

**WALATOWA HIGH CHARTER SCHOOL  
GOVERNING BOARD POLICIES AND PROCEDURES  
INDEX 100 SERIES**

**All policies have been adopted, revised or readopted effective September 28, 2011, unless another date is listed at the end of an individual policy.**

- 100 Organization of the Governing Board
- 101 Governing Board Legal Status and Authority
- 105 Powers and Duties of the Governing Board
- 106 Governing Board Member Training
- 110 Policies of the Governing board
- 114 Roles and Lines of Communication
- 115 Methods of Operation: Governing Board
- 116 Confidential Information
- 120 Officers of the Governing Board: Duties
- 125 Committees of the Governing Board
- 130 Meetings of the Governing Board/Open Meetings Resolution
- 134 Preparation of the Agenda
- 135 Order of Business for Meetings
- 136 Parliamentary Procedure
- 137 Minutes of the Meetings
- 140 Vacancies on the Governing Board
- 145 Remuneration and Reimbursement for Governing Board Members
- 150 Governing Board Members' Relatives Doing Business with the Charter School
- 151 Gifts and Gratuities--Board Members
- 155 Nepotism
- 160 Code of Ethics
- 165 Participation of the Public in School Affairs
- 170 Access to Legal Counsel
- 171 Audit and Finance Committee
- 172 Principal Selection Process

**Organization of the Governing Board 100**

The corporate name of this school is Walatowa High Charter School. The Governing Board shall be composed of seven members. New members will be appointed to vacancies by nomination and a majority vote of the current Governing Board members. Members will continue to be recruited until all vacancies are filled. Vacancies occur through the premature vacating of a position before the expiration of the position's term. If the number of Governing Board members then in office is less than a quorum, a vacancy on the Governing Board may be filled by approval of a majority of the Board members than in office or by sole remaining Board

members. Should a sole Governing Board member remain, that person may appoint up to three (3) additional board members.

### **Governing Board Legal Status and Authority 101**

The Governing Board is the governing authority for Walatowa High Charter School and has the power and authority set forth in the statutes (see policy 105) and the rules and regulations of the New Mexico Public Education Department. The board also possesses such implied powers as are reasonably necessary to carry out its duties, functions and responsibilities provided that the policies the board adopts do not conflict with the laws of New Mexico nor the New Mexico Public Education Department.

### **Powers and Duties of the Governing Board 105**

The powers and duties of the Governing Board shall be conferred and prescribed by statute.

The Governing Board shall have the following powers and duties:

- A. subject to the regulations of the New Mexico Public Education Department;
- B. employ a head of school for the charter school and fix his/her salary;
- C. review and approve the charter school budget.
- D. acquire, lease and dispose of property;
- E. have capacity to sue or be sued;
- F. creating standing committees such as School Finance, Audit and Facilities.
- G. provide for the repair and maintenance of all property belonging to WHCS.
- I. except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code;
- J. adopt rules pertaining to the administration of all powers and duties of the charter school governing board;
- K. accept or reject any charitable gift, grant, devise or bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of WHCS;

### **Board Member Training 106**

It shall be the commitment of every member of the governing board upon entering a term of office to engage in all training for board service required by New Mexico statutes and regulations. The Governing Board recognizes that continued training is necessary for board members to provide effective service to the community. Board members who participate in board-funded training and learning opportunities shall share with other board members the essence of what they have learned.

### **Policies of the Governing board 110**

Control of the charter school by the Governing Board shall be exercised through the formation of policies governing the operation of the charter school and the work of the board itself. The Governing Board delegates to the principal/head of school the determination of the procedures and regulations necessary to operate the charter school. These procedures and regulations must be consistent with board policy.

The Governing Board may from time to time alter or delete existing policies or add new policies to meet the changing needs of the board and the charter school. No policy may be repealed, adopted, or altered until it has been reviewed at two public meetings of the governing board. In emergency cases where action must be taken and where an adopted policy does not provide the needed direction, the Principal shall have the power to act, but the decision shall be subject to review by the Governing Board. It shall be the duty of the Principal to inform the board of such action and of the need for policy.

It shall be the duty of the Principal to recommend needed policy manual changes in the months of July and October so that all board policies are in conformance with state and federal laws and regulations. It is the duty of the Governing Board to accept or reject or modify the principal's recommendations in conformance with state and federal laws and, as it sees fit, to seek external advice.

The Principal shall post written notice to charter school employees of policy changes made by the board. Complete, current copies of the Governing Board Policy Manual shall be available at the charter school's administration office.

If any section, paragraph, clause or provision of this policy manual for any reason shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this manual or its application to other situations.

See policy 130-2.

#### **Rolls and Lines of Communication 114**

The Governing board of Walatowa High Charter School, in the interests of clarifying the roles of the Governing Board, individual board members, the Principal, and the administration in the governance and administration of the charter school, and to establish appropriate lines of communications according to such roles, adopts the following principles:

##### **A. Communications Between the Governing Board and the Administration**

1. The work of the charter school is best pursued when information is shared among the Governing Board members and the principal of the charter school;
2. All communications and distribution of information between the governing board and the charter school staff should be through the principal of the charter school;
3. Administrative priorities are established between the governing board as a whole and the principal of the charter school, and implemented by the principal of the charter school;
4. The Governing Board's objectives and concerns should be communicated from the governing board to the staff exclusively through the principal of the charter school;
5. It is the principal's responsibility to prioritize and implement the Governing Board's directions and goals;
6. If the administration is to pursue the governing board's priorities efficiently, its attention and resources must not be diverted by individual board members without the assent of the entire board and the knowledge of the principal;
7. It is the principal's responsibility to bring administrative problems and concerns to the attention of the governing board;

8. Individual members of the Governing Board should not communicate directly with subordinate administrators about charter school business except through, or with the involvement of, the principal;
9. Communications from subordinate administrators to the Governing Board or to individual members of the board should go through the principal or should involve the principal;
10. Communications by electronic means including email are not confidential or subject to privacy claims. Any communication between Governing Board members should consider the possible disclosure of that communication to the public. In addition care should be taken to insure phone calls or e-mails do not constitute or create a rolling forum for purposes of decision making.

#### **B. Limits of Individual Governing Board Members' Authority and Conduct**

1. Apart from duties specifically delegated to Governing Board officers by the entire board, the authority of the Governing Board lies with the board as a whole, and not with individual members of the board;
2. The publicly-issued views of individual members of the Governing Board should not be taken as representing those of other board members or of the board as a whole;
3. Subject to paragraph B.1, herein, individual members of the Governing Board have no authority to speak on the board's behalf in regard to any matter;
4. Subject to paragraph B.1, herein, individual members of the Governing Board have no authority to act on the board's behalf in regard to any matter;
5. It is the duty of Governing Board members to set overall direction and policy through the actions of the entire board;
6. Individual Governing Board members shall avoid direct involvement in administrative matters and should instead refer them to the principal or to the entire board;
7. Employees of the charter school are subject exclusively to the direction and supervision of the principal and as assigned to subordinate supervisors.
8. Subject to paragraph B. 1, herein, individual members of the Governing Board have no authority to direct or influence the actions of any charter school employee, directly or indirectly, in regard to any matter, and charter school employees are neither required nor authorized to follow the directions of individual governing board members. This provision shall not preclude communication between individual board members and employees in instances in which a child of the board member is a student at the charter school and legitimate concerns about the student's academic performance or conduct arise. However, the individual board member must be diligent and assure that his or her status as a Governing Board member is not used to gain different treatment or advantages for the student which are not available to other students in similar circumstances.
9. Subject to paragraph B.1, herein, and to the rights afforded to the public generally, individual members of the Governing Board may not divert the attention, the priorities, or the resources of the administration toward the individual member's concerns without the positive vote of the board, except for routine requests for information;
10. Individual members of the Governing Board have no authority to ignore charter school rules applicable to the general public regarding entry upon charter school premises, distribution of

leaflets or other written materials on charter school premises, or contacts with charter school employees or students on charter school premises;

11. Any charter school employee who believes that a member of the Governing Board has engaged in threatening or coercive comments or conduct toward the employee to influence the employee in the discharge of his or her duties is encouraged to report such instances to the principal or to the board, and no such employee shall be subject to retaliation or reprisal;

12. Nothing herein should be construed as prohibiting the communication of views at meetings of the Governing Board by appropriate and non-disruptive means, including through written materials.

### **C. Governing Board Members' Communications with Parents, Employees, and Other Constituents**

1. Governing Board duties usually involve legislative functions, in which the board determines overall directions and policies, or makes rules, in areas of charter school business such as financial and budgetary policies, curricular and academic policies, student disciplinary policies, etc.;

2. The Governing Board and individual board members may and should be open to discussions with employees, parents, and other constituents at any time concerning current or proposed policy matters or actions by the board in establishing such policies and overall direction of the charter school;

3. Governing Board duties also encompass adjudicative functions in which the board must review administrative decisions, or make final determinations, concerning the rights and obligations of individual students or employees, including disciplinary or employment matters that will or may become the subject of a hearing before the governing board;

5. Such adjudicative matters may be addressed only to the Governing Board as a whole by interested parties in the context of a board meeting convened to hear such matters;

6. Individual Governing Board members should strictly avoid involvement in any discussions concerning such adjudicative matters, regardless of whether such discussions are with persons who have a direct interest in the outcome of such matters, and regardless of whether such discussion is sought before, during, or after board adjudication;

7. With respect to parents, employees, or other constituents, who approach an individual governing board member with issues of their individual concern - including student academic, extra-curricular, or disciplinary matters, and employee performance or disciplinary matters – Governing Board members are to direct such persons to the principal for resolution, rather than becoming directly involved in such matters themselves; the board member must also exercise precaution in any discussion that the student's privacy is not violated by disclosure of information other than directory information.

8. If a parent, employee, or other constituent has pursued an issue through the administration, i.e. with the principal, and remains dissatisfied, he or she, or an individual board member, may request that the principal place the matter on the agenda for a meeting of the board, and the board, in its discretion, may decide whether it wishes to consider the matter.

### **Methods of Operation: Governing Board 115**

The Governing Board exercises legislative, evaluative and judicial authority over the charter school in accordance with applicable laws. It determines policy, delegates executive, supervisory and instructional authority to its employees, and appraises the results achieved in light of the goals of the school system.

The Governing Board shall concern itself primarily with broad questions of policy and with the appraisal of results rather than with administrative detail. The application of policies is an administrative task to be performed by the principal and staff, and they shall be held responsible for the effective implementation of board policies. The principal shall be held responsible for communication with the board sufficiently effective to enable the governing board to fulfill its functions.

A member of the Governing Board has no power or authority individually. The law vests power in the governing board, whole, not in the members thereof either individually or otherwise, and these powers must be exercised by the board as a board, meeting in regular or special called meetings, with action duly recorded in its minutes. An individual member may not disburse funds or direct staff or unilaterally represent the board on any issue without the collective authority of the governing board (see policy 209-2). The Governing Board shall not be bound in any way by any action or statement on the part of any individual board member except when such statement or action is in pursuance of specific instructions from the board.

The Governing Board recognizes the importance of timely communication among board members and between the board and principal. The principal and board members are to be given prior notice of matters submitted by members for deliberation at governing board meetings.

See Policies 105, 160, 165.

### **Confidential Information 116**

The Governing Board of Walatowa High Charter School recognizes that confidential information will be brought to the attention of individual board members and/or the board as a whole pertaining to, but not limited to, the following:

- matters relating to the employment or dismissal of, or charges against, specific charter school personnel;
- matters relating to litigation or proposed litigation in which the board is or may become a party, or attorney-client communications;
- consideration of the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor;
- consideration of wages and benefits during salary discussions;
- consideration of suspension, expulsion, or disciplinary action in connection with a student;
- matters relating to the security of students, personnel, visitors, and/or school property;

The Governing Board further recognizes that public disclosure of such information may result in injury to individuals or potential harm and possible liability to the charter school and that the board members must respect confidentiality of information that is privileged under applicable law. It is the policy of the board that board members shall discuss or disclose confidential information only in connection with legitimate charter school business and only with individuals with a legitimate right to know. All information discussed or documents provided to members of the governing board which fall within the categories listed above or which are authorized to

be closed by the Open Meetings Act shall be kept confidential unless the board authorizes disclosure by majority vote.

It shall be the duty of each Governing Board member to voluntarily excuse him/herself from discussions of confidential information and abstain from voting on matters in which the board member has a personal or financial interest, including an interest by a member of the board's immediate family, or where the board member's participation will or may compromise the confidential nature of the discussion. Where a governing board member fails or refuses to voluntarily excuse him/herself from such discussions and confidential information is disclosed as a result, the board may enforce this policy by:

- (a) requiring the governing board member to excuse him/herself from the future discussion of the same or similar matters and abstain from voting;
- (b) publicly censuring the governing board member; or
- (c) by such other remedies available under applicable state law.

See Policies 150, 160, 170.

### **Officers of the Governing Board: Duties 120**

The President of the Governing Board shall preside at all meetings, shall appoint committees unless otherwise directed by the board, and shall have the right, as other members of the board, to make or second motions, to discuss questions, and to vote. The President of the Governing Board may not act for or on behalf of the board without prior specific authority from a majority of the board to do so. All communications addressed to the president shall be turned over to the principal for appropriate action or consideration by the board.

The Vice-President shall perform the duties of the president in the absence of the president.

The Secretary shall sign legal documents as required by law and perform such other duties as may be prescribed.

See policy 136-1.

### **Committees of the Governing Board 125**

Temporary committees of the Governing Board may be formed for fact finding and study, the members to be appointed by the president. The duties and responsibilities of the committee and a tentative calendar for completion of its work shall be established at the time of each committee's creation. The committee will be considered dissolved upon submission of a final report.

When any standing committee is formed, with members appointed by the president, its duties and responsibilities shall be determined by the governing board prior to the beginning of its work. Any standing committee will be considered dissolved after each twelve months of its existence unless specifically authorized for continuance by a vote of the board.

When advisory committees are formed by the board, one board member may serve as an ex-officio member of the committee by appointment by the governing board president.

It is the duty of the governing board to recognize that the principal is solely responsible to make all employment decisions at the charter school. Accordingly, governing board members are not to serve on any committee formed for the purpose of screening, evaluating, interviewing and recommending to the principal candidates for employment by the charter school.

## **Meetings of the Board / Open Meetings Resolution 130**

### **A. REGULAR MEETINGS**

1. Regular meetings of the Governing Board shall generally be held on the third Wednesday of each month at 6:00 P.M.
2. A 12-month schedule of regular meetings of the Governing Board shall be published annually in any regularly published community newsletter and on the school website; said schedule of regular meetings will be subject to change if deemed necessary.
3. The final agenda of the meeting will be available at least twenty-four hours prior to the meeting from the Principal.
4. Notice of any other regular meetings will be given at least (3) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
5. For purposes of regular meetings, notice requirements are met if notice of the date, time, place and agenda is faxed/mailed to local agencies, schools, Offices of Local Pueblo Governors and/or posted in the following locations: WHCS administrative offices, local post office, at the Office of the Pueblo Governors of Jemez and Zia, the Jemez Valley Public School offices.
6. Notice of a regular meeting 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 Administrative Office of Walatowa High Charter School at 834-0448 at least one week prior to the meeting or as soon as possible.

### **B. SPECIAL MEETINGS**

1. Special meetings may be called by the President of the Governing Board or a majority of the members upon one (1) days advance notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.
2. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.
3. Notice requirements shall be met by posting notice of the date, time, place and agenda in the local post office, at the Office of the Pueblo Governors of Jemez and Zia, Jemez Valley Public School offices and at Walatowa High Charter School offices.
4. The notice shall also 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 Administrative Office of Walatowa High Charter School at 834-0448 at least one week prior to the meeting or as soon as possible.

### **C. EMERGENCY MEETINGS**

1. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Governing Board will avoid emergency meetings whenever possible.
2. Emergency meetings may be called by the Governing Board President or a majority of the members upon four (4) hours' notice, unless threat of personal injury or property damage require less notice.



3. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
4. Notice requirements shall be met by posting notice of the date, time, place and agenda in the local post offices, at the Office of the Pueblo Governors of Jemez and Zia, and at Walatowa High Charter School offices.
5. The notice shall also 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 Administrative Office of Walatowa High Charter School at 834-0448 at least one week prior to the meeting or as soon as possible.

#### **D. CLOSED MEETINGS**

The Governing Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

1. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Governing Board taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity calling for the vote on a closed meeting. The vote shall be taken in an open meeting and the vote of each individual member shall be recorded in the minutes. Only those subjects announce or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.
2. If the decision to hold a closed meeting is made when the Governing Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and stating with reasonable specificity the subjects to be discussed, is given to the members and to the general public.
3. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
4. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Governing Board in an open public meeting.

#### **E. QUORUM**

1. The quorum for any meeting of the current five-member Board shall be three members of the Board.
2. No formal action can be taken in any meeting at which a quorum is not present.

#### **F. TELECONFERENCES**

A Governing Board Member who is unable to attend a Board meeting may participate by means of a conference telephone, computer transmitted service via Skype or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person. All participants in the meeting must also be able to hear each

other at the same time and members of the public attending the meeting must also be able to hear the governing board member who attends the meeting by conference call.

#### **Preparation of the Agenda 134**

The principal, governing board president and secretary to the governing board shall prepare the agenda for each meeting of the board. As noted in policy 115, members of the board should notify the principal and/or board president of items they desire to be included on the agenda. In conformance with the letter and spirit of the Open Meetings Act, members are reminded that action items must be placed on the agenda at least twenty-four (24) hours prior to the meeting, and that the board discourages last-minute inclusion of items for discussion without prior notice to the public.

#### **Order of Business for Meetings 135**

The agenda for governing board meetings will customarily proceed in the order herein given. However, the order of business at any meeting may be changed by a majority of the quorum present. Any item in the Consent Agenda will be considered separately at the request of a board member during Approval of Agenda. Members of the governing board desiring to place an item on the agenda shall notify the governing board president or principal and provide any materials needed for the board packet in a timely fashion.

##### I. Introduction

- A. Call to Order
- B. Roll Call
- C. Approval of Agenda
- D. Approval of Minutes

##### II. Principal's Report

##### III. Other Reports such as Business Manager

##### IV. Public Comment

##### V. Unfinished Business

##### VI. New Business

##### VII. Closing

- A. Advance Planning
- B. Adjournment

#### **Parliamentary Procedure 136**

The board desires to use rules of procedure for its meetings which assist in the achievement of the following:

1. Meetings proceed efficiently.
2. The Governing Board acts by the decision of a majority of a quorum of its members, but with equal opportunity for all members to participate fully, whether in the majority on a given issue or not.
3. Decisions are made on the merits as determined by the voted conviction of a majority rather than from a manipulation of the procedural rules.

Roberts Rules of Order is adopted for use. The governing board president is authorized to declare the board's approval of the minutes, the agenda and adjournment when it is evident that no change or objection is being proposed. Similarly, the board president may declare a recess or rule a motion out of order. After the agenda has been approved by the governing board, it must be followed unless a motion to consider something out of order is approved by a majority vote. The maker of a motion shall have the right to withdraw the motion at any time prior to its being voted on.

### **Minutes of the Meetings 137**

The minutes of the meetings of the governing board shall include:

- A. the date, place and classification of the meeting (regular, special or emergency),
- B. the call to order stating the time and the name and office of the person presiding,
- C. the record of the roll call of board members,
- D. a notation of the presence or absence of the principal,
- E. a record of any change to the published agenda,
- F. a record of any corrections to the minutes of any previous meetings and the action approving them,
- G. a record of any communications, petitions or reports presented to the governing board,
- H. a record of each motion placed before the board and
  1. the member making the motion and the member seconding, if any, and
  2. the declaration of the person presiding that the motion passed or failed, and
  3. the name of each person voting aye or nay on other than unanimous votes.

All reports, resolutions, agreements, and other written documents which require board action may be made part of the minutes by reference only, but shall be kept on file as part of the permanent record.

The minutes shall be permanently filed and kept in the principal's office after approval by the board. They shall be for inspection by any citizen at any time the principal's office is open during regular business hours. The minutes shall not be removed from the principal's office. If any board meeting is taped, the tape shall be erased after the board has approved the minutes for that meeting.

### **Vacancies on the Governing Board 140**

The seat of any member of the governing board, if the member misses four consecutive regular\* meetings, may be declared vacant by a majority vote of the remaining members of the board.

The seat of any member of the governing board, if the member misses six consecutive regular\* meetings, shall be vacant. Any vacancy of a seat on the board created by reason of failure to attend meetings shall be filled in the same manner as other vacancies on the board are filled.

A vacancy occurring in the membership of the board shall be filled at an open meeting at which a quorum of the membership is present, by a majority vote of the remaining members appointing a qualified person to fill the vacancy.

A qualified person appointed to fill a vacancy occurring in the membership of the governing board shall hold that seat until the board can select and approve a candidate to fill the vacancy for the formal term.

\*For these purposes, a "regular meeting" is a meeting of the board at which a quorum is present, about which notice has been published and at which normal charter school business is conducted. No two consecutive meetings may be counted for determining a board member's absence under this policy if at least seven days have not elapsed between the two meetings.

#### **Remuneration and Reimbursement for Governing Board Members 145**

There shall be no remuneration or mileage payments made to governing board members for attendance at board meetings.

Board members may not be employed in any capacity by the charter school during the term for which they are elected. Any expense incurred by board members for board business shall be reimbursed according to state law and board policy.

See policy 151.

#### **Governing Board Members' Relatives Doing Business With the Charter school 150**

##### **Conflict of Interest.**

It is the intent of the Governing Board to allow lawful, open and fair bidding for all vendors wishing to do business with the charter school.

A. Where the vendor is a member of the immediate family of a school board member as defined herein, both parties shall adhere to the following requirements:

\* The family member and governing board member(s) shall publicly disclose the relationship of the vendor to the board member and shall sign an affidavit stating that the board member has no financial interest in the business or transaction being considered and will not directly or indirectly profit from or receive compensation from the award of a contract.

\* The governing board member shall not participate in the discussion or vote regarding the award of the contract, nor participate in the discussion or vote regarding payment of the contract.

\* Action on such a contract shall be taken at a public meeting.

B. In the event a governing board member has a financial interest in the contract or transaction, the Governing Board reserves the right to grant a waiver from unlawful employee participation pursuant to NMSA 1978, Sections 13-1-190 and 13-1-194 of the Procurement Code, upon making the following findings:

\* The financial interest of the governing board member has been publicly disclosed;

\* The governing board member will be able to perform procurement functions without actual or apparent bias or favoritism;

\* The governing board member's participation is in the best interest of the charter school; and

\* The governing board member abstains from discussion or vote on award of contract or payment under the contract after award.

In the event that the governing board determines that is in the best interest of the charter school to waive unlawful employee participation, an affidavit stating the terms of the waiver have been complied with shall be completed by the participating employee(s) and appropriate charter school officials and remain on file in the charter school's business/finance department and in the procurement file for the applicable transaction.

C. Definitions--for purposes of this policy, the following definitions apply:

\* "Immediate Family" means a spouse, children, parents, brothers, sisters, father-in-law, mother-in-law, son-in-law or daughter-in-law of a governing board member.

\* "Financial Interest" means holding a position in a business as officer, director, trustee or partner, or holding any position in management or ownership of more than five percent (5%) interest in a business.

• **"Employee" means an individual receiving a salary, wages, or per diem and mileage from a state agency or local public body whether elected or not and any non-compensated individual performing personal services as an elected or appointed official or otherwise for a state agency or a local public body.**

### **Gifts and Gratuities—Governing Board Members 151**

Members of the Governing Board shall neither solicit nor accept personal gratuities, favors, nor anything of monetary value from contractors or merchants with whom Walatowa High Charter School is doing business or who are attempting to sell goods or services to the charter school. This policy does not preclude acceptance of food or drink of a social nature or participation in a social event.

**This policy also permits any vendor to underwrite trip expenses for governing board members considering the vendor's programs, products, services or equipment for purchase so long as all vendors who are potential bidders are given the same opportunity.**

See policy 249.

### **Nepotism Prohibited 155**

As provided in New Mexico Statutes, 1978 Compilation, 2003 Amendment, §22-5-6, a local principal shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law of a member of the governing board or the principal. The governing board may waive the nepotism rule for family members of the principal.

### **Code of Ethics of Charter School Governing Board 160**

The members of the board recognize that they hold authority as members of the governing board, not as individuals. To make a clear public statement of its philosophy of service to the students of the charter school, the board adopts the following Code of Ethics.

As a member of my local Governing board, representing all the constituents of my Walatowa High Charter School, I recognize that:

1. I will uphold and enforce all laws, state rules and regulations, and any court orders pertaining to charter schools. Desired changes should only be brought about through legal and ethical procedures.
2. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain a public charter school that meet the needs of all children regardless of their ability, race, creed, gender or social standing.
3. I will confine my governing board action to policy making, planning, and evaluation, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

4. I will carry out my responsibility, not to administer the charter school, but, together with my fellow governing board members, to see that the school is well run.
5. I will recognize that authority rests with the governing board and will make no personal promises nor take any private action that may compromise the board.
6. I will exercise my judgment independent of special interest or partisan political groups, nor will I use the charter school for personal gain or for the gain of friends or relatives.
7. I will hold confidential all matters pertaining to the charter school, that if disclosed, would needlessly injure individuals or the charter school. But in all other matters, I will provide accurate information and in concert with my fellow board members, interpret to the staff the aspirations of the community for our charter school.
8. I will support and protect school personnel in the proper performance of their duties.
9. I will refer all complaints to the principal and will act on such complaints at public meetings only after failure of an administrative solution.
10. I will devote time, thought, and study to the duties and responsibilities of a school board member so that I may render effective and credible service.
11. I will keep an open mind and carefully consider all available facts in each situation before making a decision; render all decisions in open public meetings, making use of executive sessions as stipulated in the Open Meetings Act; vote my honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Governing Board and support the policy to my community.
12. I will work with my fellow Governing Board members in a spirit of harmony, respect their rights and views, and make no critical remarks in or out of meetings about them or their opinions.

#### **Participation of the Public in Charter School Affairs 165**

Residents of the community shall be encouraged to take an active part in school affairs and are invited to attend governing board meetings.

In keeping with the powers and duties of the governing board as promulgated by the legislature and stated in Governing Board Policy 105, Powers & Duties of the Governing Board, the code of ethics adopted by the board as Policy 160, and Policy 114 Roles and Lines of Communication, the governing board and its members shall refrain from substantive involvement in the day to day administration of the charter school.

Governing Board members will refer suggestions, problems and complaints about operational matters directly to the principal of charter school for appropriate consideration and action.

Matters requiring governing board decision will be placed on the board meeting agenda for consideration. Whenever a complaint regarding an employee is made directly to the board as a whole, the complaint shall be referred to the school principal for study and solution.

Complaints regarding employees made to individual board members should be handled by asking the complainant to discuss the problem directly at the appropriate level. The principal should be kept informed by the board member as needed so that the board or board member can be apprised of all follow-up activity.

### **Access to Legal Counsel 170**

Legal counsel for Walatowa High Charter School is appointed to serve the Governing board. The governing board president and principal are authorized to consult with the board's attorney(s) as needed. In the event of any dispute between the principal and the board, it shall be clearly understood that the board's attorney(s) shall represent the board's interests.

If the principal and board president refuse to consult with the board's legal counsel on a matter raised by at least two members of the board, the attorney(s) shall respond to a request for information made in writing to the firm by the two members. The response from the attorney(s) shall be made available to the principal and/or board president and distributed to all members of the board.

Copies of written responses from legal counsel must be provided by the principal's office to board members within two weeks of receipt.

***No charter school employee may consult the board's legal counsel without permission of the principal.***

### **Finance and Audit Committee 171**

The Finance and Audit Committee is responsible for monitoring executive compliance with fiscally related Policies and Bylaws, reviewing the annual budget, the financial audit, establishing procedures for the periodic audit of educational programs and services; and reporting to the Governing Board. The Board policies to be monitored include: Financial Planning and Budgeting, Asset Protection, and Financial Condition and Activity. The Committees shall also identify the information required for adequate monitoring, and establish a schedule for monitoring reports. The Committees will review the proposed annual budget to ensure that they meet policy criteria. The Committee shall review the annual audit report and discuss the findings with the Governing Board.

### **Principal Selection Process 172**

This fact sheet summarizes the process for selecting Principals, and individuals who are participating in the process. **Governing Board Policy: *Recommending Principals (Policies and Procedures 3.1.2.2)***:

1. The Governing Board President, (1) Instructor, (1) Coordinator/Director will screen external candidates Application packets, including completed applications, resumes, and references.
2. The Governing Board President, (1) Instructor, (1) Coordinator/Director will interview all the qualified internal/external candidates and identify the three top candidates.
3. The Governing Board President will provide three candidates to the following committee: Committee members include; Governing Board President, (2) Certified Instructors, (1) Coordinator/Director (2) Community Members. If all efforts have been made to meet the committee membership criteria, exceptions may be made.
4. The Committee will interview the three candidates and each committee member will articulate the strengths and weaknesses of each candidate. Committee will submit its final recommendation to the Governing Board President.
5. The Governing Board President will recommend the final candidate to the Governing Board and will articulate his/her reasoning for this recommendation. Resumes of all the candidates

and the articulation submitted by the committee members will be available for review by all the Governing Board members.

6. All business of the committee is **STRICTLY CONFIDENTIAL**. That includes any information about the three candidates (including their names), the comments of any committee members or candidates, and the conclusions of any committee members.

7. The reasons for the strict confidentiality policy include the need to respect the privacy of applicants who may be currently employed in the area and the importance of allowing WHCS to notify applicants who are not selected rather than having them hear the news “through the grapevine.”

8. Because the charter school is interested in the opinions of each individual committee member rather than in a group consensus, it is unnecessary and inappropriate to attempt to influence the opinions of others before, during, or after the interviews.

**Committee interviews:** The interviews are held in the evening at charter school offices and last approximately four hours.

The interviews are very structured and formal as follows:

1. Before the interviews: The first 45 minutes is for committee members only. The Governing Board President describes the interview process and interview question(s) are designed prior to interview by Committee. The following time is devoted to interviewing the candidates, one at a time. (Candidates are asked to arrive 10 minutes early in case the committee is ready to interview them early. Individual interview time is one (1) hour)
2. During the interviews: The Governing Board President or designate acts as chair to facilitate each interview. Each committee member asks his or her designated question (*Must ask the same set of questions to each individual that is interviewed.*) Note-taking is permitted during the interviews, so be sure to write down your own thoughts, reactions, and observations about each candidate. Each interview lasts approximately 45 minutes.
3. After each interview: When all questions have been asked, each committee member has 15 minutes to complete a written form detailing their opinion of the candidate’s strengths and weaknesses, as well as their overall comments. There is no discussion among committee members between interviews.
4. At the end of the final interview: After all the interviews are complete, the committee chair will collect all the written forms for each candidate, to tabulate in a summary format. Discussion of the interviews, shared opinions, or attempts to reach a consensus, are inappropriate and violate WHCS policy.

**Final selection:** The official announcement is made publicly to committee members and the entire community at the following Governing Board meeting.



### **Sample Attributes of a Successful Principal**

Approachable

Flexible

Morally sound, ethical

Visible on campus

Visionary