

## **ADVISORY 239**

*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.

## SCHOOL BOARD MEETINGS

The Board shall determine, at least annually in a public meeting, what notice for a public meeting is reasonable when applied to the School District.

The Board shall transact all business at official meetings of the Board. These may be either regular, special, or emergency meetings, defined as follows:

- Regular meeting - a meeting of the members of a local school board at which at least a quorum is present, about which notice has been published, and at which normal school district business is transacted.
- Special meeting - an official legal-action meeting called between scheduled regular meetings to consider only specifically identified topics.
- Emergency meeting - an official legal-action meeting called due to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

A local school board shall hold at least one (1) regular meeting each month of the calendar year.

Every meeting of the Board, regular, special or emergency, shall be open to the public except for an executive session that is held in accordance with state law. A "meeting" is defined as the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action, that has been properly noticed, pursuant to law.

Beginning July 1, 2024, live audio and video webcasts of Board meetings shall be accessible through the District's website. The live webcast shall include a user interface that allows members of the public to submit written or verbal comments. The Superintendent may develop regulations or procedures related to the public's submission of written or verbal comments through the webcast medium. At the latest, the webcast shall begin as soon as practicable after the Board chair has called the meeting to order and shall terminate as soon as practicable after the meeting has adjourned. Recordings of the webcasts shall be posted on the District's website within one (1) week of the meeting's conclusion and shall be available for at least three (3) years following the date of the meeting unless the state records retention schedule provides otherwise.

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## Regular Board Meetings

The \_\_\_\_\_ of each calendar month is designated as the regular Board meeting date.

A regular meeting may be rescheduled by agreement of a majority of the Board.

Written notice of the date, hour, place, and subject (agenda) of each regular meeting of the Board shall be given as follows:

- Notice shall be posted at least ten (10) days preceding the scheduled time of the meeting, with the exception of an actual emergency, in which case such notice as is appropriate to the circumstances shall be given.
- Notice shall be posted in prominent places, convenient to the public, and available for reading at all time during the posting.
- The notice shall include a link or shall otherwise provide information to enable the public to access the live audio and video webcast of the meeting.
- The notice shall include an agenda or information as to when and where an agenda can be obtained at least seventy-two (72) hours prior to the meeting and posted on the District's web site, if one is available.

Every regular meeting of the Board shall be open to the public to listen and observe the actions of the Board.

## Special Board Meetings

Special meetings may be called whenever deemed necessary by the Board President or when requested by a majority of the Board. Written or telephoned notice of all special meetings shall be given to the members of the Board, and written notice shall be posted, at least three (3) days prior to the time stated for the meeting to convene. The notice shall include an agenda or information as to when and where an agenda can be obtained. The agenda shall be made available to the public at least seventy-two (72) hours prior to the special meeting and posted on the District's web site, if one is available. The Superintendent's office shall transmit copies of the written notice to those broadcast stations licensed by the federal communications commission (FCC) and newspapers of general circulation that have made written request for notice of public meetings. No business other than the matters specified in the notice shall be transacted at such meeting.

Special meetings shall be open to the public to listen and observe the actions of the Board.

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## Emergency Meetings

An "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

An emergency meeting may be called as necessary. The normal notice and posting of an agenda along with the requirement of discussing only agenda items is not required when the Board declares an emergency in accord with the statutory definition, but notice twenty-four (24) hours prior to the meeting is expected unless the emergency precludes such notice. The District must, within ten (10) days of taking action on an emergency matter, report to the attorney general's office the action taken and the circumstances creating the emergency. The requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

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In addition to the information specified above, all notices 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 of schools, at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Superintendent's Office, if a summary or other type of accessible format is needed."

*Adopted:* date of manual adoption

LEGAL REF.: 10-15-1 NMSA *et seq.*  
22-5-12 NMSA  
**SB 137 2024 regular session (TBD)**

CROSS REF.: BEC - Executive Sessions/Open Meetings  
BEDA - Notification of Board Meetings  
BEDB - Agenda  
BEDC - Quorum

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