



## **AGENDA**

**Las Cruces Public Schools Board of Education  
Special Meeting  
Friday, September 24, 2010  
1:00 p.m.  
Administration Board Room**

Any individual attending a board meeting may ask to speak on any item after the individual is recognized by the President of the Board and introduces himself/herself at the podium. It will be the practice of the Board of Education not to take action on any item presented under Public Input.

Las Cruces Public Schools will provide an interpreter for the Hearing Impaired upon request. Requests should be submitted to the superintendent's office three days prior to the meeting.

### **I. Introduction**

- A. Call to order
- B. Roll call
- C. Approval of Agenda – President Phillips

### **II. Board Items**

- A. Discussion of status of La Academia Dolores Huerta Charter School – Dr. Steven Sanchez
- B. Approval of Memorandum Agreement with La Academia Dolores Huerta Charter School appointing temporary members of governing council and oversight by LCPS Finance Office - Dr. Steven Sanchez

### **III. Public Input**

### **IV. Adjournment**

# Las Cruces Public Schools Board of Education

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## *AGENDA ITEM EXECUTIVE SUMMARY*

- I. Special Board Meeting Date: **Friday, September 24, 2010**
- II. Item Title: **Approval of Memorandum Agreement with La Academia Dolores Huerta Charter School appointing temporary members of governing council and oversight by LCPS Finance Office**
- III. Name of Presenter: **Steven A. Sanchez, Ph.D.**
- IV. Proposed Motion (Action Items Only): **I move that the Board of Education adopt the memorandum agreement between the Governing Council of Las Academia Dolores Huerta and the Board of Education of the Las Cruces Public Schools.**
- V. Executive Summary

At 7:45 a.m. on Friday, September 17, 2010, Dr. Cristobal Rodriguez, La Academic Dolores Huerta Governing Council member and immediate past president, advised Dr. Steven Sanchez, LCPS Associate Superintendent for Learning, Teaching, and Research, of the potential resignations of some members of the charter school's Governing Council.

At approximately 2:30 p.m. that same day, Dr. Rodriguez advised Dr. Sanchez that five of the existing seven Council members had indeed resigned and delivered resignation letters from each of the five Council members to the Superintendent's office.

On Monday, the Superintendent consulted with legal counsel regarding the situation. Counsel for the school district and counsel for the charter school, Ms. Patricia Matthews, conferred and determined that it was in the best interest of the charter school and the district to appoint two LCPS employees as "temporary La Academia Governing Council members" so as to allow the Governing Council to meet as a quorum to initiate the procedures, as specified in the charter, to select and appoint new Council members. Once the Council membership is in place, the two LCPS employees would immediately resign their temporary appointments. It was further determined that while these temporary appointments were in place, and pending the appointment of new members, the Assistant Superintendent of Finance would oversee the finances of the charter school to assure compliance with state law and proper budgeting and accounting procedures.

Dr. Sanchez met with Mr. Robert del Plain, President of the Governing Council, on Tuesday, September 21 to ensure that Mr. del Plain had discussed these options with Ms. Matthews and that he was in agreement with the contents of the memorandum.

## **MEMORANDUM AGREEMENT**

### **BETWEEN THE GOVERNING COUNCIL OF LA ACADEMIA DOLORES HUERTA AND THE BOARD OF EDUCATION OF THE LAS CRUCES PUBLIC SCHOOLS**

This Memorandum Agreement is entered into by the members of the Governing Council of La Academia Dolores Huerta (La Academia), a public charter school, and the Board of Education of the Las Cruces Public School District (Las Cruces), as the governing body of the local school district and the chartering authority of La Academia, in order for Las Cruces to provide assistance to La Academia following the resignations of several members of the La Academia Governing Council.

Pursuant to this Memorandum Agreement, Las Cruces will meet and take action to appoint Dr. Steven Sanchez, the Las Cruces Associate Superintendent for Instruction, and one other administrator employed by Las Cruces, as temporary members of the La Academia Governing Council. The temporary members and the remaining seated members of the La Academia Governing Council so constituted shall meet as soon as possible to develop and implement a process for selection and appointment of the replacements for the members who have resigned and to fill any other vacancies on the Governing Council in a manner consistent with the La Academia Bylaws which results in a governing body of seven members, or a number as otherwise established by prior Governing Council actions consistent with its Bylaws. Once new members are appointed and assume their duties in accordance with the Charter and Bylaws, Dr. Sanchez and the other Las Cruces member appointed temporarily will resign and the successors will take office and assume their duties.

In addition, while this temporary appointment process is in place, and pending the appointment of new members to succeed those who have resigned or to fill vacant positions on the La Academia Governing Council, the Las Cruces Finance Office will oversee the finances of La Academia to assure compliance with state law and proper budgeting and accounting procedures.

**Governing Council of La Academia Dolores Huerta,  
a public charter school**

\_\_\_\_\_  
Member \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Member \_\_\_\_\_

Date: \_\_\_\_\_

**Board of Education of the  
Las Cruces Public Schools,  
the governing body of the local  
public school district and  
chartering authority**

By: \_\_\_\_\_  
\_\_\_\_\_, Its President  
and authorized representative

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
School Board Secretary

Date: \_\_\_\_\_

LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL



CHARTER AMENDMENT

Amendment Number: 8

<p>Current Charter Section and Page</p>	<p>Section(s): I. A description of the governing body and operation of the charter school, including how the governing body will be selected, the nature and extent of parental, professional educator and community involvement in the governance and operation of the school and the relationship between the governing body and the local school board and addresses the following:</p> <p>I.1. How the interim and/or permanent governing body will be selected and its composition.</p> <p>I.2. When the governing body will meet and how the meetings will be advertised and conducted in accordance with the Open Meetings Act, Sections 10-15-1 et seq., NMSA 1978.</p> <p>I.4 Policies and procedures of the governing body, including model of governance, committee functions, relationship to staff, and professional development.</p> <p>Page: 17-19</p>
<p>Current Charter Statement</p>	<p><u>I.1.</u></p> <p>The interim governing body will consists of the following individuals:</p> <ul style="list-style-type: none"> <li>• Isabel Castillo Quinones, M.A.T. Public School Teacher, Certified in business, secondary education. Six years experience as a public school teacher. Ms. Quinones is well-versed in technology issues. She also served as director for multicultural affairs at Western New Mexico University and clerk for the County of Grant.</li> <li>• Dr. Eduardo Arellano, Assistant Professor, Educational Management &amp; Development, New Mexico State University. Experience in community outreach, community development, grant-writing. He has also has substitute teaching experience at the public school level and higher education teaching experience at the university level.</li> <li>• Julie Arellano, B.A., nine years experience as a public school teacher. Presently, she pursuing an M.A. degree in Educational Diagnostics at New Mexico State University.</li> <li>• Jose Tena, Director, El Ballet Folklorico de la Tierra del Encanto. Internationally renowned folklorist and musicologist.</li> <li>• Dr. Andres Rodriguez, Professor, Western New Mexico University. Known for his outstanding work in bilingual and ESL techniques. Also, Dr. Rodriguez is well-versed in Nahuatl and Nahuatl culture/history.</li> <li>• Dr. Luis I. Quinones. Certified in language arts; bilingual education K-12; TESOL K-12; administration, K-12. He has experience as a public school teacher, administrator, grant writer, and public relations director.</li> </ul> <p>Upon approval of the school's charter by LCPS and the State Department of Education, these six Interim Governing Board members will become the Governing Board for La Academia de Idiomas y Cultura. This governing board will serve until officers officially take office after elections in Fall 2003. At this point, teachers, staff, and parents of students at LAIC will elect their representatives to the governing body. In the event of the resignation of a member of the Interim Governing Board occurs prior to the formation of the Permanent Governing Board, the then current members of the Interim Group will elect a replacement for the Interim Governing Board member who has resigned. After the Fall 2003 election, nominations will be submitted and acted upon in a regular election meeting</p>



LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL

of LAIC for any vacancies due to resignations.

I.2.

**Regular Meetings of the Board.** The regular meetings of the board shall normally be held monthly, in a place to be determined from time to time by the board. The date of any regular meeting may be changed by a majority vote of a quorum of the board. The president or vice-president may cancel a regularly scheduled meeting of the board by giving notice of the cancellations in advance of any regularly scheduled meeting. Adoption of the Robert's Rules of Order shall be binding in all cases where they are not inconsistent with New Mexico statutes and rule and regulations adopted by the authority.

**Call for Meetings of the Board.** A call for meetings of the board shall be as follows:

- (1) **Special Meeting.** A special meeting of the board is a meeting other than a regular or emergency meeting and may be called by the president, vice-president or any three board members for the specific purposes specified in the call. The call shall be made in accordance with the open meetings requirements of the statute and board rule.
- (2) **Emergency Meeting.** An emergency meeting of the board is a meeting other than a regular or special meeting and may be called by the president, vice-president, or any two members of the board to consider sudden or unexpected set of circumstances affecting the authority for which time is of the essence. The call shall be made in accordance with the open meetings requirements of statute and board resolution.
- (3) **Quorum Voting.** A majority of all board members shall constitute a quorum for conducting the affairs of the authority. The president of the board is a voting member of the board, shall be entitled to debate any issue and vote on any issue in the same manner as other members of the board and shall be considered as member of the board for purposes of a quorum. All matters will be determined by voice vote. Any member of the board may request a roll call vote on any issue. In the event of a roll call, it shall be in alphabetical order with the president voting last. The LAIC Governing Body will have a regular meeting once per month. The meetings will be advertised in a local newspaper in accordance with the Open Meetings Act. In addition, parents will be notified via newsletters, public service announcements, and written notices.

I.4.

The Governing Board shall function with a majority vote to make policy decisions, including staff decisions. The Governing Board shall be responsible for the selection and evaluation of the Provost. Upon the recommendation of the Provost the Governing Board shall hire and fire staff. They will also review the operating budget, along with the LCPS school board, and approve the school site and facilities. The Governing Board shall also approve the curriculum for LAIC. Any committee serves in an advisory capacity to the school policies of the LAIC. The representative of the Governing Board shall be the Provost in the area of staff relationships. In this regard, the Provost is the direct supervisor of the LAIC staff. Professional development for both staff and Governing Board is essential. Whenever possible and feasible, staff development shall be made available to both staff and Governing Board.

**BOARD PROCEDURES AND GENERAL AUTHORITY:** This section establishes procedures governing the board operations for conducting its business affairs and sets for the general authority of the board. Alternates: There shall not be appointed alternate representatives to the board. Voting by proxy shall not be allowed.

**Annual Meeting of the Board.** The board shall hold an annual meeting each September. At the option of the board the annual meeting may be scheduled to coincide with the regular September meeting of the board. **Officers of the Board.** The officers of the board



# LA ACADEMIA DOLORES HUERTA GOVERNING COUNCIL

shall be elected from the board membership. The officers shall consist of a president, a vice-president, and a secretary who shall be elected at the annual meeting of the board and shall serve for a period of one year. An officer may be re-elected to the same position or elected to fill another position as an officer of the board. Vacancy in Office. If one of the officers vacates their position as an officer of the board the next lower officer shall automatically assume the duties of the higher officer. For example, if the presidency becomes vacant the vice-president shall automatically assume the title and duties of president and the secretary shall automatically assume the title and duties of vice-president. After due notice, a new secretary will be elected by the board. In the alternative to the automatic progression to higher office, the board may call a special meeting of the board for the purpose of conducting an election of officers of the board in the event of any vacancy in a board office. Each of the officers shall serve until elections of officers at the next annual meeting.

Proposed  
Revision/  
Amendment  
Statement

## ARTICLE IV: GOVERNANCE

The affairs of La Academia shall be governed by a Governing Council that will function in accord with provisions of these By-laws and such other applicable public and school district policies, rules, regulations, and statutes.

## ARTICLE V: COUNCIL'S ROLE, RESPONSIBILITIES AND AUTHORITIES:

The governing council shall:

1. Establish and promulgate all policies regarding the operations of La Academia, its mission, goals and objectives.
2. Have sole responsibility for the selection, appointment, monitoring and evaluation of the chief administrator (Chancellor), who in turn shall have and exercise the authority to hire, monitor, evaluate, promote, demote or terminate all other employees.
3. Develop, and approve the school's yearly operating budget and revisions thereto, and through its Secretary/Treasurer shall monitor financial transactions during the course of a fiscal year.
4. Approve the curriculum and any changes thereto proposed by the Chancellor.
5. Establish and implement procedures governing the processes and actions of the council.
6. Approve all major contracts and agreements executed on behalf of the school and approve any legal action(s) that may need to be initiated, and authorize accessing legal counsel when legal action is initiated against the Council or the school.
7. Conduct all meetings in accord with adopted schedule and in compliance with provisions of these by-laws and in accordance with other legal provisions or requirements.
8. Through its President, act as the primary point of contact and negotiation with the Authorizer's governing entity with the Chancellor being the primary point of contact with the Authorizer's chief administrative officer or his/her designee.
9. Through its Officers and members promote the involvement and interaction of the community, parents and professionals with the school and thereby strengthen and sustain the school's resource base and public image and



LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL

recognition.

ARTICLE VI. GOVERNING COUNCIL

1. Composition: The Governing Council shall consist of five (5) or seven (7) members as determined by vote of the majority of the Council.
2. Qualifications: At least two members of the Council shall be parents or guardians of students attending La Academia during the current school year. The remaining members shall be individuals from the community who demonstrate a commitment to the mission and values expressed in the school's charter and these By-laws.
3. Recruitment and Election: New members to the Council shall be recruited by public solicitation of applicants. All applications shall be initially reviewed by a two member nominating committee appointed by the President, that will recommend to the Council not more than three finalists who shall be interviewed and elected in an open session by the Council. The elected member(s) shall be officially seated at the next meeting following the vote of election.
4. Term of Office: The term of office shall be three (3) years. The terms shall be staggered with three (3) members initially seated for the three (3) year terms with the other two members seated for two (2) year terms. Thereafter all members shall be seated for three (3) year terms.
5. Vacancies: When a vacancy occurs the remaining Council members shall implement the established processes for recruitment, interviewing and appointment of the replacement member. The person appointed shall serve for the remaining part of the tenure of the member being replaced, and will be eligible to serve an additional two years.
6. Removal and Suspension: A member or officer of the Governing Council may be removed or suspended by a vote of three (3) of the remaining four (4) Council members for malfeasance, unexcused absenteeism, violation of its adopted Code of Ethics, or for misrepresentation of the council or the school.
7. Conflicts of Interest: If a Council member knows that he/she is in a conflict of interest regarding any matter coming before the Council, or in matters concerning personnel, that member will voluntarily excuse him/herself from discussing, participating or voting on said matter. Should the member fail to excuse him/herself voluntarily, the President is empowered to suspend the member from all proceedings regarding the particular matter under consideration.
8. Ex Officio Membership: In order to establish and sustain an effective working relationship between the School Advisory Committee (SAC) a member of the SAC shall be seated as an Ex officio, non-voting member of the Council except during closed door sessions regarding personnel or potential litigation; and the Council's President shall designate in rotation, a Council member as an Ex officio representative at SAC meetings.

ARTICLE VII: OFFICERS

1. Composition: The officers for the Governing Council shall consist of: 1) President; 2) Vice-President; 3) Secretary/ Treasurer.
2. Election: Council officers shall be elected at the Council's annual meeting held in September of each year.



LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL

3. Term of Office: The term of office for each position shall be for one (1) year with a maximum of 2 consecutive years. An officer after serving the maximum of two (2) terms may not be elected to another officer position without a lapse of one year.
4. Vacancies: Should a vacancy occur in any officer position by removal, relinquishment or resignation, the position shall be filled by majority vote of the remaining Council members at the meeting immediately following the creation of the vacancy.

ARTICLE VIII: DUTIES AND RESPONSIBILITIES OF OFFICERS

1. President: The president shall:
  - a. Preside at all Council meetings.
  - b. Create such committee(s) as may be deemed necessary, and appoint the chairperson for each committee.
  - c. Represent the Council in dealings with state and local public school entities, the media and general public.
  - d. Be the recipient of any/all complaints that may come under the Council's jurisdiction as set forth in adopted policies regarding "complaints".
2. Vice-President: The Vice-President shall:
  - a. In the absence or unavailability of the President, serve in that capacity.
  - b. Perform other such duties as may be assigned by the President.
3. Secretary/Treasurer: The Secretary/Treasurer shall:
  - a. Record (or have recorded), keep, preserve, distribute, or cause to be distributed to Council members, minutes of all meetings conducted by the Council within ten (10) days following the meeting.
  - b. Be responsible for the proper public posting and notification of meetings in compliance with adopted council policies and/or applicable state statute.
  - c. Act as the Council's officer to receive, confirm, and report all fiscal and financial activities undertaken by administrative staff.
  - d. Be responsible to assure that all budgetary transfers and transaction are in compliance with applicable contract requirements and acceptable accounting practices.
  - e. Represent the council at meetings regarding budgets, finances, and audits.
  - f. Provide a monthly financial status report to the Council at the Councils regularly scheduled monthly meetings.

ARTICLE IX: MEETINGS

1. Annual Meeting: The annual meeting of the Council shall held in September of each year at which, in addition to any other business the Council shall seat new members, establish a calendar of meetings for the year; and, shall conduct the election of its officers.

LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL

2. Regular Meetings:
  - a. The Council shall meet in regular session at least once per month, but more often as provided for in these By-laws.
  - b. A calendar of regular meetings shall be established at the Council's annual meeting. Modification of the calendar may occur during the year by resolution of the quorum majority of Council members.
  - c. Minutes of the previous meeting shall be made available to each Council member within ten (10) days prior to the date of the subsequent meeting.
  - d. An agenda for each regular meeting shall be provided to each Council member not less than three (3) days prior to the date of the next scheduled meeting.
  - e. "Notice of meeting" shall be publicly posted at the school's facilities not less than three (3) days prior to the date of the scheduled meeting.
3. Special Meetings: For purposes of these By-laws, a special meeting is defined as "a meeting called and conducted as an additional meeting to the established schedule of "regular meetings", and:
  - a. Shall be called by the President (or Vice-President in the absence of the President).
  - b. Posting of notice of a special meeting shall be made at the school's facility at least three (3) days prior to the date of the meeting; and an agenda for a special meeting shall be made available to each Council member and the general public not less than two (2) days prior to the date of the meeting.
4. Emergency Meetings: For purposes of these By-laws, an emergency meeting is defined as "a meeting called due to conditions and circumstances that are of an urgent or critical matter that require the immediate attention of the Council", and:
  - a. Shall be called by the President (or the Vice-president in the absence of the President) at the request of any two Council members.
  - b. Notice of the meeting shall be posted at the school's facilities two (2) days prior to the date of the meeting. The agenda for an emergency meeting shall be limited to only the issue that caused the emergency need for a meeting. Minutes of an emergency meeting shall be made available to each council member not less than three (3) days prior to the next scheduled regular meeting.
5. Executive Closed-Door Meetings: The Council at any properly convened regular, special or emergency meeting, may go into executive, closed session by majority vote of a quorum present at such meeting, and:
  - a. Shall be called only for the purpose of dealing with issues or topics stipulated under the New Mexico Open Meetings Act.
  - b. No "action" shall be taken during the executive session.
  - c. The Council shall move and vote to return to "open session".
  - d. Any action deriving from the discussion held in "closed sessions" shall be enacted by a majority vote of a quorum of Council members in open session.



LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL

- e. No person except the Council members shall participate in a closed session unless a two-thirds majority of the Council member present in quorum votes to allow an individual to be present for purposes of obtaining or clarifying information pertinent and critical to the issue under discussion.
6. Work Sessions: The Council may meet for purposes of general discussion of matters of interest or concern to the Council; in no case shall a vote be taken that can or may be construed to constitute, or in fact constitutes establishing a policy or acts regarding fiscal matters. Public notice shall be posted at the school's facilities not less than three (3) days prior to the date of the work session.
7. Open Meeting Act. All meetings without exception shall be conducted in accordance with the Open Meetings Act, Sections 10-15-1 et seq., NMSA 1978.
8. Quorum: A quorum shall consist of a majority of the seated Council members present regardless as to the type of meeting. A quorum shall be required for all matters being voted on regarding matters of:
  - a. Policies.
  - b. Personnel.
  - c. Fiscal.
  - d. Legality.
  - e. Contracts.
9. Standing Authority: All meetings shall be conducted in accord with Robert's Rules of Order".

ARTICLE X: PUBLIC INPUT

The agendas for all Council meetings except those of executive and work sessions shall provide for public input as an action item; however, public input on a particular item under discussion or consideration by the Council may be allowed at the discretion of the presiding officer. In order to maintain the order and conduct of the meeting, public input participation shall be subject to the following:

1. The President must "recognize" the individual, and shall stipulate a time limit.
2. The individual recognized by the presiding officer shall:
  - a. Give his/her name, and state whether he/she is a teacher, parent, student, or other;
  - b. The Secretary shall note the person's identification in the minutes of the meeting;
  - c. Be limited to speaking only to a particular agenda item at the time that the item is being discussed and considered; but may address a non-agenda subject during the period specifically designated for public input in the agenda.

All decisions regarding granting of time, appropriateness of topic and control of time shall reside in the authority of the President.

ARTICLE XI: COMMITTEES

The President (or the Vice-President in the absence of the President) may:

1. Appoint Ad Hoc, standing or special committees from the Council



**LA ACADEMIA DOLORES HUERTA  
GOVERNING COUNCIL**

	<p>membership as deemed necessary and appropriate;</p> <ol style="list-style-type: none"> <li>2. Specify the mission, tasks, and deadlines assigned to each committee.</li> <li>3. Appoint the chair for each committee.</li> <li>4. Establish the term of each committee and its membership.</li> <li>5. Limit each committee's council membership to two members in the case of a five-member Council, or three members in the case of a seven member Council in order to avoid the quorum stipulations in the New Mexico Open Meetings Act.</li> <li>6. Membership on committees may include representation of teachers, staff and/or parents.</li> <li>7. Standing committees may, but are not necessarily limited to the areas of policy, finance, and nomination of potential council members. Other Ad Hoc committees may be established at the President's discretion.</li> </ol> <p><b>ARTICLE XII: AMENDMENTS</b> These By-laws may be amended by a two-thirds vote of a quorum of seated Council members present at a properly called meeting of the Council.</p> <p><b>ARTICLE XIII: ADOPTION AND EXECUTION</b> Adoption of these By-laws will be by a majority of a quorum of the Council at a properly convened meeting in which action of adoption is placed on the agenda provided to the Council members not less than 10 days prior to the date of the meeting. These By-laws once adopted shall become effective on the date of their adoption, and shall remain in effective until otherwise officially amended or withdrawn by appropriate action of the Council.</p>
Rationale for Revision/ Amendment	The governing council adopted these by-laws to strengthen and clarify the governing process and the role of the governing council. This was in response to incidents of questionable interpretation and application of the role of the governing council. This amendment will correct anomalies of governance and clarify policy.
Date of Governing Council Meeting	<b>DATE OF ADOPTION:</b> These By-laws were formally adopted by unanimous vote of the Council members convened in a Special Meeting on November 28, 2007, at which date the contained provisions become applicable and enforceable.
Approved	9.10.2008

LA ACADEMIA DOLORES HUERTA  
"Charter School"

**BYLAWS**

ARTICLE I. NAME

The name of the charter school is La Academia Dolores Huerta, hereafter referred to as La Academia.

ARTICLE II: VISION & MISSION STATEMENT

Vision Statement

La Academia Dolores Huerta holds that the current and growing globalization will increasingly demand that our future leaders in all spheres and arenas possess and apply a knowledge and appreciation of the cultures and languages to which they may be exposed locally and beyond. La Academia Dolores Huerta will encourage students' development of social identity through language, cultural values, and global realities. La Academia Dolores Huerta therefore holds that its enrollment, curriculum, goals and objectives and methodologies provide its students with an education based on dual language and multicultural exposition and applications. The curriculum will be academically rigorous, relevant, and content rich to meet the needs of all students. La Academia Dolores Huerta will serve students in grades 6-8 from the greater Las Cruces area whose population is diverse, lower socioeconomic status, socially impacted and currently underserved.

Mission Statement

La Academia's mission is to: **create an environment that enables middle school students to achieve high academic standards and personal growth through: (1) promoting multilingualism with a focus on bilingualism; (2) nurturing cultural awareness and appreciation; (3) recognizing and developing the gifts and skills of each student; (4) providing an education equal or better than that provided by other public or private schools; and (5) promoting nonviolence emulating of the principals espoused by leaders such as Martin L. King, Cesar Chavez, and Dolores Huerta.**

La Academia encourages and assists its students and their parents to maximize the child's educational experience by facilitating their ability to partner with the school's staff, and thereby help them grow in self-motivation, competency, independence, experience, knowledge and self-worth.

ARTICLE III: GOALS AND OBJECTIVES

In order to best accomplish its stated mission, La Academia hereby adopts the following goals and objectives:

1. Establish and implement curriculum, instructional and assessment strategies that support high achievement standards that develop and enhance each student's capacity as an independent learner.

2. Promote and provide the means by which to maximize each student's achievement in language acquisition and fluency in English and Spanish.
3. Implement strategies that promote and strengthen parent, community and school interactions that support achievement of La Academia's stated mission.
4. Implement technology based education for every student in order to develop the student's competency and literacy as necessary and desirable skills in their future education and eventual employment.
5. Promote nonviolence through instruction and practices based on the principals and spirit of Cesar Chavez, Martin Luther King, and Dolores Huerta.
6. Promote cultural diversity and appreciation through programs of music, dance, art, etc., that present that diversity in a positive light.

#### ARTICLE IV: GOVERNANCE

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#### ARTICLE V: COUNCIL'S ROLE, RESPONSIBILITIES AND AUTHORITIES

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3. Develop, and approve the school's yearly operating budget and revisions thereto, and through its Secretary/Treasurer shall monitor financial transactions during the course of a fiscal year.
4. Approve the curriculum and any changes thereto proposed by the Chancellor.
5. Establish and implement procedures governing the processes and actions of the council.
6. Approve all major contracts and agreements executed on behalf of the school and approve any legal action(s) that may need to be initiated, and authorize accessing legal counsel when legal action is initiated against the Council or the school.
7. Conduct all meetings in accord with adopted schedule and in compliance with provisions of these by-laws and in accordance with other legal provisions or requirements.
8. Through its President, act as the primary point of contact and negotiation with the Authorizer's governing entity with the Chancellor being the primary point of contact with the Authorizer's chief administrative officer or his/her designee.
9. Through its Officer and members promote the involvement and interaction of the community, parents and professionals with the school and thereby strengthen and sustain the school's resource base and public image and recognition.



## ARTICLE VI: GOVERNING COUNCIL

1. Composition: The Governing Council shall consist of five (5) or seven (7) members as determined by vote of the majority of the Council.
2. Qualifications: At least two members of the Council shall be parents or guardians of students attending La Academia during the current school year. The remaining members shall be individuals from the community who demonstrate a commitment to the mission and values expressed in the school's charter and these By-laws.
3. Recruitment and Election: New members to the Council shall be recruited by public solicitation of applicants. All applications shall be initially reviewed by a two member nominating committee appointed by the President, that will recommend to the Council not more than three finalists who shall be interviewed and elected in an open session by the Council. The elected member(s) shall be officially seated at the next meeting following the vote of election.
4. Term of Office: The term of office shall be three (3) years. The terms shall be staggered with three (3) members initially seated for the three (3) year terms with the other two members seated for two (2) year terms. Thereafter all members shall be seated for three (3) year terms.
5. Vacancies: When a vacancy occurs the remaining Council members shall implement the established processes for recruitment, interviewing and appointment of the replacement member. The person appointed shall serve for the remaining part of the tenure of the member being replaced, and will be eligible to serve an additional two years.
6. Removal and Suspension: A member or officer of the Governing Council may be removed or suspended by a vote of three (3) of the remaining four (4) Council members for malfeasance, unexcused absenteeism, violation of its adopted Code of Ethics, or for misrepresentation of the council or the school.
7. Conflicts of Interest: If a Council member knows that he/she is in a conflict of interest regarding any matter coming before the Council, or in matters concerning personnel, that member will voluntarily excuse him/herself from discussing, participating or voting on said matter. Should the member fail to excuse him/herself voluntarily, the President is empowered to suspend the member from all proceedings regarding the particular matter under consideration.
8. Ex Officio Membership: In order to establish and sustain an effective working relationship between the School Advisory Committee (SAC) a member of the SAC shall be seated as an Ex officio, non-voting member of the Council except during closed door sessions regarding personnel or potential litigation; and the Council's President shall designate in rotation, a Council member as an Ex officio representative at SAC meetings.

## ARTICLE VII: OFFICERS

1. Composition: The officers for the Governing Council shall consist of: 1) President; 2) Vice-President; 3) Secretary/ Treasurer.

2. Election: Council officers shall be elected at the Council's annual meeting held in September of each year.
3. Term of Office: The term of office for each position shall be for one (1) year with a maximum of 2 consecutive years. An officer after serving the maximum of two (2) terms may not be elected to another officer position without a lapse of one year.
4. Vacancies: Should a vacancy occur in any officer position by removal, relinquishment or resignation, the position shall be filled by majority vote of the remaining Council members at the meeting immediately following the creation of the vacancy.

#### ARTICLE VIII: DUTIES AND RESPONSIBILITIES OF OFFICERS

1. President: The president shall:
  - a. Preside at all Council meetings.
  - b. Create such committee(s) as may be deemed necessary, and appoint the chairperson for each committee.
  - c. Represent the Council in dealings with state and local public school entities, the media and general public.
  - d. Be the recipient of any/all complaints that may come under the Council's jurisdiction as set forth in adopted policies regarding "complaints".
2. Vice-President: The Vice-President shall:
  - a. In the absence or unavailability of the President, serve in that capacity.
  - b. Perform other such duties as may be assigned by the President.
3. Secretary/Treasurer: The Secretary/Treasurer shall:
  - a. Record (or have recorded), keep, preserve, distribute, or cause to be distributed to Council members, minutes of all meetings conducted by the Council within ten (10) days following the meeting.
  - b. Be responsible for the proper public posting and notification of meetings in compliance with adopted council policies and/or applicable state statute.
  - c. Act as the Council's officer to receive, confirm, and report all fiscal and financial activities undertaken by administrative staff.
  - d. Be responsible to assure that all budgetary transfers and transaction are in compliance with applicable contract requirements and acceptable accounting practices.
  - e. Represent the council at meetings regarding budgets, finances, and audits.
  - f. Provide a monthly financial status report to the Council at the Councils regularly scheduled monthly meetings.

#### ARTICLE IX: MEETINGS

1. Annual Meeting:



The annual meeting of the Council shall be held in September of each year at which, in addition to any other business the Council shall seat new members, establish a calendar of meetings for the year; and, shall conduct the election of its officers.

2. Regular Meetings:

- a. The Council shall meet in regular session at least once per month, but more often as provided for in these By-laws.
- b. A calendar of regular meetings shall be established at the Council's annual meeting. Modification of the calendar may occur during the year by resolution of the quorum majority of Council members.
- c. Minutes of the previous meeting shall be made available to each Council member within ten (10) days prior to the date of the subsequent meeting.
- d. An agenda for each regular meeting shall be provided to each Council member not less than three (3) days prior to the date of the next scheduled meeting.
- e. "Notice of meeting" shall be publicly posted at the school's facilities not less than three (3) days prior to the date of the scheduled meeting.

3. Special Meetings: For purposes of these By-laws, a special meeting is defined as "a meeting called and conducted as an additional meeting to the established schedule of "regular meetings", and:

- a. Shall be called by the President (or Vice-President in the absence of the President).
- b. Posting of notice of a special meeting shall be made at the school's facility at least three (3) days prior to the date of the meeting; and an agenda for a special meeting shall be made available to each Council member and the general public not less than two (2) days prior to the date of the meeting.

4. Emergency Meetings: For purposes of these By-laws, an emergency meeting is defined as "a meeting called due to conditions and circumstances that are of an urgent or critical matter that require the immediate attention of the Council", and:

- a. Shall be called by the President (or the Vice-president in the absence of the President) at the request of any two Council members.
- b. Notice of the meeting shall be posted at the school's facilities two (2) days prior to the date of the meeting. The agenda for an emergency meeting shall be limited to only the issue that caused the emergency need for a meeting. Minutes of an emergency meeting shall be made available to each council member not less than three (3) days prior to the next scheduled regular meeting.

5. Executive Closed-Door Meetings: The Council at any properly convened regular, special or emergency meeting, may go into executive, closed session by majority vote of a quorum present at such meeting, and:



- a. Shall be called only for the purpose of dealing with issues or topics stipulated under the New Mexico Open Meetings Act.
  - b. No "action" shall be taken during the executive session.
  - c. The Council shall move and vote to return to "open session".
  - d. Any action deriving from the discussion held in "closed sessions" shall be enacted by a majority vote of a quorum of Council members in open session.
  - e. No person except the Council members shall participate in a closed session unless a two-thirds majority of the Council member present in quorum votes to allow an individual to be present for purposes of obtaining or clarifying information pertinent and critical to the issue under discussion.
6. Work Sessions: The Council may meet for purposes of general discussion of matters of interest or concern to the Council; in no case shall a vote be take that can or may be construed to constitute, or in fact constitutes establishing a policy or acts regarding fiscal matters. Public notice shall be posted at the school's facilities not less than three (3) days prior to the date of the work session.
  7. Open Meeting Act. All meetings without exception shall be conducted in accordance with the New Mexico Open Meetings Act.
  8. Quorum: A quorum shall consist of a majority of the seated Council members present regardless as to the type of meeting. A quorum shall be required for all matters being voted on regarding matters of:
    - a. Policies.
    - b. Personnel.
    - c. Fiscal.
    - d. Legality.
    - e. Contracts.
  9. Standing Authority: All meetings shall be conducted in accord with Robert's Rules of Order".

## ARTICLE X: PUBLIC INPUT

The agendas for all Council meetings except those of executive and work sessions shall provide for public input as an action item; however, public input on a particular item under discussion or consideration by the Council may be allowed at the discretion of the presiding officer. In order to maintain the order and conduct of the meeting, public input participation shall be subject to the following:

1. The President must "recognize" the individual, and shall stipulate a time limit.
2. The individual recognized by the presiding officer shall;
  - a. Give his/her name, and state whether he/she is a teacher, parent, student, or other;
  - b. The Secretary shall note the person's identification in the minutes of the meeting;

- c. Be limited to speaking only to a particular agenda item at the time that the item is being discussed and considered; but may address a non-agenda subject during the period specifically designated for public input in the agenda.

All decisions regarding granting of time, appropriateness of topic and control of time shall reside in the authority of the President.

#### ARTICLE XI: COMMITTEES

The President (or the Vice-President in the absence of the President) may:

1. Appoint Ad Hoc, standing or special committees from the Council membership as deemed necessary and appropriate;
2. Specify the mission, tasks, and deadlines assigned to each committee.
3. Appoint the chair for each committee.
4. Establish the term of each committee and its membership.
5. Limit each committee's council membership to two members in the case of a five-member Council, or three members in the case of a seven member Council in order to avoid the quorum stipulations in the New Mexico Open Meetings Act.
6. Membership on committees may include representation of teachers, staff and/or parents.
7. Standing committees may, but are not necessarily limited to the areas of policy, finance, and nomination of potential council members. Other Ad Hoc committees may be established at the President's discretion.

#### ARTICLE XII: AMENDMENTS

These By-laws may be amended by a two-thirds vote of a quorum of seated Council members present at a properly called meeting of the Council.

#### ARTICLE XIII: ADOPTION AND EXECUTION

Adoption of these By-laws will be by a majority of a quorum of the Council at a properly convened meeting in which action of adoption is placed on the agenda provided to the Council members not less than 10 days prior to the date of the meeting. These By-laws once adopted shall become effective on the date of their adoption, and shall remain in effective until otherwise officially amended or withdrawn by appropriate action of the Council.

**DATE OF ADOPTION:** This By-laws were formally adopted by unanimous vote of the Council members convened in a Special Meeting on November 28, 2007, at which date the contained provisions become applicable and enforceable.





# NEW MEXICO Public Education Department

## CHARTER SCHOOLS DIVISION

### Local District Authorizers' Reporting Requirements and Forms

#### **Requirements:**

*Any revision or amendment to the terms of the charter shall be made only with the approval of the chartering authority and the governing body of the charter school. (NMSA 22-8b-9, E)*

*Newly approved charter applications – a copy of the approved application and District Board minutes must be sent within 10 days of approval to the NMPED-Charter Schools Division.*

*Amendments to existing or previously amended charter school charters – a copy of approved amendments with a copy of both the Governing Council and District Board minutes must be submitted within 10 days of approval to the NMPED-Charter Schools Division.*

*Approved charter school Renewals – a copy of the Renewal Application with the District Board minutes and the Governing Council minutes must be submitted within 10 days of approval to NMPED-Charter Schools Division.*

#### **Definitions:**

*An approved charter application is a contract between the charter school and the chartering authority. (NMSA 22-8b-9, A)*

**Authorizer:** means either a local school board or the commission that permits the operation of a charter school. (NMAC 6.80.4.7, 6-29-07)

**Contract:** a binding agreement between two or more persons or parties; especially one legally enforceable and a document describing the terms of a contract. (Merriam Webster Online Dictionary, 9/14/07)

#### **Forms:**

- The attached form (**DISTRICT CHARTER AUTHORIZER - NEWLY APPROVED: CHARTER APPLICATION/AMENDMENT/RENEWAL NOTIFICATION FORM**) is developed to provide a uniform means for local districts/authorizers to report required charter school information to NMPED-CSD (*see requirements above*).
- Also attached to this document is the **CHARTER AMENDMENT REQUEST FORM**. The New Mexico Public Education Commission's (PEC) chartered schools are required to use this form when requesting amendments to their original or previously approved charter. (Local district authorizers may or may not choose to use this same form but must submit all amendment approvals to NMPED-CSD as detailed above.)
- It is important to note that this amendment information is **required** as part of all charter schools' renewal applications – whether presented to the district or the PEC as the authorizer.

Questions about these forms or related processes should be directed to Sam Obenshain, Charter Schools Division Program Manager, [sam.obenshain@state.nm.us](mailto:sam.obenshain@state.nm.us) or 795-2374 or mail to 5600 Eagle Rock Avenue, Albuquerque, NM 87113.