

## **Executive Director/Superintendent (ED)**

Exemption Status: Exempt

Immediate Supervisor: Governing Board

**Job Goal:** To promote the mission, vision, and purpose of SCCS. To manage SCCS and to provide organizational and instructional leadership to ensure high student outcomes and maintain the integrity of the schools approved Charter. Understands and supports the core values of SCCS.

### **Performance Responsibilities:**

At the discretion of the Executive Director and after informing the Governing Board, the Executive Director may delegate any of the authority and responsibilities of the position. However, the Executive Director is not relieved of final responsibility for actions taken under such delegation.

#### **I. Relationship with Governing Board/Committees**

- a. Attends and participates in meetings of the Governing Board/Committees;
- b. Informs and advises the Governing Board/Committees about the programs, practices and problems of the school, as well as activities operating under the authority of the Governing Board/Committees;
- c. Implements Governing Board/Committees policies; advises the Governing Board/Committees when they need to add, modify, or delete a policy;
- d. Submits recommendations to the Governing Board/Committees relative to matters requiring Governing Board/Committees action, supported by data and information necessary to make informed decisions;
- e. Recommends, annually, to the Governing Board/Committee system-wide goals. Monitors and report back to the Governing Board/Committees, at least semi annually, on the progress toward achieving the goals;
- f. Works with the Governing Board/Committees to implement the mission of the school and a comprehensive long range plan.

#### **II. Budget**

- a. Prepares annual operating budget recommendations based on guidelines set by the Governing Board/Committees;
- b. Works with the Governing Board/Committees to develop the final budget;
- c. Implement the approved budget.

#### **III. Educational Leadership and Curriculum**

- a. Assures high academic performance outcomes for all students;
- b. Keeps informed of current curricular and educational thoughts, trends and practices, as well as proposed legislation, impacting the school. Informs the Governing Board/Committees of significant developments in these areas;
- c. Oversees development and implementation of objectives and long range plans for curriculum, instructional evaluation and improvement;
- d. Assures continuous study and revision of curriculum guides and courses of study to best support teacher needs.

#### **IV. Personnel**

- a. Hires all administrators;
- b. Assures the hiring of qualified and competent personnel;
- c. Assigns, transfers and promotes employees as the interest of the school system may indicate;

- d. Assures professional development opportunities are provided to the school staff;
- e. Assures systematic performance evaluation of school personnel and takes necessary actions regarding any employee whose performance is judged to be unsatisfactory;
- f. Hold such meetings of school personal as are necessary for discussion of matters related to the welfare and improvement of the school;
- g. Oversee employee relations in the school system.

#### **V. Facilities**

- a. Hires manager of facilities;
- b. Determines with the Governing Board/Committees, short and long range building needs.
- c. Oversee implementation of construction, operation and maintenance programs.

#### **VI. General Management**

- a. Takes necessary steps to assure the safety and welfare of students and employees in the school and at school sponsored activities;
- b. Maintains records for the school, including financial accounts, business and property records, personnel, scholastic and school population records. Acts as custodian of such records, and of all contracts, documents, securities, title papers, books and other papers of the Governing Board/Committees.

#### **VII. Communications/Public Relations**

- a. Maintains open lines of communication and cooperative, working relationships with the authorizer, support organizations and other committees;
- b. Maintains open lines of communication and cooperative relationships with school staff, the Governing Board/Committees, parents, and the community at large;
- c. Performs other appropriate task, which may be assigned by the Governing Board/Committees.

#### **VIII. According to NMAC 6.29.1.9 Section B, the duties and powers of the superintendent and/or Executive Director of the charter school also include the following (some of which may have been addressed earlier in this document)**

- a. Administer local boards' (or governing body of a charter schools') policies, State and Federal requirements and applicable laws, including the Public School Code;
- b. Be accountable for student achievement; budget management; expenditure of funds; dissemination of information; district or charter school communications; development, implementation, and evaluation of the Essential Elements of Professional School Support (EPSS) and all other district or charter school business;
- c. Review, approve and support the district EPSS and each school site-level EPSS or the charter schools EPSS;
- d. Attend all local board or governing body of a charter schools' meetings, or when necessary, designate a licensed administrator to attend;
- e. Assure that school patrons and the public are informed and involved in the acquisition, planning and development of school facilities, and that students are provided with adequate facilities which conform to State and Federal mandates;
- f. Be accountable for student safety (see 6.12.6 NMAC – School District Wellness Policy):
  - i. Assure that all students are supervised while on school property and while attending or traveling to school events or activities on school – provided transportation;

- ii. Assure that all buildings, grounds and facilities, provide a safe and orderly environment for public use (see subsection O of 6.29.1.9 NMAC - School Facilities and Grounds; paragraph (8) of subs section D of 6.12.6.8 NMAC – School District Wellness Policy and 6.19.3 NMAC – Unsafe School Choice Option);
- iii. Administer and implement the charter schools approved staff accountability plan and procedures
- iv. Assure that a process is in place to identify, train, assign and support personnel resources in classrooms, which shall include, but not be limited to, the following:
  - 1. Establish the specific expertise of the person;
  - 2. Obtain a background check and fingerprint records;
  - 3. Provide the person with a three-hour training, prior to entering a classroom, about how the school operates, appropriate teaching methods and expectations of Principal and assigned teacher;
  - 4. Establish a start date, and ending date for the person; and
  - 5. Provide for an evaluation of services upon completion of the assignment;
  - 6. Shall issue notifications in accordance with section 22–10-A-16 NMSA 1978 in addition to any other parental notification requirements contained in the No Child Left Behind Act of 2001 (PL 1 07–110, 20 US Code Section 6301 et seq.). SCCS shall issue these notifications in English and, to the extents possible, in the language of the parent or guardian, (if it is known that the parent or guardian’s primary language is not English); SCCS shall retain a copy of all notifications and shall ensure that information required under this paragraph is available to the public upon request.

**IX. Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job with or without reasonable accommodation:

- 1. The employee must use hands and arms to manipulate objects;
- 2. The employee must use keyboard, tools and other controls;
- 3. The employee must sit and stand for long periods of time;
- 4. The employee will escort students around campus;
- 5. The employee must have normal vision and hearing with or without aid;
- 6. The employee must be able to move about assigned locations unaided during the workday.
- 7. The employee must be able to transport students in an extended SUV for field trips.
- 8. Perform basic first aid and CPR as needed.

This position description indicates the general nature and level of work expected of incumbent. It is not intended to be a comprehensive listing of all activities, duties and responsibilities required of incumbent. This position description is designed to illustrate the minimum requirements of the job. The performance appraisal for this position will evaluate the incumbent’s ability to meet or exceed the minimum requirements of the job. Finalized and approved job descriptions for all positions SCCS will be housed in the administrative office and will be updated periodically. Copies are available on request.

**ARTICLE I – GOVERNING BOARD**

- A. The Governing Board will serve as the governing body of Sierra Community Charter School (SCCS)
- B. The Governing Board shall consist of between five (5) to seven (7) members.

**ARTICLE II - GOVERNING BOARD MEMBERSHIP**

**A. Procedure for Electing Directors:**

1. **Nominating.** The Governing Board will develop a policy to ensure that membership to the Governing Board will include a broad range of expertise, including background in education, non-profit management, legal, administrative, health and wellness, financial and related fields.
2. **Election of Board Members:** Governing Board Members shall be elected by a majority vote of the existing Board and selected from the nominations, subject to the following:
  - a) The addition of any new member shall not cause the Board to be comprised of more parent members than non -parent members. An individual shall be deemed a “parent” during the entire school year during which they was a parent or guardian of a child who was enrolled for any length of time at the SCCS.
  - b) No vote on a given nominee shall be taken until that nominee submits to the Governing Board a letter of interest and a resume. The new board member must complete an interview and back ground check.
3. **Oath of Office:** upon a favorable vote, prior to taking office the nominee must take the oath of office prescribed by Article 20, Section 1 of the constitution of New Mexico, as required by NMSA 1978 §22-5-9.1.
4. **Term of Board Members:** Governing Board members are authorized to serve as long as they meet the qualifications, are not disbarred or removed for cause, or have not resigned.
5. **Compensation:** Governing Board members will not receive compensation for their service; however, members may be reimbursed for reasonable expenses in accordance with Section 2.42.2 NMAC.
6. **Resignations and Removal:** Any member may resign at any time by giving written notice to the President or to the Secretary, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any member may be removed by a majority vote of the Governing Board whenever such removal is in the best interests of the School. Grounds for removal will include without limitation the following acts or omissions:
  - a) Violation of the Conflict of Interest Policy;
  - b) Violation of Governing Board Commitment Agreement, if any;
  - c) Failure to attend three consecutive scheduled meetings of the Governing Board , except when such absence is due to exigent circumstances;

- d) Violation of the member's duty of loyalty;
- e) Violation of the Governing Board's Code of Ethics; or
- f) Any other grounds the Governing Board deems appropriate, including failure to abide by the SCCS mission and/or charter.

7. **Vacancies:** A vacancy on the Governing Board shall be filled by the Governing Board after a nomination process.

8. **Attendance:** Members of the Governing Board are required to attend all scheduled meetings of the Governing Board unless exigent circumstances arise. If a Board member cannot be physically present at a meeting for unavoidable conflict, they may make arrangements to participate remotely. A member of the Governing Board who will be unable to attend a Governing Board meeting or who plans to attend remotely shall notify the President of the Governing Board prior to the meeting. If the President cannot attend the meeting, they shall notify the Vice-President and forward all information regarding the upcoming meeting to him/her, including notices of nonappearances by other Board members.

9. **Background checks:** Members of the Governing Board shall obtain a school-required background check every two years, the results of which shall be provided to the Governing Board .

### ARTICLE III - POWERS AND AUTHORITY OF THE GOVERNING BOARD

#### A. Authority of the Governing Board:

1. **General:** The Governing Board is the governing body of the charter school and is responsible for ensuring the fair and uniform application of all federal, state and local laws in the operation of the School as well as the School's charter and policies. The School will be operated for the educational benefit of its Students, in accordance with its mission statement and charter. The Governing Board is the policymaking body for the School. The SCCS Governing Board will exercise leadership primarily through the formulation, adoption, implementation and periodic review of policies. Furthermore, the Governing Board has the task of ensuring the financial integrity of the SCCS budget; therefore, the SCCS Governing Board exercises fiduciary oversight of the school's finances.

#### 2. Delegation to the Executive Director:

The Governing Board shall concern itself primarily with development of policy, oversight and with the appraisal of results rather than with day to day operations. The application of policies is an administrative task to be performed by the Executive Director and designated staff, and they shall be held responsible for the effective implementation of Governing Board policies. The Executive Director shall be held responsible for keeping the Governing Board informed of all matters within its purview so that the Governing Board can fulfill the above-described functions of a governing body. The Executive Director will have primary responsibility for all aspects of the school's operations and programs, including the day-to-day management, operations and implementation of the school's charter and Governing Board policies. The teachers and staff of SCCS will report to the Executive Director, except in cases where there is a conflict of interest

between the Executive Director and a staff member. In such cases, the Governing Board will establish a reporting chain to eliminate the conflict.

**3. Member's Authority:**

A member of the Governing Board is a public officer, but has no power or authority individually. The charter vests power in the Governing Board, and not in the members, either individually or otherwise and these powers must be exercised by the Governing Board at a public meeting in regular or special called meetings, with action duly recorded in it's minutes.

**4. Binding Authority:**

The Governing Board shall not be bound in any way by any action or statement on the part of any individual Governing Board member except when such a statement or action is in pursuance of specific instructions from the Governing Board. Any such exception shall be stated in the agenda of a Governing Board meeting and recorded in the minutes thereof.

**5. Advanced Notice:**

The Governing Board recognizes the importance of timely communication among its members and between the Governing Board and the Executive Director. The Executive Director or his/her designee will strive to insure that the Governing Board is given prior notice of matters submitted by members for deliberation at meetings.

**B. Powers of the Governing Board** - The Governing Board's powers and authority is set forth in the SCCS Charter and the New Mexico Public School Code and all applicable laws and regulations. Complete and final control of all matters pertaining to the School's educational system shall be vested in the Governing Board. The Governing Board of SCCS shall include the following powers and duties:

1. Those powers as set forth in the SCCS Charter that are not inconsistent with federal or state laws or constitutions, or as otherwise set forth in the Charter Schools Act, NMSA 1978 §22-8B, et seq.
2. Employ the Executive Director of SCCS, establish evaluation criteria for the Executive Director, and perform annual evaluations of the Executive Director's performance;
3. Delegate administrative and supervisory functions of the Executive Director of SCCS when appropriate;
4. Approval of the annual budget of anticipated income and expenditures, and direct the preparation of the annual financial audit report in connection with the New Mexico Public Education Department's annual audit;
5. Have the capacity to sue or be sued;
6. Contract for services with any school district, a university or college or any third party for the use of a facility, it's operation and maintenance and the provision of any service or activity that SCCS is required to perform in order to carry out the educational program described in its charter.

7. Acquire and dispose of property provided that at the termination of the charter, all assets of the charter shall revert to the Public Education Department, unless otherwise required by law.

8. Accept or reject any charitable gift, all grants, devise or bequest not otherwise contrary to law or the terms of the charter. 9. Contract for provision of financial management, food services, and education related services or other services.

#### ARTICLE IV - GOVERNING BOARD OFFICERS

**A. Officers:** The Officers of the Governing Board shall be a President, a Vice President, and a Secretary. The duties of the Officers are set forth herein. When the incumbent of an office is unable to perform the duties thereof or when there is no incumbent of an office (both such situations referred to hereafter as the “absence” of the Officer), the duties of the office shall, unless otherwise provided by the Board or these Bylaws, be performed by the next Officer set forth in the following sequence: President, Vice President, and Secretary.

- 1. Appointment and Tenure:** All Officers shall be elected each year by the Board at its Annual Meeting for terms of one (1) year, (unless exigencies preclude such elections), with no maximum tenure or until their successors have been duly elected and qualified, or until their death, resignation or removal. Officers’ terms shall commence immediately following the Annual Meeting of the Board.
- 2. Resignations and Removal:** Any Officer may resign at any time by giving written notice to the President or to the Secretary, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any Officer may be removed by the Board whenever in its judgment they fail to perform the duty of office or such other duties as appointed by the Board and the best interests of the School would be served thereby.
- 3. Vacancies:** A vacancy in any office may be filled by the Board for the unexpired portion of the term of the officer being replaced. Officers:
  - 1. President:** The President of the Governing Board shall preside at all meetings and shall appoint committees with approval of the Governing Board. They shall have the right, as other members of the Governing 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 Governing Board without prior specific authority from a majority of the Governing Board to do so. All communications addressed to the President shall be considered by them for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Governing Board. The President shall sign legal documents as required by law and perform such other duties as may be prescribed by the Governing Board. It is the President’s responsibility to ensure that Governance Board members uphold their commitments/responsibilities to the school. The President is responsible for compiling and communicating to the Secretary the topics for business to be placed on the agenda. The agenda shall incorporate all topics identified by the President or any other member of the Governing Board.

2. **Vice President:** The Vice President shall perform the duties of the President in the absence of the President or at the request of the President. In the event a vacancy occurs in the presidency, the Vice President will act in the capacity of the President until the office has been filled by a vote of the Board membership.
3. **Secretary:** The Secretary shall keep the minutes of the Governing Board meetings, subject to the direction of the President, assure that all notices are given in accordance with the provisions of the Charter, Governing Board policies and as required by law; shall countersign, when required, all authorized bonds, contracts, deeds, leases, or other legal instruments; and in general perform all duties incident to the office of Secretary and such other duties as from time-to-time may be assigned to the Secretary by the Governing Board. The Board may appoint a designee to assist with the responsibilities of the Secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Governing Board's review. The Board Secretary will review the minutes prior to presentation to the Governance Board for approval. The Secretary shall be responsible for presenting the minutes to the Board at meetings.

F. **Compensation:** The officers shall not be compensated for their services; however, they may be reimbursed for reasonable expenses in accordance with Section 2.42.2 NMAC.

G. **Directors and Officers Insurance:** The Governing Board may secure officers and directors insurance in excess of the coverage provided by the NM Public School Insurance Authority upon appropriate approval of the Governing Board and if provided for in the charter school's approved budget.

H. **Delegation:** The Governing Board may delegate temporarily the powers and duties of any Officer, in case of such Officer's absence or for any other reason, to any other Officer, and may authorize the delegation by any Officer of any of such Officer's powers and duties to any agent or employee subject to the general supervision of such Officer.

**ARTICLE V - STANDING COMMITTEES OF THE GOVERNING BOARD** The Governing Board will have the authority to form the following committees based on the needs of the School:

**A. Committees:**

1. **Advisory/Equity School Board:** (standing) SCCS shall create an Advisory School Board to assist the Executive Director with school-based decision-making and to involve parents in their children's education. The Advisory/Equity School Board shall be created and its membership elected in accordance with rules that will be adopted by the Governing Board. Membership on the board shall reflect an equitable balance between school employees, parents and community members. At least one community member shall represent the business community, if such person is available. The Executive Director may serve as chair. The Executive Director shall be an active member of the Equity School Board.
2. **Audit Committee:** (standing) The Audit Committee shall be constituted in accordance with NMSA 1978 §22-8-12.3. It shall consist of two Governing Board members, one volunteer member who is a parent of a student attending the charter school, and one volunteer member who has experience in accounting or financial matters. The Executive Director and Business



Manager shall serve as ex-officio, nonvoting members of the committee. The Audit Committee shall:

- a) Evaluate the request for proposal for annual financial audit services (when applicable);
- b) Recommend the selection of the financial auditor (where applicable);
- c) Attend the entrance and exit conferences for annual and special audits;
- d) Meet with external financial auditors at least monthly after audit field work begins until the conclusion of the audit;
- e) Be accessible to the external financial auditors as requested to facilitate communication with the Board and the Executive Director;
- f) Track and report progress on the status of the most recent audit findings and advise the Public Education Department on policy changes needed to address audit findings;
- g) Provide other advice and assistance as requested by the Board;
- h) Be subject to the same requirements regarding the confidentiality of audit information as those imposed by the Audit Act and rules of the state auditor; and
- i) Request of the administration or conduct independent spot checks of financial matters and report the results to the Governing Board.

**3. Finance Committee** (standing): The Finance Committee shall be constituted in accordance with NMSA 1978 §22-8-12.3. It shall assist the Board in carrying out its budget and finance duties. At least two members of the Governing Board shall serve on the Finance Committee. The Business Manager shall be required to attend all Finance Committee meetings. Specifically, the Finance Committee shall:

- a) Make recommendations to the Governing Board in the following areas:
  - (1) Financial planning, including reviews of the school's revenue and expenditure projections;
  - (2) Review of financial statements and periodic monitoring of revenues and expenses;
  - (3) Annual budget preparation and oversight;
  - (4) Procurement; and b) Serve as an external monitoring committee on budget and other financial matters.

**4. Policy Committee** (optional): The policy development committee is commissioned by and responsible to the Governing Board to assume the primary responsibility for matters pertaining to development of Governing Board policies.

5. The Governance Board has the authority to create ad hoc committees as deemed necessary. The policies and procedures that govern ad hoc committees will be determined as specified by the Governing Board action creating and approving the existence of any such committee, subject to the following:

a) Such committees shall be limited in power and scope to advisory functions; no decision-making authority of the Governing Board may be delegated to an ad hoc committee.

b) Such committees shall have a charter that clearly articulates the purpose, responsibilities, and membership of the committee.

**B. Committee Selection and Membership:**

**1. Election and Term:**

Each committee shall have a chair determined by the Governing Board for a term of one year. Committee chairs may serve multiple terms. The members of each Committee may be chosen from time to time by the Governing Board or as otherwise permitted by the committee's charter, and shall serve for such period of time as the Governing Board shall from time to time determine or as stated in the committee's charter. The specific composition of the Audit and Finance Committees, however, shall be governed by the provisions of paragraphs A.2 and A.3 above.

**2. Meetings:**

Committees may meet at such times and for such purposes as they shall from time-to-time determine. As permitted by the Open Meetings Act, committees involving less than a quorum of Governing Board members and which serve in an advisory role only and which have no authority to make decisions on behalf of the Governing Board are not required to give public notice as they are not subject to the Open Meetings Act. Committees that are formed which do involve at least a quorum of Governing Board members or to which the Governing Board has voted to delegate the power to make decisions on its behalf shall be subject to the Open Meetings Act.

**3. Resignations and Removal:**

Any chair of a committee may, at any time, resign by giving written notice to the Governing Board President or the Secretary. A member of a committee may, at any time, resign by giving written notice to that committee's chair. Unless otherwise specified therein, the acceptance of any such resignation shall not be necessary to make it effective. The Governing Board may remove any member of a committee whenever in its judgment the best interests of the School would be served thereby.

**4. Compensation:**

Members of the committees shall not receive any compensation for their services; however, they may be reimbursed for reasonable expenses in accordance with the New Mexico Mileage and Per Diem Act.

**ARTICLE VI - MEETINGS OF THE GOVERNING BOARD** All meetings of the SCCS Governance Board shall be held in accordance with the New Mexico Open Meetings Act, NMSA 1978 §§10-15-1, et seq. (as amended)

**A. Meetings.**

1. The Governing Board shall have a Regular Meeting each month, as required by NMSA 1978 §22-5-12.

2. The Governance Board shall pass a resolution annually describing what notice of a public meeting is reasonable when applied to the SCCS Governing Board. The resolution shall describe appropriate notice and methods for posting agendas for regular, special and emergency meetings of the Board.

**B. Special Meetings.**

Special meetings of the Governing Board may be called at the direction of the Governing Board. Such meetings are to be held at such time and place consistent with the Governing Board's annual resolution for conducting its public meetings.

**C. Attendance via Telephone Conference Call.**

Except to the extent otherwise provided by law, any meeting of the Governing Board may be attended by any or all of the Board Members by means of a conference telephone (or similar communications equipment) when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, 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 other member of the Governing Board who speaks during the meeting. Such attendance shall constitute presence by the Governing Board member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Governing Board at such meeting shall constitute a valid action of the Governing Board.

**D. Notice.**

The Governing Board shall provide notice and post agendas in accordance with the New Mexico Open Meetings Act. Reasonable notice of the Governing Board shall include broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written require for such notice. Notice of meetings and the availability of meeting agendas shall be consistent with the Governing Board's annual resolution. Except in cases of emergency the Governing Board shall only act on matters identified on the agenda.

**E. Emergency:**

An emergency meeting or agenda item is one necessitated by unforeseen circumstances that if not addressed immediately by the Governing board, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

**F. Minutes:**

The Governing Board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open for public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved,

amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the Governing Board.

**ARTICLE VII - CONFIDENTIAL MATTERS OF THE GOVERNING BOARD** The Governing Board recognizes that confidential information will be brought to the attention of individual Governing Board members and/or the Governing Board as a whole pertaining to, but not limited to, the following:

- A. Matters relating to the employment or dismissal of, or charges against, specific SCCS personnel;
- B. Matters relating to litigation or proposed litigation in which the Governing Board is or may become a party, or attorney-client communications;
- C. Discussion of gifts, bequests, or donations where anonymity has been requested by the donor;
- D. Consideration of suspension, expulsion, or disciplinary action in connection with a student;
- E. Matters relating to the security of students, personnel, visitors, and/or school property; and
- F. Such matters that may arise and qualify as being confidential by law. The Governing Board further recognizes that public disclosure of such information may result in injury to an individual or potential harm and possible liability to the SCCS and that the Governing Board members who must respect confidentiality of information that is privileged under applicable law. It is the policy of the Governing Board that Board members shall discuss or disclose confidential information only in connection with legitimate School business and only with individuals with a legitimate right to know.

**ARTICLE VIII - MANNER OF ACTION**

- A. **Quorum:** A majority of the seated Board Members, but no less than four (4), whether personally present or appearing telephonically shall constitute a quorum for the transaction of business at any meeting of the Governing Board.
- B. **Financial Matters:** The Governance Board shall approve all contracts up to the limit of the New Mexico Procurement Code, including that of the Executive Director. The Executive Director shall approve employee contracts.
- C. **Manner of Acting:** No action of the Governing Board shall be valid unless taken at a meeting at which a quorum as defined herein is present and which has been properly noticed pursuant to the New Mexico Open Meetings Act. NMSA (1978) §§10-15-1 et seq. (as amended).
- D. **Majority Votes:** throughout this document, majority vote indicates that a motion passes if it receives more than 50% of the votes cast. Unless otherwise stated, Governing Board decisions shall be made by majority vote.

**ARTICLE IX - CONFLICTS OF INTEREST AND CODE OF ETHICS**

- A. **General Statement:** It shall be the duty of each Governing Board member to voluntarily excuse themselves from discussions of confidential information and abstain from voting on matters in which the Governing Board member has a personal or financial interest, including an interest by a member of the Governing Board 's immediate family, or where the Governing Board 's participation will or may compromise the confidential nature of the discussion. Failure to voluntarily remove

themselves from such conflicts of interest may result in a vote to remove the member from the Governing Board. SCCS will implement and adopt the provisions of SB446 regarding conflicts of interest.

B. Disclosure: Each Board Member agrees to complete and sign a Disclosure of Conflicts of Interest statement prior to accepting his/her position on the Board. In addition to this statement, Board Members shall annually update the disclosure statement and shall otherwise immediately notify the President of the Board when he or she becomes aware that an actual or potential conflict may exist.

C. Conflict of Interest Policy: Each Board Member agrees to abide by the SCCS Conflict of Interest Policy adopted by the Governing Board.

D. Code of Ethics: Each Board Member agrees to abide by the Code of Ethics adopted by the Governing Board.

**ARTICLE X - EXECUTIVE DIRECTOR SELECTION** The Executive Director must hold a Level IIIB license or be able to obtain a Level IIIB license within two years. Preferred attributes for the position of Executive Director include: the ability to take charge of the academic program and recognize educational expertise; experience in leading an organization; a self-starter; a competent and dedicated teacher with established classroom experience; and a role model to other teachers. SCCS shall recruit individuals for the Executive Director position through a public process, such as by advertising in local and national newspapers and professional printed media, referral, and through appropriate electronic recruitment mechanisms, or by engaging the assistance of a professional search firm.

#### **ARTICLE XI - MISCELLANEOUS**

A. The SCCS Governing Board operations shall be compliant with the current statutes and administrative rules concerning charter school governing bodies.

B. Checks, Drafts, Etc.: All checks, drafts or other orders for the payment of money, and all notes or other evidences of indebtedness issued in the name of the School shall be signed by a minimum of two Officers, or agents of the School as designated by the Governing Board.

C. Books and Records: The Governing Board shall keep accurate and complete books and records of the actions of the Governing Board, which records shall be open to inspection by the members of the Governing Board at any time, or members of the public pursuant to the Inspection of Public Records Act, NMSA 1978 1421 et seq.

**ARTICLE XII - AMENDMENTS** These By-Laws may be altered, amended or repealed, in whole or in part, or new By-Laws may be adopted by the Governing Board of SCCS, provided, however, that notice of such alteration, amendment, repeal or adoption of new By-Laws must be contained in the notice of such meeting of the Governing Board. All such amendments must be approved by an affirmative vote of at least three fourths (75%) of the entire Governing Board then in office at a duly noticed regular or special meeting of the Governing Board.

**ARTICLE XIII - FOUNDING DOCUMENTS** The Governing Board is charged with holding true faith and allegiance to The Sierra Community Charter School's Founding Documents. The Founding documents of The Sierra Community Charter School include but are not limited to:

## Sierra Community Charter School Governing Bylaws

A. Mission Statement

B. Vision

C. Instructional Philosophy and Innovative Instructional Methods

D. Once adopted these documents may not be changed, altered, suspended or revoked except by a decision of at least three fourths (75%) of the entire Governing Board then serving as Board members. The decision to modify, alter, suspend or revoke any of these documents must be accompanied by a certification that the voting member has read and understood the changes, and the ramifications of such a change.

ADOPTED as of this day of \_\_\_\_\_, 2023.

The undersigned officers of the board of Sierra Community Charter School hereby attest that the foregoing By-Laws represent a true and correct copy of the By-Laws adopted by the Sierra Community Charter School Governing Board at a duly noticed meeting.