

Tularosa Municipal Schools
Board Policy Manual

SECTION II

BOARD OF EDUCATION

2.1 GENERAL ORGANIZATION

Responsibility for determining the general policies of the Tularosa Municipal Schools is entrusted to a governing board, hereinafter designated as the Board of Education. The Board of Education functions only when in official session. At other times, its members have no authority to act in school matters except when specifically authorized by the Board.

The administrative head of the schools is the chief executive officer. The administrative head is responsible for the selection and assignment of all school employees; the business management of the schools, including school plant and equipment, the administration and supervision of the instructional program; and the public relations program. These duties necessitate organization of resources, both material and personnel; delegation of authority in those instances where job descriptions call for such delegation; and supervision of all delegated tasks and of individuals to whom authority and responsibility are assigned.

It is the responsibility of the Board to evaluate the success of the total education program. In making such evaluation it shall, from time to time, call upon the executive officer and those to whom authority has been delegated for reports. Such reports shall be made when called for and shall be in such detail as the Board deems necessary.

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2.2 LEGAL STATUS

- A. The policies herein as adopted by the Board of Education, shall carry the full weight of legal authority of the Board and shall remain in force until revision shall be made according to provisions set forth herein, or they are found to be in conflict with regulations and laws of higher authority.
- B. Policies herein shall comply with regulations and policies of the North Central Association and the State Board of Education. The Tularosa Board of Education shall look upon standards as set forth by the North Central Association as minimum. In every instance, where possible, the school system shall strive to exceed these standards.
- C. The Board of Education shall comply at all times with the laws of the State of New Mexico and of the United States. In all instances where confusion may exist, the attorney retained by the Board shall be consulted. If necessary, an attorney general's opinion shall be requested.
- D. The Board shall comply with laws which are permissive in nature so long as these laws are advantageous to the school children under its jurisdiction.

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2.3 MEMBERSHIP AND ELECTION OF BOARD

The number of members on the Board, terms of office of these members, and the time and method of election of these members shall be in strict conformity with existing New Mexico law.

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2.4 ORGANIZATION OF THE BOARD

A. Officers

Officers of the Board shall be a president, a vice-president, and a secretary with elections held every two years. In the event of the absence of both the president and vice-president when a quorum is present, the secretary shall be the presiding officer. The Superintendent of Schools shall serve as the executive officer of the Board.

1. The president of the Board shall be the presiding officer and shall exercise such powers as normally accrue to such office. He/She shall appoint all committees unless otherwise ordered by the Board. He/She shall sign all legal documents of the Board.
2. The vice-president shall perform the duties of the president in the event of his/her absence. He/She shall perform such other functions as may be designated by the Board.
3. The secretary shall co-sign with the president all legal documents. The secretary shall preside at official meetings in the absence of the president and vice-president.
4. The executive officer shall keep records of all meetings, post all legal notices, prepare for signature all legal documents, maintain records in an area of safekeeping, and perform such other duties as may be prescribed by the Board.

B. Board Vacancies

The Board of Education shall have the power to fill vacancies which may occur from time to time in Board membership. These vacancies may be filled by a majority vote of the remaining members of the Board. The appointed member may hold office until the next succeeding election for members of such Board.

C. Board Representation

The Board of Education shall be comprised of five (5) members elected "at-large" from the school district.

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2.5 POWERS AND DUTIES

A. Powers and Duties of the Board

1. Develop educational policies for the school district;
2. Employ a local superintendent for the school district and fix his/her salary;
3. Review and approve the school district budget;
4. Acquire, lease and dispose of property;
5. Have the capacity to sue and be sued;
6. Acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code (42A-1-1 to 41A-1-33 NMSA 1978);
7. Issue general obligation bonds of the school district;
8. Provide for the repair and maintain all property belonging to the school district;
9. For good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school boards;
10. Except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code (13-1-28 NMSA 1978);
11. Adopt rules pertaining to the administration of all powers or duties of the local school board;
12. Accept or reject any charitable gift, grant, devise or bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of the school district or the public school to which it is given; and
13. Offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of theft, defacement or funds.

B. Functions of the Board. The Board shall function as a policy-making body which shall leave to the Superintendent of Schools and his/her staff the proper execution of such policies.

C. Evaluative Functions. The Board shall also serve as an evaluative body and shall measure the effectiveness with which established policies are being executed. This evaluation shall be made on the basis of results rather than mechanics, and the Board shall utilize the total school staff to the best advantage in making such evaluations. It is understood that proper channels of authority shall be observed in staff utilization.

D. Appointment: The Board, upon the selection of a candidate or upon reappointment of the incumbent Superintendent, shall endeavor to secure the dignity of position and the freedom of leadership appropriate to the responsibilities of the Superintendent through an explicit contractual agreement. This contract shall meet the requirements of New Mexico law and the regulations of the State Board of Education and shall protect the rights of both the Board and the Superintendent.

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- E. Evaluation and Re-Appointment: In February of each year the Board shall devote a personnel session to an evaluation of the Superintendent's performance. Following this evaluation the Board may extend the Superintendent's contract for one or two additional years. Decision on his/her contract extension or revision shall be made by February 28th of each year.

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2.6 MEMBERS

A. Orientation

When new members are elected to the Board, existing members and the Superintendent of Schools shall exert all effort in orienting them to the duties and responsibilities of the office to which they have been elected.

They shall use all reasonable means to facilitate the rapid movement of the new Board member into an understanding and harmonious relationship with existing members.

B. Membership in School Board Associations

The Board of Education shall maintain membership in the State and may maintain membership in National School Boards Associations. It shall, in so far as possible, secure active participation in these associations, particularly the state association at the district level.

Dues for membership in these associations shall be paid by the school district.

C. Reimbursement for Board Member Expense

Board members shall be reimbursed for travel and per diem expenses at rates not exceeding maximums as determined by the State's Per Diem and Mileage Act, NMSA 1978, Chapter 10, Article 8. All reimbursement for business-related out-of-pocket expenses of members shall be according to state law.

D. Board Training

Board members must obtain mandated training as required in HB 212.

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2.7 MEETINGS

- A. Meetings of the Board/Open Meetings Resolution - All meetings of a quorum of the Tularosa Municipal Schools Board of Education for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or delegated authority of the board are declared to be public meetings open to the public at all times. Such meetings shall be held only after reasonable notice to the public.
1. Any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public.
 2. All regularly scheduled Board meetings shall be held in the Administration Office Board Room effective August 13, 1996. Effective July 2013, unless otherwise specified, regular meetings shall be held on the second Wednesday of each month. Ten days prior notice will be considered reasonable notice for regular meetings. The agenda shall be posted at least seventy-two (72) hours before the meeting on the Bulletin Board at the Administration Office.
 3. Special meetings may be called by the Board President or a majority of the members upon seventy-two (72) hours notice. The notice shall include information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meetings.
 4. Emergency meetings will be called only under circumstances which demand immediate action to protect the health, safety, and property of citizens or to protect the public body from substantial financial loss. The Tularosa Municipal School Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Board President or a majority of the members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
 5. For the purposes of regular meetings, notice requirements are met if notice of the date, time, place, and agenda is sent to a newspaper of general circulation in the state and posted in the following locations: Tularosa Municipal School Administration Building, Tularosa Website, and the Tularosa Post Office. The Tularosa School Board Secretary shall also mail or fax copies of the agenda to those broadcast stations licensed by the Federal Communications Commission, and newspapers of general circulation, that have made a written request for notice of public meetings.
 6. For the purposes of special meetings and emergency meetings, notice requirements shall be met by posting notice of the date, time, place, and agenda in the Tularosa Municipal School Administration Building, and the Tularosa Post Office.

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- B. The Tularosa Municipal School Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement of the Open Meetings Act.
1. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Tularosa Municipal School Board for the Tularosa Municipal School District taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure, and the vote on closure of each individual member's shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.
 2. If the decision to hold a closed meeting is made when the Tularosa Municipal School Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
 3. Following completion of any closed meeting, the minutes shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 4. Except as provided in the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the Tularosa Municipal School Board in open public meeting.

*This policy shall be reviewed for needed changes and re-adopted annually.

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2.8 MINUTES OF PROCEEDINGS

- A. Minutes of the previous meeting shall be prepared by the executive officer of the Board and mailed or delivered to members along with the notice and agenda. The executive officer shall cause notes to be transcribed not more than one week following a meeting.
- B. The minutes shall be approved by the Board and signed by the president and secretary.
- C. A copy of all motions shall be carefully recorded and shall bear the names of those making the motion and the second, as well as those who vote "yea" and "nay."
- D. The minutes shall be bound and kept in the office of the Superintendent of Schools. They shall be reasonably detailed but shall not be so lengthy as to cause them to be bulky and cumbersome. They shall be kept in a fireproof location.

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2.9 RULES OF ORDER

A. **PRESIDING OFFICER** - The President shall preside at board meetings. To address the board, a member must be recognized by the president. The president shall have the following powers.

1. To rule motion in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

COMMENT: The procedural powers given to the presiding officer in this rule are intended to replace the question of order and appeal in Roberts Rules of Order (RRO). This rule increases the presiding officer's authority in that his/her decision regarding decorum in debate and rules of parliamentary procedure are final and cannot be appealed to the membership. Also, whereas in RRO a recess can be taken only on a motion and vote by the members, this rule gives the president the concurrent authority to call a recess when necessary to "clear the air" and thus reduce friction among the members.

B. **PRESIDING OFFICER WHEN THE PRESIDENT IS IN ACTIVE DEBATE** - The president shall preside at board meetings, unless he/she becomes actively engaged in debate on a particular proposal, in which case he/she may designate another board member to preside over the debate. The president shall resume the duty to preside as soon as action on the matter is concluded.

COMMENT: Good leadership depends, to a certain extent, on not taking sides during debate. On a small board, this may not always be feasible or desirable; yet an unfair advantage occurs to the side whose advocate controls access to the floor. This rule is designed to ensure even-handed treatment to both sides during a heated debate. Ordinarily, the president should ask the vice-president to preside in this situation, but if that person is also engaged in the debate, the president should feel free to call on someone else in order to achieve the purpose of this rule.

C. **ACTION BY THE BOARD** - The board shall proceed by motion. Any member, including the president, may make a motion.

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COMMENT: Traditionally, if the president wishes to have a motion made, instead of making it himself/herself, he/she states, "The Chair will entertain a motion that...". This rule does not prevent such a practice; it merely makes clear that being president does not prevent one from making a motion. The board may want to follow the procedure set for the in the section, "Presiding Officer When the President is in Active Debate" if the president's motion is a controversial one.

D. SECOND NOT REQUIRED

A motion need not be seconded.

COMMENT: The philosophy underlying the requirement of second is that if a proposal is not supported by at least two members, it is not worth the time required to consider the matter. This concept is not applicable to a small board whose consideration of a proposal that initially has the support of only member would not seriously impair efficient use of the board's time.

E. ONE MOTION AT A TIME

A member may make only one motion at a time.

F. SUBSTANTIVE MOTION

A substantive motion is out of order while another substantive motion is pending.

COMMENT: This rule set for the the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded. RRO does not specifically refer to substantive motions; instead it uses such adjectives and "main" or "principal". The words "substantive motion" are used here to underscore the distinction between it and the various procedural motions listed in Rule 15 of RRO. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 15. The possible subject matter of a substantive motion is coextensive with the board's legal powers, duties and responsibilities.

Indeed, in view of the fact that Rule 9 of RRO provides that the board shall proceed by motion, the substantive motion is the board's exclusive mode of action. The procedural motions detailed in the succeeding rules set forth the board's various options in disposing of substantive motions.

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G. ADOPTION BY A MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of New Mexico. The president is permitted to vote on all motions.

H. DEBATE

The president shall state the motion and then open the floor to debate on it. The president shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

I. PROCEDURAL MOTIONS

In addition to substantive proposals, the following procedural motions and no others shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

COMMENT: This rule is a substantial departure from RRO. Each procedural motion in RRO was reviewed to determine whether it was appropriate for use by a local school board; substantial modifications and deletions were the result. The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, it is not available.

While a substantive motion is out of order if another substantive motion is pending, under both RRO and these rules several procedural motions may be entertained in succession without necessarily disposing of the immediately pending one. The order of priority establishes which procedural motion may be made and considered while another one is pending.

In order of priority (if applicable), the procedural motions are as follows:

1. To adjourn. The motion to adjourn may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.

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COMMENT: This motion differs from the RRO motion in several respects. According to RRO, it is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations.

Because the number of members is small and procedures to limit debate are available, this rule allows debate and amendment of the motion to adjourn but allows the motion to adjourn only when action on a pending matter concludes.

The motion to defer consideration or to postpone to a certain time or day may be used first if the board wants to adjourn before completing final action on the matter.

2. To take a recess

COMMENT: RRO does not allow debate on this motion, but because the number of members is small and procedures to limit debate are available, this rule allows debate on the motion. As in RRO, the motion is in order at any time. Under these rules, the board president also has the power to call a brief recess, without board action.

3. Call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.

COMMENT: This motion is patterned after the call for the orders of the day in RRO. It differs in that it may be debated and must be made as soon as an item of business that deviates from the agenda is proposed or the right to insist upon following the agenda is waived for that item.

4. To suspend the rules. For adoption, the motion requires a vote equal to the number required for a quorum.

COMMENT: This motion is the same as RRO's motion of the same name except that it is debatable and amendable and the number of necessary votes is a quorum, rather than two-thirds. This means that if a board has five members, three members (the number required for a quorum) must vote for the motion; if only three members are present at a particular meeting, all three must vote for the motion in order to adopt it. It is in order when the board wishes to do something that it may legally do but cannot accomplish without violating its own rules, unless the rules are suspended

Frequent use of the motion to prevent one member from presenting his proposals to the board or from speaking on an issue before the board is of doubtful legality.

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5. To divide a complex motion and consider it by paragraph.

COMMENT: This motion is the same as the motion to divide a question and consider it by paragraph in RRO except it is debatable.

6. To defer consideration. The board may vote to defer action or consideration of a pending matter indefinitely. A substantive motion consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

COMMENT: This motion replaces the motion to lay on the table in RRO and was renamed to avoid confusion. It allows the board temporarily to defer consideration of a proposal. It differs from the RRO motion in that it may be debated and amended. It also differs from RRO in that a motion that has been deferred, dies if it is not taken up by the board (via a motion to revive consideration) within 100 days of the vote to defer consideration, whereas in RRO a motion that has been laid on the table dies at the end of the session in which it was introduced. One hundred (100) days is merely a suggested period of time.

7. Call of the previous question. The motion is not in order until there has been debate and every member has had an opportunity to speak.

COMMENT: This motion differs from the motion of the same name in RRO. The RRO motion is always in order, is not debatable or amendable, and requires a two thirds vote for adoption. Thus, it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. However, because there are so few members, a minimum period of debate on every proposal that comes before the board of education strikes a better balance between efficiency and effective representation by all board members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

8. To postpone to a certain time or day.

COMMENT: This motion allows the board to defer consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy.

9. To refer to a committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.

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COMMENT: This motion is the same as RRO's motion of the same name except that the introducer's right to compel consideration by the full board after a specified period of time prevents its use as a mechanism to defeat a proposal by referring it to a committee that is willing to sit on it. If the board does not use committees, this rule is unnecessary.

10. To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended, and an amendment may be amended, but no further amendments may be made.

COMMENT: This motion is identical to the motion of the same name in RRO.

11. To revive consideration. The motion is in order anytime for 100 days after a vote to defer consideration. A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

COMMENT: This motion replaces the motion to take up from the table in RRO and was renamed to avoid confusion. This motion may be debated and amended, whereas the motion in RRO may not. If the motion to revive consideration does not succeed within 100 days of the date on which consideration was deferred, the substantive motion expires. The subject matter of the motion may be brought forward again by a new motion.

12. To reconsider. The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken, it cannot interrupt deliberation on a pending matter but is in order at anytime before actual adjournment.

COMMENT: According to RRO, the motion may be made at the same meeting as the vote was taken or on the next legal day, and it may interrupt deliberation on another matter. To avoid placing a measure in limbo, the availability of the motion has been restricted to the same meeting as the original vote.

13. To rescind or repeal.

COMMENT: This motion is in order only for those measures adopted by the board that may legally be repealed or rescinded; it is not intended to suggest that the board may unilaterally rescind a binding contract.

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14. To ratify.

COMMENT: This motion appears in RRO on the principle that an assembly may later ratify that which it could have authorized. To the extent the board may legally do so, the option is retained by these rules.

15. To prevent reconsideration for six months. The motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption, the motion must receive a vote equal to the number required for a quorum. It is valid for six months or until a new board member is appointed, whichever occurs first.

COMMENT: This is a clincher motion to prevent the same motion from being continually introduced when the subject has been thoroughly considered. RRO contains no comparable motion, although the objection to considering a question accomplishes much the same purpose. Because this motion curtails a member's right to bring a matter before the board, a vote equal to a quorum is required to adopt it. As with every other motion, a clincher motion may be, in effect, dissolved by a motion to suspend the rules. Six months is merely a suggested period of time; however, in order to give a new board a clean slate, the motion should not be effective beyond the terms of the current members.

J. RENEWAL OF MOTION

A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

K. WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at anytime before a vote.

COMMENT: RRO provides that once a motion has been stated by the Chair for debate, it may not be withdrawn without the assembly's consent. Such a procedure is necessary for a small board.

L. DUTY TO VOTE

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the president, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

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COMMENT: A board member who refuses to vote without a legal excuse, avoids his responsibility to make the decisions he was elected or appointed to make. Therefore, this rule takes the position that a member must vote, and it counts his vote as affirmative if he attempts to abstain. Note that it is impossible not to count the effect of an abstention: Without this rule, if a member does not vote for a proposal, in effect, he votes against it.

M. PUBLIC HEARINGS

Public hearings required by law or deemed advisable by the board shall be organized by a special order, which is adopted by a majority vote, that sets forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker, etc. At the appointed time the president or his designee shall call the hearing to order and then preside over it, unless a hearing officer is chosen to preside. When the allotted time expires or when no one wishes to speak who has not already done so, the president or his designee shall declare the hearing ended.

COMMENT: A public hearing is typically called for the purpose of adjudicating the rights of individuals and deciding issues within the jurisdiction of the local board.

The specific procedures for most hearings held by the board will be found in statutes or regulations, and must be scrupulously followed. Those procedures, where applicable, will supersede this paragraph and any inconsistent local policy.

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2.10 QUORUM

A quorum shall consist of not less than three members of the five-member board.

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2.11 ORDER OF BUSINESS

The order of business at regular meetings of the Board of Education shall be as follows:

- A. Call to order
 - B. Pledge of Allegiance
 - C. Moment of Silence
 - D. Public Comment
 - E. Approval of minutes of preceding meeting(s)
 - F. Presentation of bills paid
 - G. Delegations, staff reports (other than Superintendent's report), citizens' committees or Board committees
 - H. Old business
 - I. New business
 - J. Miscellaneous business
 - K. Adjournment
- A. The Board will hear written and oral communication from school district residents and employees as an order of business as scheduled in the agenda of the regularly scheduled Public Board Meetings. Requests to approach the Board must be received by the Superintendent one week prior to the regularly scheduled Public Board Meeting. The Board will receive the request and consideration will be given at the next regular monthly meeting or at a special executive session if required.

In oral communications, the speaker will address the Chair and give his/her name and address and the name of the organization he/she represents, if any. The presentation of the topic is to be restricted to a maximum of three minutes, unless their time is extended by the Board President. After all appropriate communications have been received and persons heard, the Board will proceed with the business of the meeting without further communication or participation by audience members except as requested by the Board President.

Names should not be mentioned during the open meeting. Remarks will be permitted only of presented in an orderly manner and causing no injury to individuals.

- B. Meetings will begin with a moment of silence to in which all those individuals in attendance may in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract or impede other individual in the like exercise of individual choice.

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2.12 COMMITTEES

The Board of Education shall operate as a committee of the whole at all times except on those occasions when a specialized study warrants the appointment of a special committee composed of fewer members than the total Board. Such special committee shall be dissolved immediately upon completion of its specific assignment.

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2.13 AVAILABILITY OF RECORDS

All records of the Board of Education shall be available to citizens for inspection at the administration offices of the school district located at 504 First Street, Tularosa, New Mexico.

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2.14 TRANSACTION OF BUSINESS

The Board of Education shall transact all business at a legal meeting of such Board. No member of the Board shall have the power to act in the name of the Tularosa Board of Education outside legal Board meetings.

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2.15 REVISION OF POLICIES

- A. Policies may be revised or amended at a regular meeting of the Board by a majority vote of a quorum present. Proposed amendments may be voted upon at any meeting following their presentation.
- B. A meeting for the purpose of a general review and approval of existing policies may be called at any time the Board may deem such meeting advisable.
- C. The operation of any section or sections, sub-section or sub-sections of these policies not established by law or regulation of a higher authority, may be suspended by a majority vote of the Board of Education at a regular or a special meeting.
- D. All revisions, additions, amendments or suspensions of these policies and/or rules and regulations shall be made public through any media of news disseminating available.
- E. In the event the Superintendent is required to resolve a problem without the authority or direction of Board Policy, the Superintendent is authorized to act with the understanding that the Superintendent reports the situation to the Board with recommendation to clarify the issue for the future.

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2.16 BOARD MEMBER ETHICS

A. CODE OF ETHICS: A good Board member:

1. Keeps an open mind, and carefully considers all sides of a problem before reaching a decision.
2. Helps to determine policy but leaves the carrying out of policy to the professional staff.
3. Interprets and supports the policy to his/her community after it has been developed.
4. Renders all decisions in open public meetings, making use of executive sessions only to protect an individual's personal problems or protect the best interests of the school district.
5. Acts in his/her capacity as a Board member only during legally constituted sessions of the Board, or when he/she is given a special assignment by the total Board.
6. Leaves the administration of school personnel to the Superintendent and administrative staff.
7. Makes criticisms of school employees only to the Superintendent.
8. Respects the rights and views of his/her fellow Board members and makes no disparaging remarks in or out of Board meetings about other Board members or their opinions.
9. Believes in the fundamental importance of public education in a democracy.
10. Believes that the education of the pupil is the basic purpose of the school.
11. Hears and receives staff and patrons' complaints and recommendations only after they have cleared proper channels, preferably both in writing and in person.
12. Communicates with school personnel on school matters through the Superintendent's office.

B. CONFIDENTIAL COMMUNICATIONS POLICY

The Tularosa Board of Education recognizes that confidential information will be brought to the attention of individual Board members and/or the Board as a whole pertaining to, but not limited to, the following:

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- matters relating to the employment or dismissal of, or charges against, specific district personnel;
- matters relating to litigation or proposed litigation in which the Board is or may become a party, or attorney-client communications
- consideration of the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor;
- consideration of wages and benefits during salary discussions;
- consideration of suspension, expulsion or disciplinary action in connection with a student;
- matters relating to the security of students, personnel, visitors, and /or school property;
- matters relating to discussions of bargaining strategy preliminary to collective bargaining negotiations between the Board and a bargaining unit representing the employees of the Tularosa School District and collective bargaining sessions at which the Board and the representatives of the collective bargaining unit are present.

The Board further recognizes that public disclosure of such information may result in injury to individuals or potential harm and possible liability to the School District and that Board members are honor-bound by the Code of Ethics for New Mexico School Board Members to respect the confidentiality of information that is privileged under applicable law. It is the policy of the Board that Board members shall discuss or disclose confidential information only in connection with legitimate School District business and only with individuals with a legitimate right to know. All information discussed or documents provided to members of the Board which fall within the categories listed above or which are presented to the members of the Board in executive sessions authorized to be closed by the Open Meetings Act, NMSA 1978 Section 10-15-1, shall be kept confidential whereas the Board authorizes disclosure by majority vote. The Superintendent and Assistant Superintendent must abide by this policy.

It shall be the duty of each Board member to voluntarily excuse himself or herself from discussions of confidential information and abstain from voting on matters in which the Board member has a personal or financial interest, including an interest by a member of the Board's immediate family, or where the Board member's participation will or may compromise the confidential nature of the discussion. Where a Board member fails or refuses to voluntarily excuse himself or herself from such discussions and confidential information is disclosed as a result, the Board may enforce this Policy by: requiring the Board member to excuse himself or herself from the future discussion of the same or similar matters and abstain from voting; publicly censuring the Board member; or by such other remedies available under applicable law.

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C. CONFLICT OF INTEREST POLICY - BOARD MEMBERS

No Tularosa Municipal School District Board Member shall directly or indirectly sell or be party to a transaction to sell instructional materials, equipment, insurance or school supplies or work under contract to the Tularosa Municipal School District, nor shall any Tularosa Municipal School District Board Member receive any commission or profit from the solicitation or sale of investment securities or insurance to any Tularosa Municipal School District employee.

The provisions of this policy shall not apply to any Board member making a sale in the regular course of the Board member's business when the sale complies with all applicable provisions of law.

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2.17 BOARD ATTORNEY

The Tularosa Board of Education recognizes the need for quality legal counsel in light of the increasing complexity of statutes, regulations, and policies under which the district operates.

ROLE OF BOARD ATTORNEYS: The Board attorneys are retained by the Tularosa Board of Education as counsel for the Board to provide consultative legal service on any matter related to the operation of the district. The attorneys may be asked to provide legal advice, render legal opinions, prepare resolutions, review proposed Board actions, represent the Board in courts of law, or provide other legal service the Board or Superintendent may request on behalf of the district.

ACCESS TO THE ATTORNEYS AND COMMUNICATION OF ADVICE: The Board designates the Superintendent as the sole administrative access to the Board's attorneys. The Superintendent may on a needs basis, delegate the responsibility for contact with the attorneys to a member of the staff.

Each member of the Board of Education shall have access to the Board's attorneys and may request legal advice about school business from the attorneys, without prior Board action authorizing the question to be answered by the attorneys. Such requests for advice may be in writing, in person, or by telephone. The attorneys shall provide the advice in writing or provide a memorandum of the advice given orally. Such communication from the attorneys shall specify the person requesting the advice, the question presented, any background facts provided in connection with the question, and detail the legal analysis or advice provided. Copies of each letter or memorandum of advice shall be sent to each Board member and to the Superintendent of Schools.

Similarly, all advice requested by the Superintendent of Schools or any authorized administrators shall be answered in writing by the attorneys and a copy of such advice shall be provided to all Board members.

CONFIDENTIALITY OF ADVICE: All advice received from the attorneys is privileged under the attorney-client privilege and all recipients of such advice and the written memoranda thereof shall keep such advice strictly confidential.