

## **ADVISORY 238**

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## BOARD POWERS AND RESPONSIBILITIES

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, either individually or otherwise, and these powers must be exercised by the Board at a public board meeting in regular or special called meetings, with action duly recorded in its minutes. The Board shall have the following powers or duties in accord with statutes.

- subject to the rules of the Secretary of Public Education, develop educational policies for the School District;
- employ a superintendent for the School District and fix the salary;
- review and approve the School District budget;
- acquire, lease and dispose of property;
- have the capacity to sue and be sued;
- acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code [42A-1-1 to 42A-1-33 NMSA 1978];
- issue general obligation bonds of the School District;
- provide for the repair and maintain all property belonging to the School District;
- 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;
- except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code [13-1-28 NMSA 1978];
- adopt rules pertaining to the administration of all powers or duties of the Local School Board;
- 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;

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- 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 destruction of School District property. All such rewards shall be paid from School District funds in accordance with rules promulgated by the Secretary of Public Education; and
- give prior approval for any educational program in a public school in the school district that is to be conducted, sponsored, carried on or caused to be carried on by a private organization or agency.

The Board shall, in accord with the Administrative Code of the Secretary of Education:

- approve and support the District's Educational Plan for Student Success (EPSS) and each school site-level EPSS action plan;
- employ and evaluate the Local Superintendent on an annual basis in accordance with Section 22-10-3.1 NMSA 1978;
- ensure that each member of the Board participates in a planned program of training which will assist in the performance of specified duties. ~~All Local School Board members must receive a total of five (5) hours of annual training.~~
  - ~~• For newly elected or appointed Local School Board members who are in office for less than a year, they shall receive three (3) of the five (5) hours from attending a training course developed by the State Public Education Department (PED) and sponsored by the New Mexico School Boards Association (NMSBA). This course shall be offered no later than three (3) months after a local school board election. The PED will periodically announce the dates of these courses which will cover numerous topics including PED policies and procedures, statutory powers and duties of local boards, legal concepts pertaining to public schools, finance and budget. For the additional two (2) hours of annual training for these new board members, these board members shall attend sessions sponsored by the NMSBA, approved by the PED.~~
  - ~~• For all existing local school board members, they shall attend five (5) hours of annual training sponsored by the NMSBA, approved by the PED.~~
    - ~~▪ In order to be credited with attendance at these courses, each attendee must comply with written attendance procedures established by the PED. Prior to September 1st, the NMSBA shall provide each local superintendent with a list of training hours earned annually by each local school board member.~~

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- delegate administrative and supervisory functions to the Local Superintendent;
- refrain from involvement in delegated administrative functions;
- review, revise as needed, and submit policies to PED on an annual basis;
- award diplomas to students who have successfully completed graduation requirements;
- ensure the alignment of District curricula with Content Standards with Benchmarks;
- ensure that District funds are appropriately managed and disbursed;
- be responsible for oversight of revenue and expenditures within the District budget;
- accept responsibility for ensuring the success of each school in the District.

The Board performs the following basic functions necessary to the discharging of its responsibilities: legislative, executive, and appraisal.

- The legislative function is the policy-making aspect of the school system. It is the policy of the Board to retain and exercise full legislative authority and control over the schools by adopting general policies or by acting directly in matters not covered by its policies.
- The executive function of the Board is concerned with placing in operation existing Board policy. Most of this function is delegated by the Board to its executive and administrative officer, the Superintendent.
- The appraisal function involves the determination of the efficiency of the school operation and an evaluation of the educational program of the District based on the policies as outlined in the policy manual.

School Board members in their first term shall complete at least ten (10) hours of mandatory training during their first year serving on the Board in courses approved by the State Public Education Department (PED). Training for new School Board members shall include:

- at least two (2) hours covering laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;
- at least two (2) hours covering public school finance, budgeting and fiduciary responsibilities of local school boards;

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- at least two (2) hours covering legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;
- at least two (2) hours covering effective governance practices and effective methods of supporting and supervising the local superintendent; and
- at least two (2) hours covering student achievement and student support services.

Mandatory training for all other school board members shall be approved by PED and shall include at least five (5) hours per year and shall cover:

- laws and department policies and procedures affecting local school boards or public schools, including ethics and school personnel;
- public school finance, budgeting and fiduciary responsibilities of local school boards and performance-based budgeting;
- a local school board's role in evaluating and improving student academic achievement and using data to set individual school goals for student academic achievement in each of the school district's public schools;
- a local school board's role in providing a safe learning environment conducive to improving student outcomes;
- legal concepts pertaining to local school boards and school districts, including the Open Meetings Act and the Inspection of Public Records Act;
- effective governance practices and effective methods of supporting and supervising the local superintendent; and
- other matters deemed relevant by the department.

In order to be credited with attendance at these courses, each attendee must comply with written attendance procedures established by the PED.

*Adopted:* date of manual adoption LEGAL

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 22-5-13 NMSA (1978)  
 6.29.1.9 NMAC

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