

AGENDA ITEM EXECUTIVE SUMMARY

- I. **Public Education Commission Meeting Date:** February 12, 2016
- II. **Item Title:** Discussion And Possible Action On Policy Recommendation For Governance Changes
- III. **Executive Summary and Proposed Motions:**

A. **Policy Recommendation**

CSD is bringing forth a proposed policy for changes to governing body members. In addition to the proposed policy, CSD has provided a draft reporting form and the pages of the Board of Finance Application that would be required of schools making governance changes.

Proposed Motions:

- Move to adopt the Charter School Governing Body Changes policy statement and form presented in today's materials.

- Move to adopt the Charter School Governing Body Changes policy statement and form presented in today's materials, with the changes discussed on the record today.

- Move to convene present the Charter School Governing Body Changes policy statement and form presented in today's materials to the public for comment and consider the policy statement at the March meeting.

Policy Statement
Charter School Governing Body Changes

Background:

Section 8.10(b) of the charter contract requires schools to notify their authorizer within 30 (thirty) days of a member's resignation or designation of a new member and sign the appropriate forms to ensure that the governing body continues to qualify as a board of finance. The contract further requires the school to fill any vacancy on its governing body no later than 45 days from the vacancy or seek an extension for such appointment from the Authorizer in writing.

Policy:

- A. Resignation or removal of a governing body member
 - 1. Within 30 days of receiving notice of a governing body member's resignation or removing a governing body member, the governing body or its authorized representative shall provide notice to CSD on the "Change of Governing Body Membership Form" available in the PEC's document library.
 - 2. The "Change of Governing Body Membership Form" shall be accompanied by:
 - i. The governing body minutes showing the vote to remove the member, or
 - ii. The resigning member's signed and dated written resignation.
 - 3. At the next PEC meeting after receipt of a "Change of Governing Body Membership Form", CSD will notify the PEC of the resignation or removal of a governing body member on the "Ongoing Actions and Monitoring" document provided each month. Notice will remain on the document until the vacancy has been filled.
 - 4. If a vacancy is not filled within 45 days of receiving notice of a governing body member's resignation or removing a governing body member, and the school has not been granted an extension to fill the vacancy, or if the vacancy is not filled within the time granted as an extension the school will be added to the schools of concern agenda item for consideration of the PEC and potential corrective action.
- B. Designation of a new governing body member
 - 1. Within 30 days of the appointment of a new governing body member, the governing body or its authorized representative shall provide notice to CSD on the "Change of Governing Body Membership Form" available in the PEC's document library.
 - 2. The "Change of Governing Body Membership Form" shall be accompanied by:
 - i. An updated "STATEMENT OF GOVERNING BODY TO CONSULT WITH PED" signed by all current governing body members, and
 - ii. An "AFFIDAVIT OF GOVERNING BODY MEMBER" signed by the new governing body member and verified by a notary public.
 - 3. At the next PEC meeting after receipt of a "Change of Governing Body Membership Form", CSD will notify the PEC of the change in governing body membership on the "Ongoing Actions and Monitoring" document provided each month.
- C. Requests for extensions to fill a vacancy on the governing body
 - 1. If a vacancy cannot be filled within 45 days of receiving notice of a governing body member's resignation or removing a governing body member, the school shall request

Policy Statement
Charter School Governing Body Changes

in writing to charter.schools@state.nm.us an extension of exactly 30 days from the end of the original 45 day period to fill the vacancy. The request must be received from CSD prior to the expiration of the original 45 day period to fill the vacancy.

2. CSD shall grant the extension in writing, identifying the date on which the extension ends, and notify the school that if the vacancy is not filled within the time granted as an extension the school will be added to the schools of concern agenda item for consideration of the PEC and potential corrective action.

DRAFT

STATE CHARTER SCHOOL CHANGE OF GOVERNING BODY MEMBERSHIP FORM

Please complete and submit this form to: **Charter Schools Division**, Public Education Department, charter.schools@state.nm.us, Room 301, 300 Don Gaspar, Santa Fe, NM 87501

Name of State-Chartered School: _____

Date submitted: _____

Contact Name: _____

E-mail: _____

Governing Board Member Name	Action	Date of Action	Reason for removal or resignation	Term of Service
				From: To:
				From: To:
				From: To:

Original Signature of Governing Council President or Designee: _____ Date: _____

Printed Name of Governing Council President or Designee: _____

Required Attachments:

This Form **MUST** include each of the following, as applicable:

- i. Notices of Resignation or Removal
 - a. The governing body minutes showing the vote to remove the member, or
 - b. The resigning member’s signed and dated written resignation;
- ii. Notices of Designation:
 - a. An updated “STATEMENT OF GOVERNING BODY TO CONSULT WITH PED” signed by all current governing body members, and
 - b. An “AFFIDAVIT OF GOVERNING BODY MEMBER” signed by the new governing body member and verified by a notary public.

STATEMENT OF GOVERNING BODY TO CONSULT WITH PED

We, the undersigned, make up the governing body of the [insert name of school], located in _____, New Mexico.

In accordance with 6.80.4.16 NMAC, we agree to consult with the New Mexico Public Education Department on any matter not covered by the manual of accounting and budgeting before taking any action related to funds held as a board of finance.

We make this statement as part of [insert name of school]’s application to the Public Education Commission for status as a board of finance under 6.80.4.16 NMAC.

We understand that we must retain or hire a Licensed School Business Manager as soon as financial feasible and, thereafter, notify the New Mexico Public Education Commission within 30 days of hiring and/or changing in a Licensed School Business Manager for the school, and a new, signed “Affidavit of Financial Custodian” must be submitted.

We understand that we must submit an Affidavit of Governing Body Member to the Public Education Commission within 60 days of a change in membership of our governing body.

THE FOLLOWING MEMBERS OF THE [INSERT NAME OF SCHOOL] GIVE THE FOREGOING STATEMENT THIS ___ DAY OF _____, 2011.

- 1. _____
 [signature]

 [print]
- 2. _____
 [signature]

 [print]
- 3. _____
 [signature]

 [print]
- 4. _____
 [signature]

 [print]
- 5. _____
 [signature]

 [print]

Attach additional pages if membership exceeds five.

