send to Albuquerque Public Schools, Alice and Bruce King Educational Complex, Board of Education Services Office, 2017 Board of Education Applications, P.O. Box 25704, Albuquerque, N.M. 87125-0704.
- Questionnaires may be faxed to 880-2575 by the deadline above. Please call the Board of Education Services Office at 880-3729 to confirm fax arrivals or for other information.
- Questionnaires may be emailed to the Board of Education Services Office at boarded@aps.edu.

**Personal Information**

[Please Print, Type or Use Digital Form]

<table>
<thead>
<tr>
<th>Name:</th>
<th>First</th>
<th>Middle</th>
<th>Last</th>
</tr>
</thead>
</table>

| Residence Address: |

| Length of Residency in School District: |

| (Check Preferred) | Home Telephone: | Office: | Cell: |

| Fax Number: | Primary Email address: |

| Occupation: |

| Employer: |

| Business Address: |

| Business Telephone: |
Do you currently hold other public office?  
Yes  No  
If yes, list office: ________________________________

Do you have any affiliations with the Albuquerque Public Schools? Yes  No  
If yes, what are your affiliations? ________________________________

Are you available to attend board meetings the first and third Wednesday nights of the month at 5:00 p.m. and special board meetings as needed? Yes  No  

Additionally, five board committees mostly meet once a month at 7:30 a.m., 4:00 p.m., 4:30 p.m., or 5:00 p.m. Are you available to attend committee meetings? Yes  No  
If no, please explain why: __________________________________________

Periodically, the board must meet during daytime hours for board meetings, budget hearings, and luncheons. Are you available during daytime hours for those activities? Yes  No  
If no, please explain why: __________________________________________

In addition to regularly scheduled meetings, the board requires approximately 20-25 hours a week in reading, researching, miscellaneous meetings, school visits, telephone calls, and e-mail correspondence; many board members spend much more time than that. Can your schedule accommodate the extra time involved in serving as a member of the Board of Education? Yes  No
Experience
Answers should be brief and concise.

1. Why do you want to be a board member for Albuquerque Public Schools?

2. What is your interest in education?

3. In what ways will you support the mission and vision of the district?

4. How will you work with the superintendent?

5. What is your past and current involvement with Albuquerque Public Schools?

6. What should be the relationship between the superintendent and Board of Education?

7. What qualities and skills would you bring to the Board of Education?

8. What school or community volunteer activities have you participated in related to the community?

9. How do you plan to work with constituents?

10. What do you see as opportunities and challenges to the district?

11. What do you think is the best way for the district to accomplish the three academic goals?
a. **Early learning** – Early learning begins with expecting parents, is nurtured as children develop language and number skills in elementary school, and grows with students as they mature in supportive classrooms becoming adept at using these skills in a variety of contexts.

b. **College and Career Readiness** – Students acquire skills that support formal and informal life-long learning to adapt and remain productive through changing economic and job market landscapes. All students will be prepared for post-secondary opportunities (college and/or career) without the need for remediation.

c. **Developing the Whole Child** – APS will ensure each child is safe, engaged, challenged and supported through programs and practices focused on removing social, emotional and physical barriers to learning and increased health literacy.
- Safe and welcoming environment
- Whole Child includes... physical, mental, emotional, social, intellectual
- Remove barriers to learning
- Discover and develop individual gifts and talents
- Use skills to better the community

12. If appointed, how will you work collaboratively with your fellow board members to put the needs of students first, regardless of your personal or political preferences?

The person appointed must be at least 18 years of age, a registered voter in New Mexico, a resident of the Board of Education District 1, not a convicted felon and not an employee of Albuquerque Public Schools.

**By my signature, I affirm that I meet all requirements to become a member of the Board of Education.**

__________________________  ________________________
Candidate Signature          Date
How will you get to know the applicants?

Idea:
• Applicant qualification check
• Facilitated community forum
• Reference checks
• Interview with the Board of Education
Will you host a community forum?

If so:
  • Who will be invited?
  • Where will it be held?
  • How will you gather questions?
  • Who will ask the questions? Will you have a moderator?
  • Who will answer the questions and in what order?
  • Will you gather feedback from the community? If so, how?
Key Ideas

- Meet at a location that is within the district with the vacancy
- Invite all official candidates – media release helpful to create interest
- Ensure the media is alerted about the informational meeting
- Best to have an independent facilitator to conduct the forum; also useful to have multiple support volunteers to handle and organize audience questions
- Facilitator asks questions of each candidate, rotates the order in which candidates answer each question
• Attendees submit questions (one question per index card)
• Applicants have a set time for opening and closing statements (one minute)
• Attendees listen and complete a feedback sheet on all applicants
• Depending on how many candidates, the forum can take from 1-2 hour; APS also had the forum broadcast on KANW (a PBS station that is owned by APS)
• Questions asked and not asked are shared on the website
• Input from the community is compiled for board review and consideration
Sample of a flyer sent to invite the public to the applicant forum

APS District 1
Board of Education
Applicant Forum

You are invited to meet and ask questions of the APS District 1 Board of Education applicants.

Thursday, November 9, 2017
6:00-7:30p.m.
Rio Grande High School
Performing Arts Center
2300 Arenal Road SW Albuquerque, NM 87105

Listen live on KANW 89.1 FM

‡ Spanish language interpreters will be available. Service for sign language interpreters must be arranged 48 hours in advance.

If you have any questions about the forum, call 892-5266.
Information about the candidates is posted on the APS website at www.aps.edu...
Foro de solicitantes a la Junta de Educación del Distrito 1 de APS

Los invitamos a una reunión para conocer y hacer preguntas a los solicitantes a la Junta de Educación del Distrito 1 de APS.

Jueves, 9 de noviembre de 2017
6:00 p. m. - 7:30 p. m.
Centro de Artes Escénicas
Escuela Secundaria Superior Río Grande
2300 Arenal Road SW Albuquerque, NM 87105

Transmisión en vivo por KANW 89.1 FM

Si tienen preguntas sobre el Foro, llamen al 883-3290.
En el sitio web de APS hay información sobre los candidatos. Acceder a www.aps.edu
Example of the community feedback sheet

Albuquerque Public Schools
District 1 – Board Member
Applicant Feedback Form
Applicant Interviewed:

Please check one:
___ I believe this applicant would be an effective Board Member for District 1 in APS.
___ I would support this applicant for District 1 Board Member, with some reservations.
(Please indicate your one- to two-word reason below in Comments.)
___ I do not believe this applicant is an appropriate choice to be District 1’s next Board Member.
Comments:

Albuquerque Public Schools
District 1 – Board Member
Applicant Feedback Form
Applicant Interviewed:

Please check one:
___ I believe this applicant would be an effective Board Member for District 1 in APS.
___ I would support this applicant for District 1 Board Member, with some reservations.
(Please indicate your one- to two-word reason below in Comments.)
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Comments:

Albuquerque Public Schools
District 1 – Board Member
Applicant Feedback Form
Applicant Interviewed:

Please check one:
___ I believe this applicant would be an effective Board Member for District 1 in APS.
___ I would support this applicant for District 1 Board Member, with some reservations.
(Please indicate your one- to two-word reason below in Comments.)
___ I do not believe this applicant is an appropriate choice to be District 1’s next Board Member.
Comments:

Instructions
Please:
1. Provide input on each applicant
2. Do not rank the applicants
3. Return this form to a forum volunteer or the box at the entrance
Will you interview the applicants?

Key Ideas:

• Interviews must be held in an open meeting

• Board president provides an overview of the process and made introductions

• Applicants are interviewed one at a time in alphabetical order
  • Applicants have private space with snacks, note paper and pen while waiting

• Each applicant is given one minute for opening statement and one minute for closing statement

• Board asks each applicant the same questions
• Information from the applicant forum and reference checks is shared with the board before deliberations

• After all candidates are interviewed, board members conduct a discussion on the candidates and give their general impressions of the candidates’ strengths and potential weaknesses
  • Candidates are not present for this discussion. Public audience was present

• At the end of the discussion, a vote (roll call is best) is taken by each board member. A majority vote is required to select the replacement.
  • Discuss what “majority” means. If there is a tie vote, then return to the discussion to see if the tie can be broken. Note that it is very important that the board selects the replacement. Otherwise, the NMPED will make the selection.
• When a selection is made, invite all candidates back into the meeting, congratulate all for their contributions, and announce the candidate who was selected. Adjourn the formal meeting.
• Ensure that your media communication staff person is ready to provide a press release to the media on the selection
• If media is present, it is appropriate for the selected candidate to have an interview
• Remind the selected candidate of the board meeting at which they will be installed. This needs to happen within the 45 days from which the board vacancy was announced
Sample interview questions

1. The Albuquerque Public Schools ranks as the 34th largest School District in the country, and is the largest school district in the State of New Mexico. Are you in favor of splitting up the APS District? If yes or no, please explain your answer.

2. What do you believe is the top issue facing the Albuquerque Public Schools (APS), and how should APS address this issue?

3. What do you believe should be the relationship between employee collective bargaining units and the district?

4. In schools, we often see an overreliance on punitive strategies like suspension or expulsion. What are your thoughts on restorative justice initiatives?
5. In the past nine plus years, APS has been required to implement a number of education reforms. These include things like standardized testing, PARCC exams, End of Course exams, the mandatory teacher evaluations and ranking of teachers in large part based upon these outcomes, as well as the grading of schools according to school performance results. What is your position on these mandated reforms and what has led you to your conclusion?

6. It's important for our school board members to not only be part of the community, but also understand the situations our children live day by day. Please share with us what you see a typical day is like for the children in District 1, and how will you work to make it better and ensure special interests (unions, lobbyists, employees, advocacy groups, activists, contractors or any group that has their own interest at heart not the students' interests) don't take priority over our children?
How will you introduce the selected applicant?

**Ideas:**

- Media Announcement
- Oath of Office Celebration
Will you host a new board member orientation?

If so, who does he/she need to meet?

- Superintendent
- Chief Financial Officer
- Chief Operations Officer
- Chief Technology Officer
- Primary staff from each department
- School principals

What will happen during the meetings?

- What details does he/she need to know about the district? About each department?
- Will he/she be given the opportunity to ask questions and request more information?
Useful Follow-On Activities

NMSBA Training Requirements

• Fall and Spring meetings, as well as regional meetings
• Ensure new board member is aware of those opportunities

Recommendation

• Whatever the replacement process your board chooses to use – please make sure you document that process – generalize it – and make it a part of your board operating procedures/polices
Questions?
Thank You!

Please feel free to contact either of us for more detailed information!

For more information, visit www.aps.edu

Board of Education President, Dr. David Peercy
peercy_d@aps.edu

Board of Education Services Executive Director, Brenda Yager
yager@aps.edu
(505)880-3731