



**CES and NMSBA  
Present**



# The Board Leadership Development Program

**BOARD LEADERSHIP:  
LEGAL FOUNDATIONS FOR  
EFFECTIVE GOVERNANCE**

# AGENDA



- ✓ Introductions
- ✓ Open Meetings Act (OMA)
- ✓ Inspection of Public Records Act (IPRA)

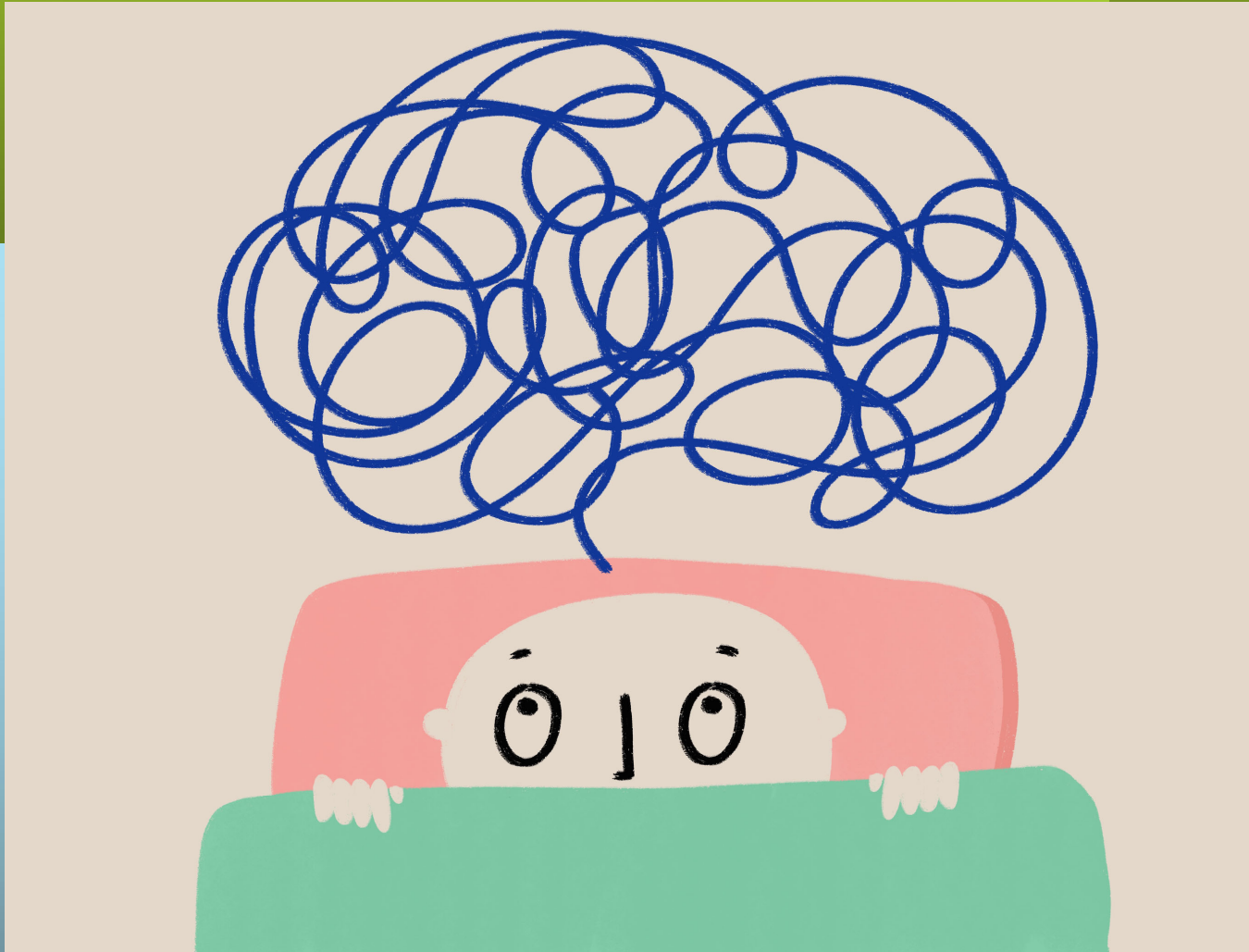


**Purpose Fuels Passion!**

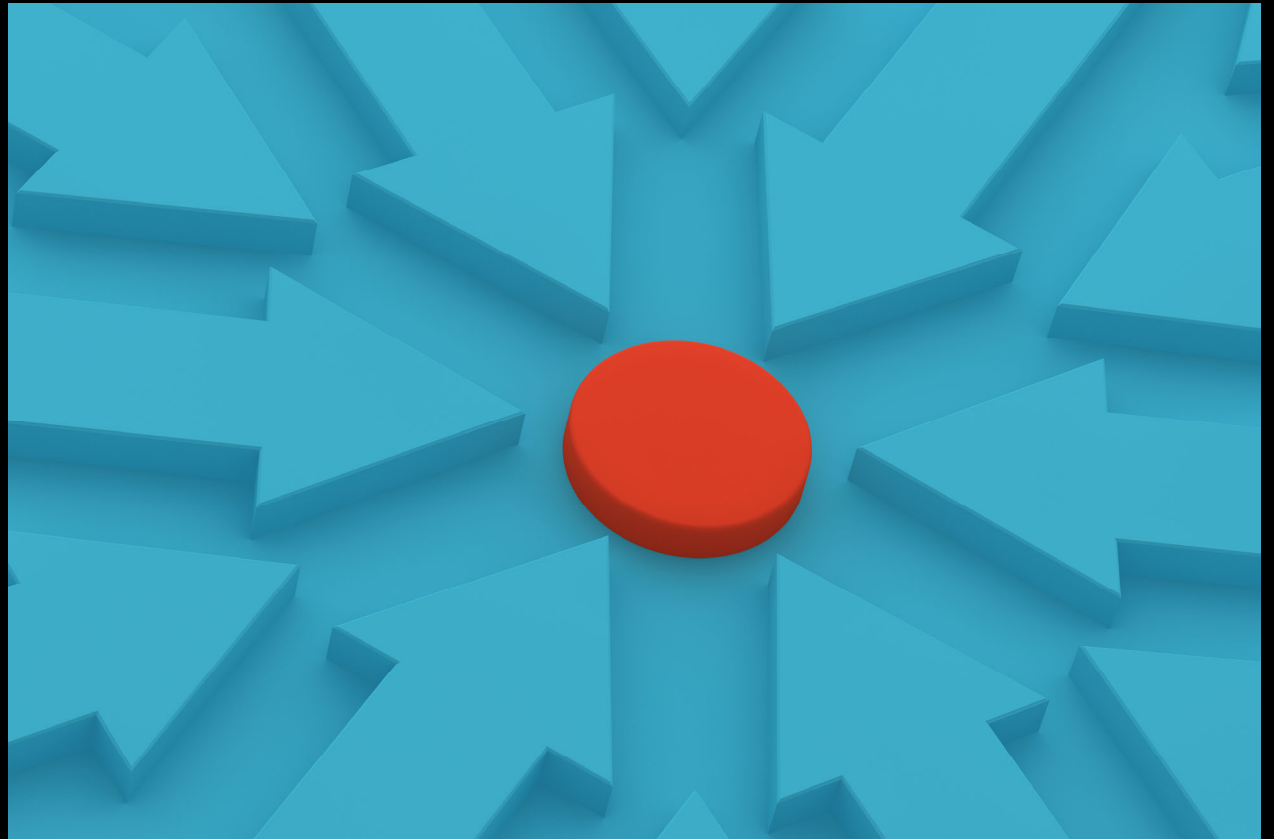
***Thank you for  
What You Do For  
The Students  
You Serve!!***







Driving  
Student  
Success  
Through  
Focused  
Governance





# Open Meetings Act (OMA)

- ✓ Creating Agendas
- ✓ REGULAR, SPECIAL, EMERGENCY MEETINGS
- ✓ COMMON OMA VIOLATIONS
- ✓ PUBLIC COMMENT
- ✓ EXECUTIVE SESSION
- ✓ ACTION
- ✓ THE ROLE OF DEBATE



# AGEND



## Developing Agendas – Regular and Special

- Must be publicly posted at least 72 hours before meeting
- It must include all items to be discussed or acted upon
- No action can be taken on items not listed on the agenda

# AGEND



## Developing Agendas – Emergency

- Convened only in urgent situations that threaten public health, safety or property
- Require as much notice as possible and a clear explanation of the emergency in the minutes



What are some “real-life” examples you can think about for holding an Emergency Meeting?

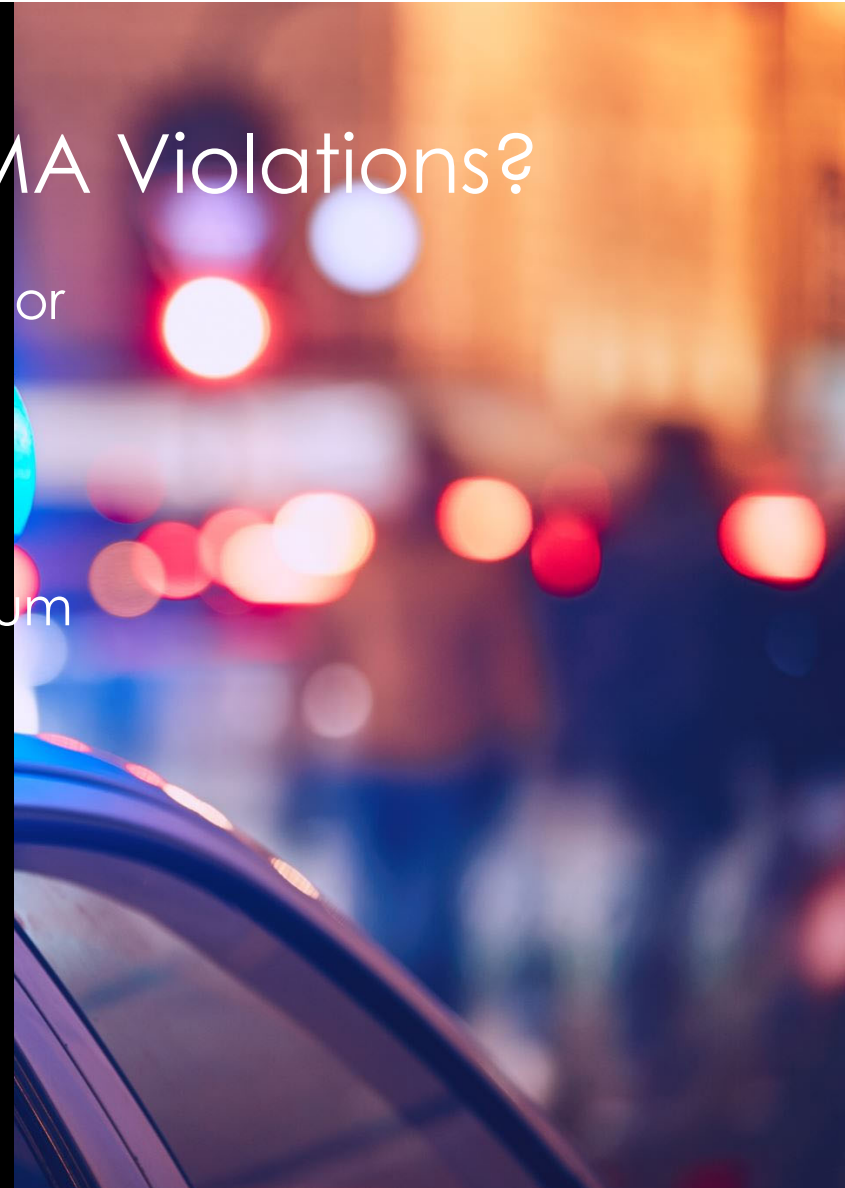
***Convened only in urgent situations that threaten public health, safety or property***

What Are  
Some  
Common  
OMA  
Violations?



# What Are Some Common OMA Violations?

- ✓ Failing to provide proper notice of a meeting or posting the agenda late.
- ✓ Discussing items not listed on the agenda.
- ✓ Making decisions in private or without a quorum – rolling quorum.
- ✓ Improperly entering executive session or discussing unauthorized topics.
- ✓ Failing to keep accurate minutes of the meeting.





## What Are Possible Consequences?

- Actions taken during a non-compliant meeting may be invalidated.
- The board may face legal challenges



**What is a Rolling  
Quorum?**



## Rolling Quorum

- Sequential Conversations
- Group Emails or Texts
- Informal Gatherings



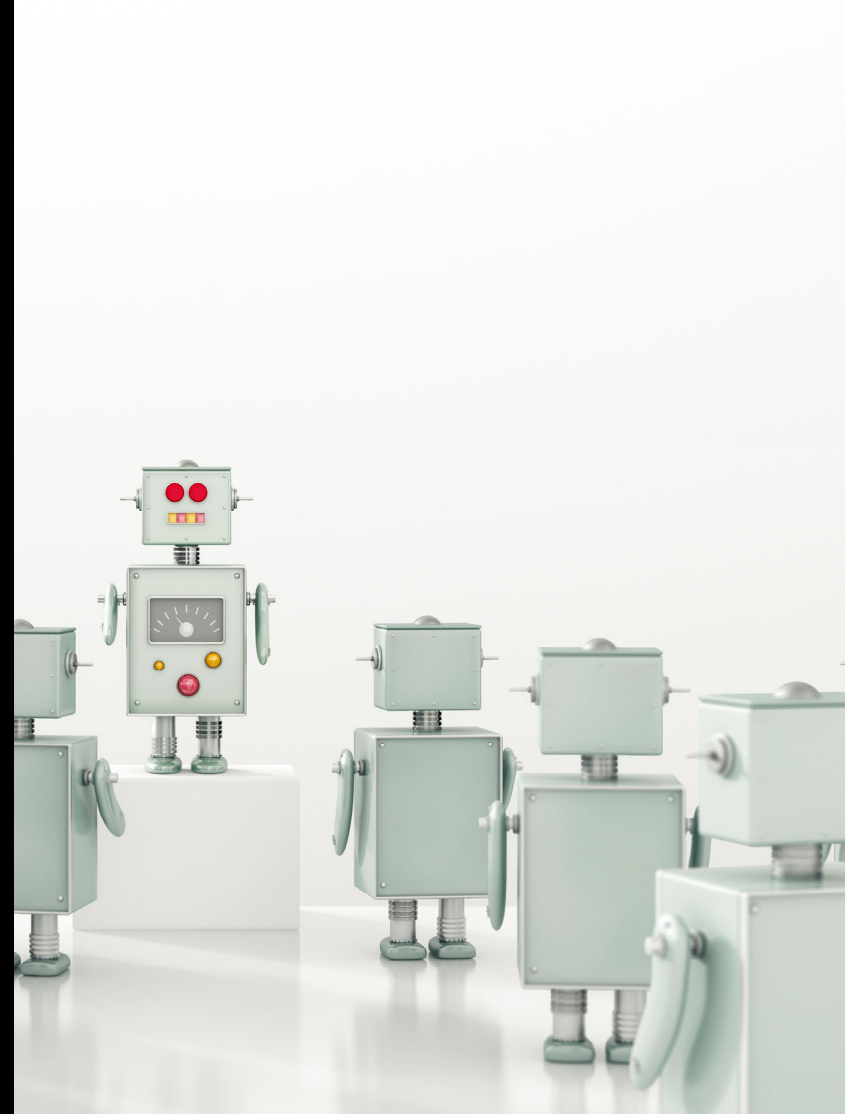
# PREVENTING a Rolling Quorum

- Avoid Private Discussions
- Use Proper Channels
- Consult Legal Counsel



# Public Comments

- ▶ Boards must allow the public an opportunity to speak during meetings
- ▶ Time limits and guidelines may be established to ensure order and efficiency





## Public Comments – Best Practices

- ▶ Ensure equitable access by allocating time for all voices
- ▶ Avoid engaging in debate
- ▶ Use feedback for future considerations
- ▶ Remind participants that immediate action or action at all is not guaranteed



# Executive Session

## Allowed Topics:

- ✓ Personnel issues (e.g., hiring, firing, discipline).
- ✓ Legal matters, including pending or threatened litigation.
- ✓ Real estate transactions or contract negotiations.
- ✓ Collective Bargaining
- ✓ Student Disciplinary Issues

# Executive Session - Requirements

- ✓ Must be listed on the agenda with a specific justification (citing relevant statute).
- ✓ A motion must be made in an open meeting to enter an executive session.
- ✓ No final decisions or votes can be made in executive session.





# Action

## Requirements Under OMA:

- ✓ Actions can only be taken on items listed on the publicly posted agenda.
- ✓ Votes must be conducted in an open session, even if the discussion occurred in executive session.
- ✓ Minutes must record all actions taken, including individual votes.



## Role (Art) of Debate

### Guidelines:

- ✓ Debate should remain respectful and focused on district issues.
- ✓ Avoid personal attacks or discussions unrelated to the agenda.
- ✓ Encourage each member to voice their perspective while adhering to parliamentary procedures.

# Confidentiality

- Personnel Information – Federal laws like FERPA and state laws protect personnel and student privacy
- Student Records and Privacy – FERPA mandates the confidentiality of student records
- Legal and Financial Information
- Ongoing Investigations
- Board Communications







## Confidentiality – Executive Sessions

- Do Not Disclose Information
- Document Security



## Best Practices for Maintaining Confidentiality

- Understand legal Obligations
- Refrain from Sharing Details
- Secure Communications
- Seek Clarification
- Emphasize Accountability



## Key Takeaway

The Open Meetings Act ensures transparency, accountability, and public trust in school board operations. By adhering to its requirements, boards demonstrate their commitment to ethical governance and public participation.

# Let's Check Our Knowledge

What is the primary purpose of executive sessions for school boards?

- A) To make final decisions without public input
  - B) To discuss personnel matters, legal issues, or confidential matters privately
  - C) To plan the public agenda
  - D) To brainstorm policy ideas with the public
- 
- A stack of four books is positioned in the lower right quadrant of the slide. From top to bottom, the books have brown, red, brown, and green covers. They are resting on a dark, textured surface. The background is a light blue gradient.

# Let's Check Our Knowledge

## What is a rolling quorum, and why is it a violation of the Open Meetings Act?

- A) A majority of board members meeting socially to discuss personal matters; it violates the Open Meetings Act by involving casual conversation
  - B) A series of discussions among board members that collectively involve a majority outside a public meeting
  - C) A majority of board members conducting a public meeting without prior notice; it violates the Open Meetings Act by bypassing proper scheduling.
  - D) A quorum formed over digital communication; it is not covered by OMA
- 

# Let's Check Our Knowledge

**How can a school board member avoid a confidentiality breach in general or executive sessions?**

- A) Discuss sensitive details only with the media
  - B) Share executive session details with close family members
  - C) Keep discussions and documents secure and only within authorized circles
  - D) Post updates about executive session decisions on social media
- 

# Let's Check Our Knowledge

**When can a school board take action on an item discussed in an executive session?**

- A) Immediately after the session concludes
- B) During a separate closed-door meeting
- C) In a properly noticed open meeting
- D) Through an email vote among board members



# Let's Check Our Knowledge

What is the minimum notice required under OMA for a special meeting of a school board?

- A) 48 hours
- B) 72 hours
- C) One week
- D) No notice is required







What is the  
Inspection of Public  
Records Act (IPRA)?



## What is the Inspection of Public Records Act (IPRA)?

A New Mexico law designed to promote transparency and accountability by granting the public access to public records. Under IPRA, government entities, including school boards, are required to provide access to non-exempt records upon request, ensuring an open and informed government.



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## IPRA Officer

Oversees and processes public records requests to ensure compliance with the law

- Acknowledge and respond to records requests within statutory deadlines (typically three business days for acknowledgment and 15 calendar days to provide records, unless more time is justified).
- Identify exempt records, such as personnel files or private student information (protected by FERPA).
- Train staff on records retention and disclosure policies.

# Whistleblower Implications

**Connection to IPRA:** Whistleblowers often rely on IPRA to access records that expose wrongdoing, such as financial mismanagement or policy violations.

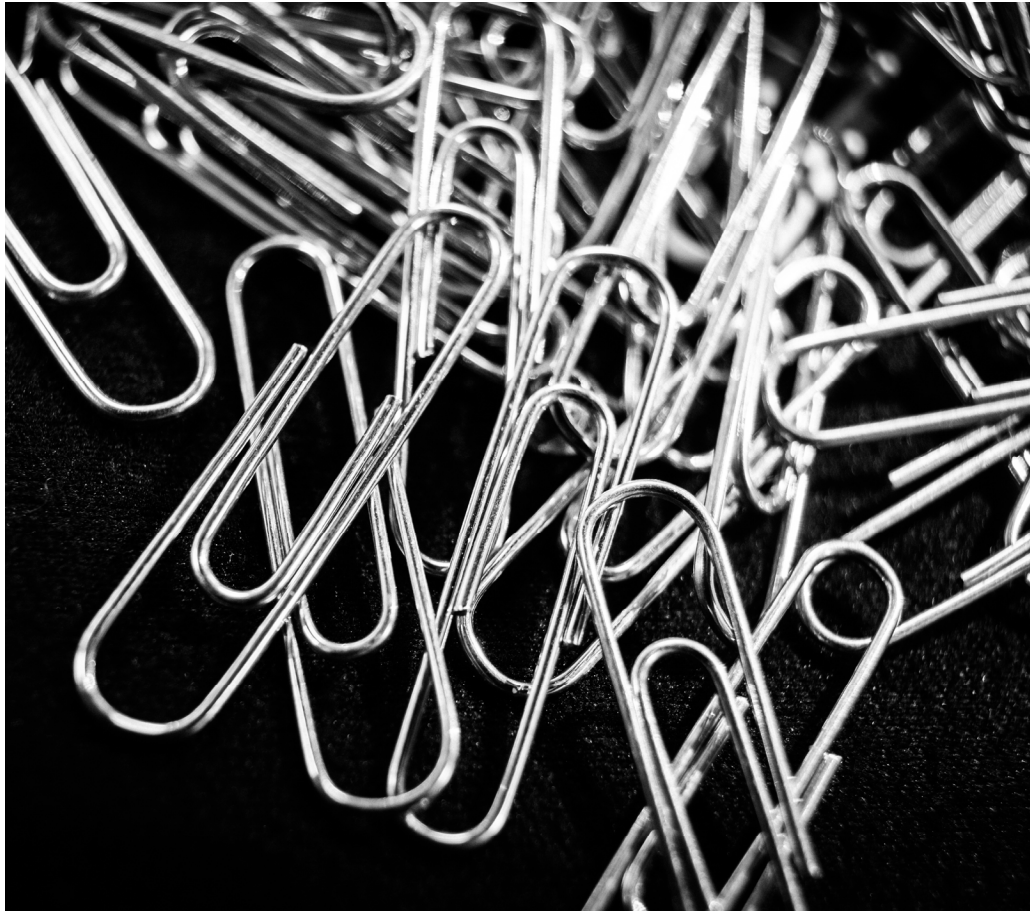
**Protection Under Law:** Whistleblowers are protected from retaliation under New Mexico law and federal regulations if their actions reveal misconduct or unethical practices.

**Board Consideration:** Boards must ensure that whistleblowers have a clear path to report concerns and that no retaliatory actions are taken, as these could result in legal challenges.

# IPRA Non-Exempt

## Non-Exempt Examples

- Meeting Records
- Policies and Procedures
- Financial Records
- Public Communications
- Performance Data
- Contracts and Agreements
- Audits and Reports
- Calendars and Schedules



# IPRA Exempt

## Exempt Examples

- Student Records
- Personnel Files
- Certain Legal Documents  
(preserving privacy,  
security, or legal privileges)





# Legal Counsel

Always consult  
when in question

Let's  
Uncover  
Your  
Learning  
and Thinking







*Thank  
you*

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