

Policy Statement  
Charter School Governing Body Changes and Annual Notification

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.

The Commission requires schools to provide notice through the Commission's authorized representatives ~~notify the CSD~~ of any and all changes to governing body membership.

This policy establishes reasonable reporting requirements that are intended to enable to PEC to ensure compliance with Section 8.10(b) of the charter contract.

Policy:

A. Annual identification of the number of positions on the governing body

1. At the first governing body meeting of each fiscal year, every state-authorized charter school must identify the specific number of positions on the governing body (i.e., ranges are not acceptable) in a public vote. Each state-authorized charter school must also submit an annual report form to the PEC through its authorized representatives with this information.
2. A governing body may increase the number of members on the governing body through a public vote at any time during the year, but the governing body may not decrease the number of members until the first governing body meeting of the next fiscal year.
- ~~2-3.~~ Any and all changes to the number of positions on the governing body must be approved according to the school's bylaws during a public vote and must align with the school's bylaws or be accompanied by an amendment to the bylaws at the first meeting of the fiscal year.
4. If any change is made to the number of positions on the school's governing body, within a school year the school must notify the PEC through its authorized representatives ~~CSD~~ of the change within 30 days by sending a new annual report form and the governing body minutes to ~~the charter schools division email address~~ charter.schools@state.nm.us.
- ~~3.~~

B. 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 the PEC through its authorized representatives ~~CSD~~ on the "Change of Governing Body Membership Form" available ~~in on~~ the PEC's ~~document library~~ website.
  - i. If a member submits a letter of resignation or otherwise provides notice of resignation, the time for notifying the PEC begins on the date the communication is received by the school.
  - ii. If a member does not submit a letter of resignation or otherwise communicate the resignation, but is instead removed by a vote of the board the time for notifying the CSD begins on the date of the vote by the board.
2. The "Change of Governing Body Membership Form" shall be accompanied by:
  - i. The governing body minutes showing the vote to remove the member if the member did not submit a letter of resignation or otherwise communicate the resignation, or
  - ii. The resigning member's signed and dated written resignation letter or communication.

## Policy Statement

### Charter School Governing Body Changes and Annual Notification

3. At the next PEC meeting after receipt of a “Change of Governing Body Membership Form” is received, ~~CSD~~ the PEC’s authorized representatives 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 and/or until all required information is received.
  4. If a vacancy is not filled within 45 days or 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~~ as an agenda item for consideration of the PEC and potential corrective action.
- C. Designation of a new governing body member
1. Within 30 days of the vote to ~~appointment~~ of a new governing body member, the governing body or its authorized representative shall provide notice to ~~CSD~~ the PEC through its authorized representatives 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.
    - iii. The governing body minutes showing the vote to designate the member.
  3. At the next PEC meeting after receipt of a complete “Change of Governing Body Membership Form” and all required documentation, the PEC’s authorized representatives ~~CSD~~ will notify the PEC of the change in governing body membership on the “Ongoing Actions and Monitoring” document provided each month.
- D. 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 in writing to [charter.schools@state.nm.us](mailto: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~~ PEC’s authorized representatives prior to the expiration of the original 45 day period to fill the vacancy.
  2. The PEC’s authorized representatives ~~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.