

# ADVISORY 245

*Note:* This material is written by NMSBA for informational purposes only, and not as legal advice. You may wish to consult with your attorney for further explanation and advice as to the content of this advisory.

## SUPERINTENDENT

The Board shall employ a Superintendent, who shall enforce the statutes of the state of New Mexico, the rules of the Secretary of Public Education, and the policies of the Local Board of the District. The Superintendent shall:

- carry out the educational policies and rules of the State Board and Local School Board;
- administer and supervise the School District;
- employ, fix the salaries of, assign, terminate or discharge all employees of the School District;
- prepare the School District budget based on public schools' recommendations for review and approval by the Local School Board and the department. The Local Superintendent shall tell each school principal the approximate amount of money that may be available for their school and provide a school budget template to use in making school budget recommendations;
- perform other duties as required by law, the department or the Local School Board.
- administer Local Board policies and state and federal regulations including the Public School Code;
- be accountable for student achievement, budget management, expenditure of funds, dissemination of information, District communications, and the development, implementation, and evaluation of the Educational Plan for Student Success (EPSS), and all other District business;
- attend all Board meetings or, when necessary, designate a licensed administrator to attend;
- ensure that school patrons and the public are informed and involved in the acquisition, planning, and development of school facilities, and that students are provided with adequate facilities which conform to state and federal mandates;
- ensure that all students are supervised; and
- administer and implement the District's approved staff accountability plan and procedures.

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The administration of the school system in all aspects is the responsibility of the Superintendent, whose functions shall be carried out in accordance with the policies of the Board.

The Superintendent may establish regulations for the administration of the District that are in compliance with applicable statutes or regulations of the Secretary of Public Education and the policies of the Board. These regulations are binding on the employees of this District and students in the schools.

### **Superintendent's Contract**

The Board may contract with a Superintendent for a term not to exceed three (3) years. The contract year for the Superintendent shall be twelve (12) months and shall begin on July 1 of the year and end on June 30. The Board will take action on an existing Superintendent's contract no later than February of the year the contract expires. The Board may extend the contract in the intervening year of a multiple year contract. The Superintendent's benefits shall be determined at the time of appointment or reappointment and shall be made part of the written contract. The Board may also issue a contract addendum outlining any specific conditions or requirements negotiated by the Board and the Superintendent that extend beyond the regular contractual provisions.

Notwithstanding the foregoing, the Board shall not, during any time between the date of a regular local election in which school board positions are on the ballot and sixty (60) days after the convening of the newly elected board or until sixty (60) days after a majority of a local school board has been appointed:

- Extend the Superintendent's contract; or
- Terminate the Superintendent without cause.

*Adopted:* date of manual adoption

LEGAL REF.: 22-5-14 NMSA  
22-10A-21 NMSA  
**SB 137 2024 regular session (TBD)**

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