

## INDEX 100 SERIES

**All policies have been adopted revised or readopted effective August 19, 1997 unless another date is listed at the end of an individual policy.**

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The corporate name of this school district is the Jemez Valley Public Schools, District #31. The board of education at its regular meeting of the month following a board election shall be organized by administering the oath of office to newly elected members and by electing its officers.

The board shall be composed of five members who are qualified electors of the state and residents of the district, who shall be elected for a term of four (4) years beginning the first day of the month following the month in which the election is held. Four members shall represent single member districts in which they reside; the fifth member shall be elected to an at-large seat. From among its members the board shall elect a president, vice-president and secretary.

Every member of the board before entering active service shall take and subscribe to an oath to support the Constitution and laws of the United States and the Constitution and laws of New Mexico and to faithfully and impartially discharge the duties of the office to the best of the member's ability.

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

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The Board of Education is the governing authority for the Jemez Valley Public Schools and has the power and authority set forth in the statutes (see policy 105) and the rules and regulations of the State Board of Education. The board also possesses such implied powers as are reasonably necessary to carry out its duties, functions and responsibilities provided that the policies the board adopts do not conflict with the laws of New Mexico nor the State Department of Education.

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

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The powers and duties of the board shall be conferred and prescribed by statute. The local school board shall have the following powers and duties:

- A. subject to the regulations of the state board of education,
- B. employ a superintendent of schools for the district and fix his/her salary;
- C. review and approve the school district budget,
- D. acquire, lease and dispose of property;

- E. have capacity to sue or be sued;
- F. acquire real estate by eminent domain as pursuant to the procedures provided in the Eminent Domain;
- G. issue general obligation bonds of the school district;
- H. provide for the repair and maintenance of all property belonging to the school district;
- I. 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 board;
- J. except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code;
- K. adopt rules pertaining to the administration of all powers and duties of the local school board;
- L. 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;
- M. offer and, upon compliance with the condition of such offer, to 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 destruction of school district property. All such rewards shall be paid from school district funds in accordance with regulations that shall be promulgated by the department of education.

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

### **Board Member Training**

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It shall be the commitment of every member of the board of education upon entering a term of office to engage in all training for board service required by New Mexico statutes and regulations. The board recognizes that continued training is necessary for board members to provide effective service to the community. Board members who participate in board-funded training and learning opportunities shall share with other board members the essence of what they have learned.

### **Policies of the Board of Education**

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Control of the schools by the board shall be exercised through the formation of policies governing the operation of the schools and the work of the board itself. The board delegates

to the superintendent the determination of the procedures and regulations necessary to operate the schools. These procedures and regulations must be consistent with board policy.

The board may from time to time alter or delete existing policies or add new policies to meet the changing needs of the board and the school district. No policy may be repealed, adopted, or altered until it has been reviewed at two public meetings of the board of education.

In emergency cases where action must be taken and where an adopted policy does not provide the needed direction, the superintendent shall have the power to act, but the decision shall be subject to review by the board. It shall be the duty of the superintendent to inform the board of such action and of the need for policy.

It shall be the duty of the superintendent to recommend needed policy manual changes in the months of July and October so that all board policies are in conformance with state and federal laws and regulations. It is the duty of the board to accept or reject or modify the superintendent's recommendations in conformance with state and federal laws and, as it sees fit, to seek external advice.

The superintendent shall post written notice to district employees of policy changes made by the board. Complete, current copies of the Board Policy Manual shall be available at each school's administration office, in each school library and teacher's lounge, the superintendent's office and in any community library in the school district, in the offices of each Tribal Governor and at each village office.

If any section, paragraph, clause or provision of this policy manual for any reason shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this manual or its application to other situations.

See policy 130-2.

## **Rolls and Lines of Communication**

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The Board of Education of the Jemez Valley School District, in the interests of clarifying the roles of the board, individual board members, the superintendent, and the administration in the governance and administration of the district, and to establish appropriate lines of communications according to such roles, adopts the following principles:

### **A. Communications Between the Board and the Administration**

1. The work of the district is best pursued when information is shared among the board members and the superintendent of the district;
2. All communications and distribution of information between the board and the administration should be through the superintendent of the district;

3. Administrative priorities are established between the board as a whole and the superintendent of the district, and implemented by the superintendent of the district;
4. The board's objectives and concerns should be communicated from the board to the administration exclusively through the superintendent of the district;
5. It is the superintendent's responsibility to prioritize and implement the board's directions and goals;
6. If the administration is to pursue the board's priorities efficiently, its attention and resources must not be diverted by individual board members without the assent of the entire board and the knowledge of the superintendent;
7. It is the superintendent's responsibility to bring administrative problems and concerns to the attention of the board;
8. Individual members of the board should not communicate directly with subordinate administrators about district business except through, or with the involvement of, the superintendent;
9. Communications from subordinate administrators to the board or to individual members of the board should go through the superintendent or should involve the superintendent;
10. Communications by electronic means including email are not confidential or subject to privacy claims. Any communication between board members should consider the possible disclosure of that communication to the public. In addition care should be taken to insure phone calls or e-mails do not constitute or create a rolling forum for purposes of decision making.

**B. Limits of Individual Board Members' Authority and Conduct**

1. Apart from duties specifically delegated to board officers by the entire board, the authority of the board lies with the board as a whole, and not with individual members of the board;
2. The publicly-issued views of individual members of the board should not be taken as representing those of other board members or of the board as a whole;
3. Subject to paragraph B.1, herein, individual members of the board have no authority to speak on the board's behalf in regard to any matter;
4. Subject to paragraph B.1, herein, individual members of the board have no authority to act on the board's behalf in regard to any matter;

5. It is the duty of board members to set overall direction and policy through the actions of the entire board;
6. Individual board members shall avoid direct involvement in administrative matters and should instead refer them to the superintendent or to the board;
7. Employees of the district are subject exclusively to the direction and supervision of the superintendent and as assigned to subordinate supervisors.
8. Subject to paragraph B. 1, herein, individual members of the board have no authority to direct or influence the actions of any district employee, directly or indirectly, in regard to any matter, and district employees are neither required nor authorized to follow the directions of individual board members. This provision shall not preclude communication between individual board members and employees in instances in which a child of the board member is a student at the district and legitimate concerns about the student's academic performance or conduct arise. However, the individual board member must be diligent and assure that his or her status as a board member is not used to gain different treatment or advantages for the student which are not available to other students in similar circumstances.
9. Subject to paragraph B.1, herein, and to the rights afforded to the public generally, individual members of the board may not divert the attention, the priorities, or the resources of the administration toward the individual member's concerns without the positive vote of the board, except for routine requests for information;
10. Individual members of the board have no authority to ignore district rules applicable to the general public regarding entry upon district premises, distribution of leaflets or other written materials on district premises, or contacts with district employees or students on district premises;
11. Any district employee who believes that a member of the board has engaged in threatening or coercive comments or conduct toward the employee to influence the employee in the discharge of his or her duties is encouraged to report such instances to the superintendent or to the board, and no such employee shall be subject to retaliation or reprisal;
12. Nothing herein should be construed as prohibiting the communication of views at meetings of the board by appropriate and non-disruptive means, including through written materials.

**C. Board Members' Communications with Parents, Employees, and Other Constituents**

1. Board duties involve both “legislative” and “adjudicative” functions and members’ ability to communicate with constituents differs depending on the nature of the matter to be addressed;
2. Board duties usually involve legislative functions, in which the board determines overall directions and policies, or makes rules, in areas of district business such as financial and budgetary policies, curricular and academic policies, student disciplinary policies, etc.;
3. The board and individual board members may and should be open to discussions with employees, parents, and other constituents at any time concerning current or proposed policy matters or actions by the board in establishing such policies and overall direction of the district;
4. Board duties also encompass adjudicative functions in which the board must review administrative decisions, or make final determinations, concerning the rights and obligations of individual students or employees, including disciplinary or employment matters that will or may become the subject of a hearing before the board;
5. Such adjudicative matters may be addressed only to the board as a whole by interested parties in the context of a board meeting convened to hear such matters;
6. Individual board members should strictly avoid involvement in any discussions concerning such adjudicative matters, regardless of whether such discussions are with persons who have a direct interest in the outcome of such matters, and regardless of whether such discussion is sought before, during, or after board adjudication;
7. With respect to parents, employees, or other constituents, who approach an individual board member with issues of their individual concern - including student academic, extra-curricular, or disciplinary matters, and employee performance or disciplinary matters - board members are to direct such persons to the appropriate administrator or to the superintendent for resolution, rather than becoming directly involved in such matters themselves; the board member must also exercise precaution in any discussion that the student’s privacy is not violated by disclosure of information other than directory information.
8. If a parent, employee, or other constituent has pursued an issue through the administration, including with the superintendent, and remains dissatisfied, he or she, or an individual board member, may request that the superintendent place the matter on the agenda

for a meeting of the board, and the board, in its discretion, may decide whether it wishes to consider the matter

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

### **Methods of Operation: Board**

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The board of education exercises legislative, evaluative and judicial authority over the schools in accordance with applicable laws. It determines policy, delegates executive, supervisory and instructional authority to its employees, and appraises the results achieved in light of the goals of the school system.

The board of education shall concern itself primarily with broad questions of policy and with the appraisal of results rather than with administrative detail. The application of policies is an administrative task to be performed by the superintendent and staff, and they shall be held responsible for the effective implementation of board policies. The superintendent shall be held responsible for communication with the board sufficiently effective to enable the board to fulfill its functions.

A member of the board of education is a public officer, but has no power or authority individually. The law vests power in the board, and not in the members thereof either individually or otherwise, and these powers must be exercised by the board as a board, meeting in regular or special called meetings, with action duly recorded in its minutes. An individual member may not disburse funds or direct staff or unilaterally represent the board on any issue without the collective authority of the board (see policy 209-2).

The board shall not be bound in any way by any action or statement on the part of any individual board member except when such statement or action is in pursuance of specific instructions from the board.

The board recognizes the importance of timely communication among board members and between the board and superintendent. The superintendent and board members are to be given prior notice of matters submitted by members for deliberation at board meetings.

See Policies 105, 160, 165.

### **Confidential Information**

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The Board of Education of the Jemez Valley School District 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:

- 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; and

-- matters relating to discussions of bargaining strategy preliminary to collective bargaining negotiations between the board and a bargaining unit representing the employees of the 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 the board members are honor-bound by the Code of Ethics for New Mexico school board members to respect 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 authorized to be closed by the Open Meetings Act shall be kept confidential unless the board authorizes disclosure by majority vote.

It shall be the duty of each board member to voluntarily excuse him/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 him/herself from such discussions and confidential information is disclosed as a result, the board may enforce this policy by:

- (a) requiring the board member to excuse him/herself from the future discussion of the same or similar matters and abstain from voting;
- (b) publicly censuring the board member; or
- (c) by such other remedies available under applicable state law.

See Policies 150, 160, 170.

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### **Officers of the Board: Duties**

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The president of the board shall preside at all meetings, shall appoint committees unless

otherwise directed by the board, and shall have the right, as other members of the board, to make or second motions, to discuss questions, and to vote. The president of the board may not act for or on behalf of the board without prior specific authority from a majority of the board to do so. All communications addressed to the president shall be turned over to the superintendent for appropriate action or consideration by the board.

The vice-president shall perform the duties of the president in the absence of the president. The secretary shall sign legal documents as required by law and perform such other duties as may be prescribed.

See policy 136-1.

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## **Committees of the Board**

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Temporary committees of the board may be formed for fact finding and study, the members to be appointed by the president. The duties and responsibilities of the committee and a tentative calendar for completion of its work shall be established at the time of each committee's creation. The committee will be considered dissolved upon submission of a final report.

When any standing committee is formed, with members appointed by the president, its duties and responsibilities shall be determined by the board prior to the beginning of its work. Any standing committee will be considered dissolved after each twelve months of its existence unless specifically authorized for continuance by a vote of the board.

When advisory committees are formed by the board, one board member may serve as an ex-officio member of the committee by appointment by the board president.

It is the duty of the board of education to make all employment decisions after hearing a recommendation from the superintendent. Accordingly, board members are not to serve on any committee formed for the purpose of screening, evaluating, interviewing and recommending to the superintendent candidates for employment by the district.

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## **Meetings of the Board / Open Meetings Resolution**

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### **A. REGULAR MEETINGS**

1. Regular meetings of the Board shall generally be held on the third Tuesday of each month at 5:30 P.M.
2. A 12-month schedule of regular meetings of the Board shall be published annually in the month of July in the "Albuquerque Journal", the "Jemez Thunder" and in any regularly published community newsletter; said schedule of regular meetings will be subject to change if deemed necessary.

3. The agenda of the meeting will be available at least twenty-four hours prior to the meeting from the Superintendent.
4. Notice of any other regular meetings will be given five (5) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
5. For purposes of regular meetings, notice requirements are met if notice of the date, time, place and agenda is placed in the Albuquerque Journal, the Jemez Thunder and in any regularly published community newsletter of general circulation in the district meeting the requirements of a legal publication, and faxed to the local radio station [insert station] and posted in the following locations: the local post offices, at the Office of the Pueblo Governors of Jemez and Zia, Mayor's Office of Jemez Springs and San Ysidro, and at each of the Jemez Valley Public School School's sites. The Board of Education Secretary shall also mail copies of the written notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
6. Notice of a regular meeting shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office of Jemez Valley Public Schools at 834-7391 at least one week prior to the meeting or as soon as possible.

**B. SPECIAL MEETINGS**

1. Special meetings may be called by the President of the Board or a majority of the members upon one (1) days advance notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.
2. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.
3. Notice requirements shall be met by posting notice of the date, time, place and agenda in the local post offices, at the Office of the Pueblo Governors of Jemez and Zia, Mayor's Office of Jemez Springs and San Ysidro, and at each of the Jemez Valley Public School units. The Board of Education Secretary shall also provide written or telephonic notice 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.

4. The notice shall also include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office of Jemez Valley Public Schools at 834-7391 at least one week prior to the meeting or as soon as possible.

### **C. EMERGENCY MEETINGS**

1. Emergency meetings will be called only under unforeseen 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 Board of Education will avoid emergency meetings whenever possible.
2. Emergency meetings may be called by the President or a majority of the members upon four (4) hours' notice, unless threat of personal injury or property damage require less notice.
3. 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.
4. Notice requirements shall be met by posting notice of the date, time, place and agenda in the local post offices, at the Office of the Pueblo Governors of Jemez and Zia, Mayor's Office of Jemez Springs and San Ysidro, and at each of the Jemez Valley Public School units. The Board of Education Secretary shall also provide written or telephonic notice 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.
5. The notice shall also include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office of Jemez Valley Public Schools at 834-7391 at least one week prior to the meeting or as soon as possible.

### **D. CLOSED MEETINGS**

The Board of Education may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) 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 Board of Education taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity calling for the vote on a closed meeting. The vote shall be taken in an open meeting and the vote of each individual member shall be recorded in the minutes. Only those subjects announce or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.
2. If the decision to hold a closed meeting is made when the Board of Education 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 stating with reasonable specificity the subjects to be discussed, is given to the members and to the general public.
3. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, 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 Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board of Education in an open public meeting.

**E. QUORUM**

1. The quorum for any meeting of the five-member Board shall be three members of the Board.
2. No formal action can be taken in any meeting at which a quorum is not present.

**F. TELECONFERENCES**

A Board member who is unable to attend a Board meeting may participate by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person. All participants in the meeting must also be able to hear each other at the same time and members of the public attending the meeting must also be able to hear the board member who attends the meeting by conference call.

**Revised and Adopted by the Jemez Valley Board of Education on October 19, 2004.**

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The superintendent, board president and secretary to the board shall prepare the agenda for each meeting of the board. As noted in policy 115, members of the board should notify the superintendent and/or board president of items they desire to be included on the agenda. In conformance with the letter and spirit of the Open Meetings Act, members are reminded that action items must be placed on the agenda at least twenty-four (24) hours prior to the meeting, and that the board discourages last-minute inclusion of items for discussion without prior notice to the public.

**Order of Business for Meetings**[Back to top](#)

The agenda for board meetings will customarily proceed in the order herein given. However, the order of business at any meeting may be changed by a majority of the quorum present. Any item in the Consent Agenda will be considered separately at the request of a board member during Approval of Agenda. Members of the board desiring to place an item on the agenda shall notify the board president or superintendent and provide any materials needed for the board packet in a timely fashion.

- I. Introduction
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Roll Call
  - D. Approval of Agenda
  - E. Approval of Minutes
- II. Superintendent's Report
- III. Other Reports
- IV. Public Comment
- V. Unfinished Business
- VI. New Business
- VII. Consent Agenda--Business
- VIII. Consent Agenda--Personnel
- IX. Closing
  - A. Advance Planning
  - B. Adjournment

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The board desires to use rules of procedure for its meetings which assist in the achievement of the following:

1. Meetings proceed efficiently.
2. The board acts by the decision of a majority of a quorum of its members, but with equal opportunity for all members to participate fully, whether in the majority on a given issue or not.
3. Decisions are made on the merits as determined by the voted conviction of a majority rather than from a manipulation of the procedural rules.

The rules of procedure on the following page are adopted for use. The president is authorized to declare the board's approval of the minutes, the agenda and adjournment when it is evident that no change or objection is being proposed. Similarly, the president may declare a recess or rule a motion out of order. After the agenda has been approved by the board, it must be followed unless a motion to consider something out of order is approved by a majority vote. The maker of a motion shall have the right to withdraw the motion at any time prior to its being voted on.

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The minutes of the meetings of the board of education shall include:

- A. the date, place and classification of the meeting (regular, special or emergency),
- B. the call to order stating the time and the name and office of the person presiding,
- C. the record of the roll call of board members,
- D. a notation of the presence or absence of the superintendent,
- E. a record of any change to the published agenda,
- F. a record of any corrections to the minutes of any previous meetings and the action approving them,
- G. a record of any communications, petitions or reports presented to the board,
- H. a record of each motion placed before the board and
  1. the member making the motion and the member seconding, if any, and
  2. the declaration of the person presiding that the motion passed or failed, and

3. the name of each person voting aye or nay on other than unanimous votes.

All reports, resolutions, agreements, and other written documents which require board action may be made part of the minutes by reference only, but shall be kept on file as part of the permanent record.

The minutes shall be permanently filed and kept in the superintendent's office after approval by the board. They shall be for inspection by any citizen at any time the superintendent's office is open during regular business hours. The minutes shall not be removed from the superintendent's office. If any board meeting is taped, the tape shall be erased after the board has approved the minutes for that meeting.

### **Vacancies on the Board**

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The seat of any member of the board, if the member misses four consecutive regular\* meetings, may be declared vacant by a majority vote of the remaining members of the board.

The seat of any member of the board, if the member misses six consecutive regular\* meetings, shall be vacant.

Any vacancy of a seat on the board created by reason of failure to attend meetings shall be filled in the same manner as other vacancies on the board are filled. Any member of the board whose seat is declared vacant or vacated by reason of failure to attend meetings shall not be eligible for the appointment to the local school board until the term for which the member was originally elected or appointed has expired.

A vacancy occurring in the membership of the 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.

A qualified person appointed to fill a vacancy occurring in the membership of the board shall hold that seat until the next regular school district election when an election shall be held to fill the vacancy for the unexpired term.

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

In the event vacancies occur in a majority of the full membership of a local school board, the state board 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 term.

\*For these purposes, a "regular meeting" is a meeting of the board at which a quorum is present, about which notice has been published and at which normal school district business is conducted. No two consecutive meetings may be counted for determining a board member's absence under this policy if at least seven days have not elapsed between the two

meetings.

## **Remuneration and Reimbursement for Board Members**

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There shall be no remuneration or mileage payments made to board members for attendance at board meetings.

Board members may not be employed in any capacity by the district during the term for which they are elected. Any expense incurred by board members for board business shall be reimbursed according to state law and board policy.

See policy 151.

## **Board Members' Relatives Doing Business With the School District**

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It is the intent of the board of education to allow lawful, open and fair bidding for all vendors wishing to do business with the district.

A. Where the vendor is a member of the immediate family of a school board member as defined herein, both parties shall adhere to the following requirements:

- \* The family member and board member(s) shall publicly disclose the relationship of the vendor to the board member and shall sign an affidavit stating that the board member has no financial interest in the business or transaction being considered and will not directly or indirectly profit from or receive compensation from the award of a contract.
- \* The board member shall not participate in the discussion or vote regarding the award of the contract, nor participate in the discussion or vote regarding payment of the contract.
- \* Action on such a contract shall be taken at a public meeting.

B. In the event a board member has a financial interest in the contract or transaction, the Board of Education reserves the right to grant a waiver from unlawful employee participation pursuant to NMSA 1978, Sections 13-1-190 and 13-1-194 of the Procurement Code, upon making the following findings:

- \* The financial interest of the board member has been publicly disclosed;
- \* The board member will be able to perform procurement functions without actual or apparent bias or favoritism;
- \* The board member's participation is in the best interest of the school district; and

- \* The board member abstains from discussion or vote on award of contract or payment under the contract after award.

In the event that the board determines that is in the best interest of the school district to waive unlawful employee participation, an affidavit stating the terms of the waiver have been complied with shall be completed by the participating employee(s) and appropriate school district officials and remain on file in the school district's business/finance department and in the procurement file for the applicable transaction.

C. Definitions--for purposes of this policy, the following definitions apply:

- \* "Immediate Family" means a spouse, children, parents, brothers, sisters, father-in-law, mother-in-law, son-in-law or daughter-in-law of a school board member.
- \* "Financial Interest" means holding a position in a business as officer, director, trustee or partner, or holding any position in management or ownership of more than five percent (5%) interest in a business.
- **"Employee" means an individual receiving a salary, wages, or per diem and mileage from a state agency or local public body whether elected or not and any non-compensated individual performing personal services as an elected or appointed official or otherwise for a state agency or a local public body.**

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

**Gifts and Gratuities--Board Members 151**

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Members of the board shall neither solicit nor accept personal gratuities, favors, nor anything of monetary value from contractors or merchants with whom the Jemez Valley Schools is doing business or who are attempting to sell goods or services to the schools. This policy does not preclude acceptance of food or drink of a social nature or participation in a social event.

**This policy also permits any vendor to underwrite trip expenses for board members considering the vendor's programs, products, services or equipment for purchase so long as all vendors who are potential bidders are given the same opportunity.**

See policy 249.

**Nepotism Prohibited 155**

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As provided in New Mexico Statutes, 1978 Compilation, 2003 Amendment, §22-5-6, a local superintendent shall not initially employ or approve the initial employment in any capacity

of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law of a member of the local school board or the local superintendent. The local school board may waive the nepotism rule for family members of a local superintendent.

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

**Code of Ethics of Jemez Valley Public School District Board of Education 160**

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The members of the board recognize that they hold authority as members of the board, not as individuals. To make a clear public statement of its philosophy of service to the students of the district, the board adopts the following Code of Ethics.

As a member of my local Board of Education, representing all the citizens of my School District, I recognize that:

1. I will uphold and enforce all laws, state board rules and regulations, and any court orders pertaining to schools. Desired changes should only be brought about through legal and ethical procedures.
2. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the needs of all children regardless of their ability, race, creed, gender or social standing.
3. I will confine my board action to policy making, planning, and evaluation, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
4. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
5. I will recognize that authority rests with the board and will make no personal promises nor take any private action that may compromise the board.
6. I will exercise my judgement independent of special interest or partisan political groups, nor will I use the schools for personal gain or for the gain of friends or relatives.
7. I will hold confidential all matters pertaining to the schools, that if disclosed, would needlessly injure individuals or the schools. But in all other matters, I will provide accurate information and in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools.
8. I will support and protect school personnel in the proper performance of their duties.
9. I will refer all complaints to the superintendent and will act on such complaints at public meetings only after failure of an administrative solution.

10. I will devote time, thought, and study to the duties and responsibilities of a school board member so that I may render effective and credible service.
11. I will keep an open mind and carefully consider all available facts in each situation before making a decision; render all decisions in open public meetings, making use of executive sessions as stipulated in the Open Meetings Act; vote my honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board and support the policy to my community.
12. I will work with my fellow Board members in a spirit of harmony, respect their rights and views, and make no critical remarks in or out of meetings about them or their opinions.

**Revised and Adopted by the Jemez Valley Board of Education on September 16, 2003.**

### **Participation of the Public in School Affairs**

**165**

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Residents of the community shall be encouraged to take an active part in school affairs and are invited to attend board meetings.

In keeping with the powers and duties of the board as promulgated by the legislature and stated in Board Policy 105, Powers & Duties of the Board, the code of ethics adopted by the board as Policy 160, and Policy 114 Roles and Lines of Communication, the board and its members shall refrain from substantive involvement in the day to day administration of the schools.

Board members will refer suggestions, problems and complaints about operational matters directly to the superintendent of schools for appropriate consideration and action. Matters requiring board decision will be placed on the board meeting agenda for consideration. Whenever a complaint regarding an employee is made directly to the board as a whole, the complaint shall be referred to the school superintendent for study and solution. Complaints regarding employees made to individual board members should be handled by asking the complainant to discuss the problem directly at the appropriate level. The superintendent should be kept informed by the board member as needed so that the board or board member can be apprised of all follow-up activity.

### **Access to Legal Counsel**

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Legal counsel for the Jemez Valley Public Schools is appointed to serve the Board of Education. The board president and superintendent are authorized to consult with the board's attorney(s) as needed. In the event of any dispute between the superintendent and the board, it shall be clearly understood that the board's attorney(s) shall represent the board's interests.

If the superintendent and board president refuse to consult with the board's legal counsel on

a matter raised by at least two members of the board, the attorney(s) shall respond to a request for information made in writing to the firm by the two members. The response from the attorney(s) shall be made available to the superintendent and/or board president and distributed to all members of the board.

Copies of written responses from legal counsel must be provided by the superintendent's office to board members within two weeks of receipt.

***No district employee may consult the board's legal counsel without permission of the superintendent.***