

Student Advocacy Starts  
At the Top:  
*What Can Your Board*  
*Do?*

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NMSBA Board Institute



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# Today's Agenda

- ▶ The Board must Advocate for student success. How?
  - ▶ EPSS/Standards of Excellence
  - ▶ Board Roles and Responsibilities
  - ▶ Supervision and Evaluation of the Superintendent
  - ▶ Budget



"In hindsight, I believe that our oversight was shortsighted, at least that's my insight."

# Standards of Excellence and EPSS



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# NMPED Regulations Standards for Excellence



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- ▶ 6.29.1 New Mexico Rules
- ▶ ... Title 6 - Primary and Secondary Education  
... Chapter 29 – Standards for Excellence  
... Part 1 – General Provisions
- ▶ Scope: “All public schools, state educational institutions and educational programs conducted in state institutions other than NM military institute.”
- ▶ Objective: “...the implementation of educational standards and expectations for all students who attend public schools in the state. The NM content standards with benchmarks and performance standards specify the goals for instruction.”
- ▶ 6.29.1.7 Definitions A – B and AA – AK = 37 that should be in every Board member’s, administrator’s and employee’s knowledge base, or keep this a copy of this regulation on your desk!

# Advocacy within the Purview of the Board - EPSS

- ▶ 6.29.1.8 – Implementation of standards of excellence through the use of the educational plan for student success (EPSS)
- ▶ **A.** District and charter school responsibilities for the Education Plan and NM School DASH. The Education Plan and NM School DASH are strategic improvement plans that are written or revised based on trend data and the academic achievement of the school and district. Each district and each charter school is required to develop, implement, monitor and evaluate the Education Plan on an annual basis. Additionally, the district shall ensure that a site-level NM School DASH is developed and implemented by each school within the district and by each charter school for which the district is the chartering agency. LEAs shall have each NM School DASH evaluated and approved by a certified district reviewer. State-chartered charter schools shall develop a site-level NM School DASH. Districts with fewer than 200 students may write only one NM School DASH for the entire district; however, a district with a school in or receiving a school improvement status classification is not eligible for this option.



# NM Standards for Excellence

## **6.29.1.9 PROCEDURAL REQUIREMENTS:**

**A.** Duties and powers of the local school board. The local school board shall:

(1) review, approve, and support each school site-level department-approved NM School DASH and *MLSS Self-assessment* for each school site in improvement status;

(2) employ and evaluate the local superintendent;

(3) develop a planned program of training annually, in which each member of the board participates, to assist in the performance of specified duties; this planned program shall align with the LEA's Education Plan; training shall include the following requirements and procedures.



## Question?



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- ▶ Are your Board's priorities reflected in your District's EPSS?

# Board Roles and Responsibilities



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# 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 1 of the constitution of New Mexico.
- ▶ Constitution of the State of New Mexico
  - ▶ Article XX, Section 1
    - ▶ 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.



# 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 the confidentiality of information that is privileged 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



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# 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 education 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.**



# 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 rejects gifts** to the District

M. **pay rewards** for information regarding theft, defacement or destruction to school property



# A. Duties and Powers of the Local Board in addition to the powers and duties in Sec. 22-5-4 NMSA



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- (4) delegate administrative and supervisory functions to the local superintendent;
- (5) refrain from involvement in delegated administrative functions;
- (6) review district policies on an annual basis and revise as needed;
- (7) award high school graduation diplomas to students who have successfully completed graduation requirements;
- (8) ensure the alignment of district curricula with New Mexico content standards with benchmarks and performance standards;
- (9) ensure that district funds are appropriately managed and disbursed in accordance with laws, regulations and terms of grants;
- (10) approve the annual district budget;
- (11) be responsible for oversight of revenue and expenditures within the district; and
- (12) coordinate with the district's superintendent to establish the procedures for discharging and terminating school employees pursuant to the School Personnel Act (Chapter 22, Article 10-A NMSA 1978).



# Question?

- ▶ How does your Board conduct the annual review of your policies?



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# Evaluation of the Superinten- dent



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# Statutory Powers of the Superintendent

- ▶ Section 22-4-14 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



# 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)



# Supervision of the Superintendent

C. Duties and powers of the district superintendent or the administrator of a charter school. In addition to the powers and duties set out in [Section 22-5-14 NMSA 1978](#) of the Public School Code, the local superintendent (or charter school administrator, where relevant) shall:

1. administer local board's (or governing body of a charter school's) policies, state and federal requirements and applicable laws, include the Public School Code;
2. be accountable for student achievement; budget management; expenditure of funds; dissemination of information; district or charter school communications; development, implementation and evaluation of the EPSS and all other district or charter school business;
3. review, approve and support the district EPSS and each school site-level EPSS or the charter school's EPSS;
4. attend all local board or governing body of a charter school's meetings or, when necessary, designate a licensed administrator to attend;



## C. Duties and powers continued

5. 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;
6. be accountable for student safety;
7. administer and implement the district's or charter school's approved staff accountability plan and procedures;
8. Ensure that a process is in place to identify, train, assign and support the use of unlicensed content-area experts as resources in classrooms, team teaching, online instructions, curriculum development and other purposes as determined by the superintendent;



## C. Duties and powers continued

9. shall issue the following notifications in accordance with Section 22-10A-16 NMSA 1978, in addition to any other parental notification requirements contained in the federal Elementary and Secondary Education Act of 1965, as amended; a school district or charter school shall issue these notifications in English and, to the extent possible, in the language of the parent or guardian (if it is known that the parent or guardian's home or heritage language is not English); the district or charter school shall retain a copy of all notifications and shall ensure that information required under this paragraph is available to the public upon request.



# Question?

- ▶ Do you review these requirements when evaluating the Superintendent?





# 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.





# An Effective Superintendent Evaluation Offers:

- ▶ Encouraging praise
- ▶ Instructive criticism
- ▶ Suggestions for overcoming shortcomings and problems
- ▶ Specific direction - not generalizations

## Example:

*Instead of* “Poor communication with Board.”

*Say* “The Board requires bi-weekly written updates on areas identified as goals.”

*Effective evaluation clarifies roles and expectations for performance. There should be no surprises...*

# The Process of Evaluation

*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.



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# What should be evaluated?

- ▶ Minimum requirements under Statute and Regulation
- ▶ 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 Together



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- ▶ 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.*

# 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 EPSS 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?**





# SUGGESTED EVALUATION TIMELINE



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- ▶ *Prior to or Early in School Year*
  - ▶ Set District EPSS goals and Board priorities
  - ▶ 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 - Policy service requires eval in February.*
- ▶ (Summative Evaluation)
  - ▶ Determine if goals / objectives met
  - ▶ Make employment decision
  - ▶ Begin new cycle for next year

# Removing the Superintendent is not always the answer...



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- ▶ Sometimes Board's are unhappy with the Superintendent, but cannot articulate exactly why.
- ▶ Tie the Superintendent's PDP to the EPSS.
- ▶ Tie the EPSS to the Board's Priorities.
- ▶ Tie the teacher's PDPs to the EPSS and Board Priorities.
- ▶ It starts at the top with you!



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# Audits, Accountability, Financial Oversight and Responsibility

# Board Oversight is Critical

- ▶ Every 5-10 years there is a high profile case of school finance embezzlement
- ▶ Local Board has final authority and responsibility for the District's budget and finances
- ▶ Communities expect local boards to be good stewards of the public purse
- ▶ It is the most important part of your job as a board member.
- ▶ Times are tough!



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# Budget Duties of the Board and Superintendent

- ▶ § 22-5-4 NMSA 1978 (2003)  
Board
  - ▶ C. review and approve the annual school budget;
- ▶ § 22-5-14 NMSA 1978 (2003)  
Supt.
  - ▶ B(4). Prepare the school district budget based on the public schools' recommendations for review and approval by the local school board and the [PED].



# Understanding School Finances

- ▶ Board members don't need to be CPAs or MBAs to understand and provide input
- ▶ Superintendents and Business Manager have duty to make finances/budget understandable by lay persons
  - ▶ Summaries, Outlines, Charts, etc.



Make sure that you understand the budget that you are approving...

- ▶ Get the budget explained to you in a format that you can understand.
- ▶ Ask that it be presented differently if it does not make sense to you.
- ▶ Take ownership of the tough decisions that you have to make.



# Board Members Must:

- ▶ Devote sufficient time to reviewing the documents provided by the administration
- ▶ Ask questions for clarification
- ▶ Not expect to become a finance and budget expert overnight
- ▶ Get an understanding of the Big Picture first then gradually learn about details and specifics
- ▶ Not just delegate it completely to the administration because “it’s too complicated”



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# Board Finance and Audit Committees

- ▶ Mandated by  
Legislature
- ▶ NMSA 1978 § 22-8-12.3  
Requires:
  - ▶ Finance Subcommittee  
and
  - ▶ Audit Committee



# Board Finance Subcommittee

- ▶ Finance Subcommittee - At least two Board members shall be appointed:
- ▶ Finance Subcommittee Duties:
  - ▶ Make recommendations to the Board on
    - ▶ (1) financial planning, including reviews of revenue and expenditure projections;



# Board Finance and Audit Committees, Continued

- ▶ Finance Subcommittee Duties, Continued
  - ▶ (2) review financial statements and periodic monitoring of revenues and expenses;
  - ▶ (3) annual budget preparation and oversight;
  - ▶ (4) procurement; and
  - ▶ (5) serve as external monitoring committee on budget and other financial matters.



# Audit Committee

- ▶ Audit Committee - composed of
  - ▶ two Board members,
  - ▶ one volunteer member who is a parent of a student and
  - ▶ one volunteer member with experience in accounting and financial matters.
- ▶ The Superintendent and Business Manager are ex-officio (non-voting) members of the committee.



# Audit Committee, Continued

- ▶ **Audit Committee Duties:**
  - 1) Evaluate RFPs for annual financial audit services.
  - 2) Recommend selection of auditor.
  - 3) Attend entrance and exit conferences for annual and special audits.
  - 4) Meet with external auditors at least monthly after field work begins until audit is completed.



# Audit Committees Continued

- ▶ Audit Committee Duties, Continued:
  - 5) Be accessible to external auditors to facilitate communication with Board and Superintendent.
  - 6) Track and report progress on status of most recent audit findings; advise Board on policy changes needed to address audit findings.
  - 7) Provide advice and assistance as requested by the Board.
  - 8) Comply with confidentiality requirements as to audit information imposed on Board by State Audit Act and Rules of State Auditor.



# Committees are Important

## ▶ Why?

- ▶ They will operate in conjunction Section 22-8-13.1
- ▶ Imposes sanctions for late audits.
  - ▶ State Auditor reports audit not submitted within 90 days of due date, triggering monthly reporting to PED.
  - ▶ Audit late between 90-180 days - 5% State Equalization Guarantee (SEG) penalty possible.
  - ▶ Audit late between 180-270 days - 7% SEG penalty possible.
  - ▶ Audit late more than 270 days - 7% SEG penalty plus suspension of board of finance status.



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# Complying with Committee Requirements

- ▶ Issues to consider in complying with these requirements:
  - ▶ Is your financial software sufficient to provide data which the Board committees need?
  - ▶ Are security protections adequate?
  - ▶ Are there sufficient “checks-and-balances” built into the system to avoid fraud and embezzlement?
  - ▶ Should the Board increase the limits on surety bonds available from NMPSIA, covering those responsible for your financial system?





## Board Policies related to Budget

- ▶ Is your budget directly connected to your EPSS?
- ▶ Is your budget directly connect to the District's strategic plan?



# For your next Board meeting ask:

- ▶ Has your Board established and communicated the Board's priorities?
- ▶ Does your District know your Board's priorities?
- ▶ Are your priorities reflected in the District's EPSS?
- ▶ Does your Superintendent know your Board's priorities?
- ▶ Are your priorities reflected in teacher and administrator PDPs?
- ▶ Do you know enough about each area of the District to set those priorities effectively?
- ▶ Is your superintendent evaluated on the Board's priorities?
- ▶ Does your District's budget reflect the Board's priorities?



# Got Questions?



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