

### **AGENDA ITEM EXECUTIVE SUMMARY**

- I. Public Education Commission Meeting Date: November 15, 2016
- II. Item Title: DISCUSSION AND POSSIBLE ACTION ON GOVERNING BODY OBSERVATION TOOL USED BY CSD
- III. Executive Summary and Proposed Motions:

#### **Request and Rationale**

The PEC's Performance Framework requires that schools "comply[] with governance requirements." The standard evaluates the schools on demonstrated compliance with "applicable laws, rules, and regulations relating to charter school governance through the adoption of and adherence to

- All required school policies;
- The Open Meetings Act and Inspection of Public Records Act;
- A conflicts of interest policy;
- An anti-nepotism policy;
- Governing body organization and membership rules (e.g., bylaws);
- Creation of required committees of the Governing Body;
- Governing body mandated training requirements;
- The governing body has a plan in place for body succession;
- Governing body members are replaced within 45 days of the vacancy occurring."

In order to support the annual evaluation of this indicator in the Performance Framework, CSD staff developed the attached observation tool and began visiting governing bodies as unannounced members of the public.

### 3. GOVERNANCE AND REPORTING

#### 3.a. Is the school complying with governance requirements?

**Meets Standard:**

☐ The school demonstrates compliance with applicable laws, rules, and regulations relating to charter school governance through the adoption of and adherence to

- All required school policies;
- The Open Meetings Act and Inspection of Public Records Act;
- A conflicts of interest policy;
- An anti-nepotism policy;
- Governing body organization and membership rules (e.g. bylaws);
- Creation of required committees of the Governing body;
- Governing body mandated training requirements;
- The Governing body has a plan in place for body succession;
- Governing body members are replaced within 45 days of the vacancy occurring.

**Working to Meet Standard:**

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.

#### 3.b. Is the school holding management accountable?

**Meets Standard:**

☐ The school demonstrates timely compliance with applicable laws, rules, and regulations relating to oversight of school management:

- (Head of School) The governing body provides a written annual evaluation of the head of school that holds the head of school accountable for performance expectations.
- (Partner Organizations) The governing body periodically reviews the relationship and contracts with a partner organization identified in the approved charter application, as may be amended.

**Working to Meet Standard:**

☐ The school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has instituted remedies that have resulted in compliance or prompt and sufficient movement toward compliance with law.

**Falls Far Below Standard:**

☐ Evidence shows that the school has not implemented the program in the manner described above; the program area(s) not implemented were material; and the school has not instituted remedies that have resulted in prompt and sufficient movement toward compliance with law.



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## Charter School SY-'17 Governing Body Observation Form

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### A. SUMMARY OF REVIEW AND REPORT

## B. CSD RECOMMENDATIONS

## C. OBSERVATION PRE-WORK (Completed by Observer Prior to Observation)

C.1. Meeting date:		
C.2. Meeting location:		
C.3. Beginning / End times of meeting:		
C.4. Observer(s):		
C.5. Number of required governing body members:		
C.6. Names of all governing body members:		
C.7. Name / title of head administrator:		
C.8. Website has copy of meeting agenda at least 72 hours prior to meeting: (YES/NO)		
C.9. Agenda includes the following: (YES/NO):	Date:	Time:
	Address:	Agenda Items:

## D. Observation

D.1. Actual begin / end time of meeting:	
D.2. Location is accessible and access is not limited:	
D.3. Number of Governing Body members in attendance:	
D.4. Names of Governing Body members in attendance / absent:	
D.5. Meeting begins with a roll call of Governing Body attendance:	
D.6. Number of school staff or employees reporting to the Governing Body during meeting and the names & titles of this Staff:	
D.7. Number of public in attendance:	
D.8. Robert Rules of Orders, parliamentary procedure, or other standard deliberative framework as determined by the school by laws are used to facilitate meeting:	
D.9. Governing Body does not go beyond agenda:	
D.10. No evidence of rolling quorum (where members have collectively met to discuss or take action outside of a noticed public meeting):	

<ul style="list-style-type: none"> <li>• This includes discussions OR votes by e-mail.</li> <li>• This includes discussions OR votes by phone.</li> </ul>	
D.11. Governing Body complies with duty to monitor staff and asks probing and meaningful questions:	
D.12. Governing Body evidences duty of good faith by conducting due diligence or requesting an understanding of a subject matter prior to a vote:	
D.13. Governing Body evidences knowledge of the school mission, vision, or contract requirements:	
D.14. The meeting is conducted in a professional manner and conflicts are resolved:	
D.15. Governing Body evidences duty not to administrate:	

### **E. BEST PRACTICES (not required)**

E.1. The governing body accesses and uses relevant information from multiple sources:	
E.2. The governing body allows appropriate time needed to discuss items:	
E.3. Governing body discusses both the positive and negative consequences of decisions:	
E.4. The Governing Body works towards consensus:	
E.5. The governing body takes time to reflect and evaluate their processes and actions:	
E.6. The Governing Body takes roll call votes in order to provide transparency in the voting process:	

### **F. OMA COMPLIANCE (required)**

#### **I. OPEN MEETINGS (OMA § 10-15-1 (B)-(F))**

F.I.1. Quorum Present:	
F.I.2. Governing Body discusses public policy, public: business, or takes action.	
F.I.3. Reasonable advance notice of the meeting has been provided to the public:	
F.I.4. Notice complies with the school's annual OMA resolution:	
F.I.5. Notice complies with the date, time, & location of the meeting:	
F.I.6. Public notice include an actual agenda or	

information on how the public may obtain a copy of the agenda:	
<b>II. Meeting Agenda (OMA § 10-15-1 (F))</b>	
F.II.1. Agenda include a list of specific items the governing body intends to discuss or transact at the meeting:	
F.II.2. Agenda clearly describe agenda items that the governing body intends to discuss or act on during the meeting in order to give adequate public notice:	
<b>III. Telephonic Participation (OMA § 10-15-1(C))</b>	
F.III.1. By law or rule authorizes members to participate by conference telephone or similar communication equipment:	
F.III.2. Governing Body or Governing Body member identifies why it is “difficult or impossible” for that member to attend the meeting in person:	
F.III.3. Each governing body member participating telephonically is identified when speaking:	
F.III.4. All participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting:	
<b>IV. Closed Meetings (OMA §§ 10-15-1 (H) &amp; (I))</b>	
F.IV.1. Motion for closed meeting made is made by a roll call vote:	
F.IV.2. The <b>authority for closure</b> and the <b>subject to be discussed</b> shall be stated with reasonable specificity in the motion calling for the vote on the closed meeting:	
F.IV.3. Subjects are limited to one of the following items: <ul style="list-style-type: none"> <li>• Discussion of the hiring, promotion, demotion, dismissal, assignment or resignation of a public employee, or the investigation or consideration of complaints or charges against a public employee.</li> <li>• Discussions of personally identifiable information about an individual student.</li> </ul>	

<ul style="list-style-type: none"> <li>• Discussions of collective bargaining strategy.</li> <li>• Discussions of sole source purchases that exceeds \$2500 or of the contents of competitive sealed proposals during the contract negotiation process.</li> <li>• Meeting with the GB counsel but only pertaining to threatened or pending litigation.</li> <li>• Discussion of the purchase acquisition or disposal of Real Property (Land) <ul style="list-style-type: none"> <li>○ Any other matter on the advice of the Governing Body's counsel where governing body has reasonably identified the subject and authority.</li> </ul> </li> </ul>	
F.IV.4. Following Closed Meeting. The governing body makes a statement that sufficiently conveys the following, "matters discussed in the closed meeting were limited only to those specified in the motion for closure":	
<b>V. Minutes (OMA § 10-15-1(G))</b>	
F.V.1. Draft minutes were available within 10 days:	
F.V.2. Minutes contain date, time and place of meeting:	
F.V.3. Include the names of all members of the governing body attending the meeting:	
F.V.4. Include the names of all members of the governing body that were absent from the meeting:	
F.V.5. Include a description of the substance of all proposals considered during the meeting; and	
F.V.6. A record of any decision made and votes taken that shows how <u>each</u> member voted: <ul style="list-style-type: none"> <li>• Unanimous votes are exempt from this requirement unless: <ul style="list-style-type: none"> <li>○ A governing body member abstains OR</li> <li>○ A roll call vote is required such as in the case of voting to close a meeting or open a meeting.</li> </ul> </li> </ul>	

F.V.7. Closed Meeting – Minutes record the <b>authority for closure</b> and the <b>subject discussed</b> :	
F.V.8. Closed Meeting -- Include the names of all members of the governing body attending the meeting:	
F.V.9. Closed Meeting – Minutes record a statement that sufficiently conveys the following, “matters discussed in the closed meeting were limited only to those specified in the motion for closure”:	
<b>G. NOTES</b>	
<b>G.1. Review of by laws or other materials:</b>	
<b>G.2. Record of conversation at meeting:</b>	
<b>G.3. Strengths:</b>	
<b>G.4. Concerns:</b>	
<b>G.5. Other:</b>	