

BOARD PRESIDENT ROLES & RESPONSIBILITIES

NMSBA Leadership Retreat

Taos, New Mexico

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SPECIFIC REQUIREMENTS IMPOSED BY LAW

- ▶ **§ 22-5-7. Officers; surety bonds**
 - A. From among its members, a local school board shall elect a president, a vice-president and a secretary.**
 - B. 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...**
- ▶ **§ 22-18-11. General obligation bonds; issuance; sale**
 - C. General obligation bonds issued by a school district shall be signed by the president and attested by the secretary of the local school board, unless the bonds are issued in book entry or similar form without the delivery of physical securities. Any coupons appertaining to the bonds shall be signed by the president of the local school board either manually or by facsimile signature.**

REGULATORY RIGHTS AND DUTIES:

- ▶ **Sign, with others, an application for approval of a bilingual multicultural education program. NMAC 6.32.2.11.**
- ▶ **Receive notice by PED if PED denies request by Superintendent for licensure NMAC 6.68.2.12.**
- ▶ **Receive notice of contemplated action when PED seeks to suspend or revoke Superintendent's license. NMAC 6.68.3.8**
- ▶ **Sign applications for emergency capital outlay grant assistance to PSFA. NMAC 6.27.2.9.**
- ▶ **Sign Superintendent's contract. NMAC 6.66.3.8**
- ▶ **Sign transportation boundary agreements. 6.42.2.9.**
- ▶ **Sign fleet service contracts and individual owner operator bus contracts. NMAC 6.43.2.13 and 6.43.2.14**

Almost all of the specific rights and duties of Board President are matters of board policy.

Know your policies.

ROLE OF THE SCHOOL BOARD PRESIDENT

- ▶ Presides at all regular and special meetings of the Board and ensures meetings conducted in accordance with OMA
- ▶ Calls emergency or special meetings.
- ▶ Develops the meeting agenda in cooperation with the Superintendent.
- ▶ Assures open meetings compliance at Board meetings.
- ▶ Encourage and maintain orderly and democratic participation.

ROLE OF THE SCHOOL BOARD PRESIDENT

- ▶ Keep discussions factual and on the subject on the agenda
- ▶ Allow for full and complete exploration of each item of business
- ▶ Same rights as other members to offer resolutions, discuss questions, and vote.
- ▶ Ensures minutes are taken; signs approved minutes
- ▶ Addresses problems with other board members
- ▶ Works with Board's attorney

ROLE OF THE SCHOOL BOARD PRESIDENT

- ▶ Acts as primary spokesperson for the School Board in the interim between Board meetings (when authorized).
- ▶ Executes contracts and official documents based on delegated authority from the Board.
- ▶ Guides the Board in formulation and adoption of new or revised policies.
- ▶ Assists with new board member orientation

NOT THE ROLE OF BOARD PRESIDENT

- ▶ The President may not act for, or on behalf of the Board, without prior specific authority from a majority of the board.

ROLE OF THE SCHOOL BOARD PRESIDENT

Open Meetings compliance.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

Any meeting of a body covered by the Act must be open to the public:

1. When a **quorum** of the body is present; AND
2. When the body is meeting **to formulate public policy**, including development of personnel policies, **discuss public business** or **take any action** which the body has authority to take; unless the body is meeting to discuss business which falls within one of the ten exceptions to the open meetings requirement.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

The statute requires meetings to be **open to the public** when a **quorum** is present and discussing public business, even if no official action is anticipated or taken. Board training sessions are not subject to the Act, if no Board policy or business is discussed.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

- ❑ A Board “**work session**” is a meeting subject to the Act if the discussion of public business matters will occur.
- ❑ A gathering of a quorum of the Board at a social event or gathering does not constitute a meeting unless the members actually use the gathering as an opportunity to discuss public business or matters pending before the Board.
- ❑ Board President must be vigilant to raise a concern anytime she or he perceives that an open meetings violation may be occurring.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

- ▶ Avoid claims of “rolling quorum;”
- ▶ Use of personal email accounts for conduct of School Board business is discouraged. IPRA requests for personal email as to school business are now routine.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

The Meeting Agenda:

The notice of a Board meeting **must include an agenda** listing the specific items of business to be discussed or transacted at the meeting **or information on how the public may obtain a copy of the agenda.**

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

The Meeting Agenda:

Except in an emergency, the agenda shall be available at least 72 hours before the meeting, and posted on the District's website, if any. No action shall be taken on items not appearing on the agenda.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

The Meeting Agenda:

- ▶ Agenda prepared in cooperation with Superintendent;
- ▶ Board members, staff and public may suggest agenda items to be added at discretion of Board President;
- ▶ Board policy typically provides that a request in writing by 2 Board members to include an item on the agenda shall be honored;
- ▶ Agenda distributed per OMA Notice Resolution;
- ▶ Board Meeting Packets – Do not include confidential or attorney-client materials.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

The Meeting Agenda:

Emergency Meetings

- ❑ An emergency is defined as 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.
- ❑ 2013 Legislative Amendment: **Within ten days of taking action on an emergency matter, the public body shall report to the Attorney General's Office the action taken and the circumstances creating an emergency;** provided that the requirement to report to the Attorney General is waived upon declaration of a state or national emergency.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

Response to Disruptions at Meetings:

- ▶ Provide Security or Police presence, if disruption is anticipated;
- ▶ Recess or adjournment of Meeting;
- ▶ Resolve disputes between Board factions;
- ▶ Respond to verbal attacks on Board members, Superintendent;
- ▶ Airing the District's interpersonal disputes in a public setting reduces the public's confidence in both the Board and Administration.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

Building Consensus within the Board

- ▶ Where disputes between majority and minority Board factions (or between Board and Superintendent) begin to divert the attention of the Board from the important business of the School District, the Board President's role is to seek consensus and attempt to resolve conflict, by:
 - ▶ One on one meetings with Board members and Superintendent (avoid rolling quorum);
 - ▶ Board work sessions;
 - ▶ Obtaining additional training;
 - ▶ Retaining a team-building consultant.
- ▶ **NOTE!** Meetings of a quorum of the Board to discuss or seek resolution of disputes among Board members or factions of the Board are open meetings!

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

Closed Meetings:

A closed meeting, commonly referred to as an “**executive session,**” may be held after **appropriate public notice** has been given that such a closed meeting is going to occur. The notice must state the authority for closing the meeting and identify the subject to be discussed “**with reasonable specificity.**” As an example, a meeting notice may state that the governing body will meet in closed session to discuss “limited personnel matters (complaint against a school employee).”

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

Closed Meetings:

A closed meeting may be called for during an open meeting provided that the decision to close the meeting is made through a motion approved by majority vote of a quorum of the members of the body. The motion must be made in an open meeting, state the reason for closure, i.e. the authority for closure (Open Meetings Act exception) and the subject to be discussed with reasonable specificity. The vote of each individual member must be recorded in the minutes.

ROLE OF THE SCHOOL BOARD PRESIDENT

OPEN MEETINGS COMPLIANCE

Closed Meetings:

Only those matters stated in the notice announcing the closed meeting or the motion to close an open meeting **may be discussed in the executive session.** Following a closed meeting, the **minutes** of the governing body **shall state that the matters discussed were limited to those reasons stated for closing the meeting.**

ROLE OF THE SCHOOL BOARD PRESIDENT: EVALUATION OF THE SUPERINTENDENT – SOLVING PROBLEMS BEFORE THEY ARISE

- ▶ Teachers are evaluated by principals.
- ▶ Principals are evaluated by the Superintendent.
- ▶ Should the Superintendent be evaluated?
- ▶ Can Board Members evaluate the Superintendent?

YES!!!

- ▶ The Superintendent **SHOULD** be evaluated by the Board of Education.
- ▶ The District's CEO should receive regular and formal feedback and guidance.

WHY SHOULD THE SUPERINTENDENT BE EVALUATED?

- ▶ Provides a basis for evaluating weak areas
- ▶ Provides a basis for rewarding satisfactory job performance
- ▶ Offers protection from lawsuits & criticism from BOTH terminated superintendents & constituents angered over the Superintendent's performance and salary
- ▶ At its best – Evaluation is a communication process

SUPERINTENDENT EVALUATION

The Board can govern when it knows

*-what the Superintendent is going to do
and*

-whether it's getting done.

THE SUPERINTENDENT EVALUATION

- ▶ Defines what is expected of the Superintendent
- ▶ Requires identifying and prioritizing the District's goals.

AN EFFECTIVE SUPERINTENDENT ASSESSMENT OFFERS:

- ▶ Encouraging praise
- ▶ Instructive criticism
- ▶ Suggestions for overcoming shortcomings and problems

It clarifies roles, expectations & performance

GETTING STARTED

Board must agree upon:

- ▶ **HOW** the Board will determine what to evaluate,
- ▶ **WHAT** instrument / form(s) or method it will use to evaluate,
- ▶ **WHEN** the evaluation's various steps will occur & timelines for completion.

WHAT SHOULD BE EVALUATED?

- ▶ NM Admin. Competencies
- ▶ Job Description / Additional Supt. Competencies adopted by the local board - Examples:
 - ▶ Supt. / Bd. Relationship
 - ▶ Morale of Dist. Employees
 - ▶ Safety of Dist. Students
 - ▶ Parental Satisfaction
 - ▶ Relationships w/ Community Leaders
- ▶ District Goals adopted by the local board
- ▶ Supt's Professional Goals

SUPT. & BD. SET SUPERINTENDENT'S GOALS FOR EVALUATION

- ▶ BOARD EVALUATION RESULTS IN
 - ▶ Reaching agreed-upon goals
 - ▶ Solving agreed-upon problems
 - ▶ Making agreed-upon improvements

Number of areas should be limited.

Do not include routine duties, such as report writing, unless the Supt. has been deficient in such area.

MEETING IN EXECUTIVE SESSION

- ▶ Executive Session may be used to:
 - ▶ Discuss the Superintendent's Contract (Hiring or Renewal)
 - ▶ Discuss the Superintendent's Evaluation
 - ▶ Discuss the Superintendent's PDP, PIP, or PGP
- ▶ Final Personnel Action – Open Meeting
 - ▶ Appointment, hiring, renewal and salary must be acted upon publicly!

HOW IS THE SUPERINTENDENT'S PERFORMANCE MEASURED?

Use Specific, Measurable Goals/Objectives

- ▶ Narrowly focused
- ▶ Objective
- ▶ Quantify, when possible

IDENTIFICATION OF DEFICIENCIES OR UNSATISFACTORY WORK

- ▶ Tie each deficiency to a Competency or District Goal
- ▶ Be Specific
- ▶ Use examples

Develop goals / objectives to address deficiencies.

EXPECTATIONS MUST BE SPECIFIC

- ▶ **What** task(s) need to be done?
- ▶ **How** does each task need to be done (written reports, oral reports, etc.)?
- ▶ **When** does each task need to be done?
- ▶ **For whom** does each task need to be done?
- ▶ Comments on these tasks – **Why** do they need to be done?

EVALUATION PROCESS

- ▶ Can be Used to Substantiate “*Just Cause*” for Discharge During Contract Term

JUST CAUSE

- ▶ A reason that is rationally related to an employee's competence or turpitude or the proper performance of his duties and that is not in violation of the employee's civil or constitutional rights

NMSA 1978, Section 22-10A-2F

UNCORRECTED UNSATISFACTORY WORK PERFORMANCE

- ▶ **Unsatisfactory Work Performance – 6.69.2.7D
NMAC**
- ▶ **Uncorrected Unsatisfactory Work Performance
– 6.69.2.7C NMAC**
- ▶ **Uncorrected Unsatisfactory Work Performance of a
Certified Administrator is “just cause” for discharge
– 6.69.2.8A NMAC**

UNCORRECTED UNSATISFACTORY WORK PERFORMANCE - PROCEDURES

- ▶ *2 or more conferences with immediate supervisor (the Board)*
- ▶ *Sufficient time allowed to correct*
- ▶ *Written record of all conferences, specifying area(s) of uncorrected unsatisfactory work performance, suggestions for improvement, signed by parties at conference. 6.69.2.8B NMAC*

SUGGESTED TIMELINE

▶ ***Prior to or Early in School Year***

- ▶ Identify strengths, weaknesses, what will be evaluated, instrument (s) or forms to be used, set evaluation schedule for the rest of the year.

▶ ***Nov. / Dec. - (Formative Evaluation)***

- ▶ Assess the progress being made.

▶ ***Feb. / Early Spring Semester –***

▶ ***(Summative Evaluation)***

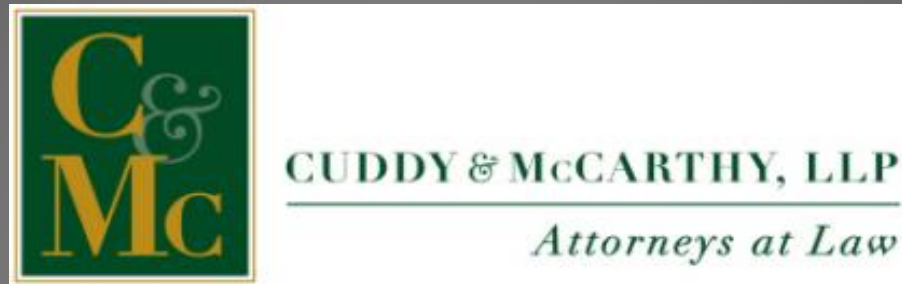
- ▶ Determine if goals / objectives met
- ▶ Make employment decision
- ▶ Begin new cycle for next year

NMSBA POLICY PROVISIONS SPECIFICALLY APPLICABLE TO BOARD PRESIDENTS

- ▶ B-0100 © BAA: EVALUATION OF SCHOOL BOARD /BOARD SELF-EVALUATION
- ▶ B-0250 BBAA BOARD MEMBER AUTHORITY AND RESPONSIBILITIES
- ▶ B-0900 © BDA BOARD ORGANIZATIONAL MEETING
- ▶ B-0950 © BDBBOARD OFFICERS
- ▶ B-1200 © BDF ADVISORY COMMITTEES
- ▶ B-1250 © BDG SCHOOL ATTORNEY
- ▶ B-1400 © BE SCHOOL BOARD MEETINGS
- ▶ B-1550 © BEC EXECUTIVE SESSIONS / OPEN MEETINGS
- ▶ B-1600 © BED MEETING PROCEDURES / BYLAWS
- ▶ B-1750 © BEDBA AGENDA PREPARATION AND DISSEMINATION
- ▶ B-1850 © BEDD RULES OF ORDER
- ▶ B-2150 © BEDH PUBLIC PARTICIPATION AT BOARD MEETINGS
- ▶ B-3200 © BIA NEW BOARD MEMBER ORIENTATION / HANDBOOK
- ▶ C-0600 CBI EVALUATION OF SUPERINTENDENT

QUESTIONS?

CONTACT INFORMATION



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