



Albuquerque Public Schools Board of Education Governance Manual

Adopted November 2023

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Background

In 2022, the Albuquerque Public Schools Board of Education shifted its governance to prioritize and focus on student outcomes. The Student Outcomes Focused Governance framework, developed and facilitated by leadership from the Council of the Great City Schools, centers the APS Board of Education's work on the community's vision and values in support of what students should know and be able to do. This governance approach enables the APS board (hereinafter "the board") to focus on and evaluate the most important student outcome issues while delegating administrative and management authority to the superintendent. It will provide for more stable, consistent governance now and in the future and create a clear structure for the board to be accountable to the community.

The Albuquerque Public Schools Board of Education Governance Manual focuses on how the board will govern the district. Corresponding procedural directives are maintained by the superintendent and focus on how the superintendent will manage the district.

This manual contains a specific set of policies and is divided into four sections – Goals, Guardrails, Delegation, and Governing – followed by an appendix of policies required by law or regulation.

The Goals policies focus on the direction the board wants to lead the school system. Because schools only exist to improve student outcomes, the Goals section is concerned with the outcomes the community wants to see for its students. The Goals section includes the vision and goals.

The Guardrails policies focus on the protections the board puts in place regarding unacceptable circumstances. Because the board must represent not only the community's vision but also its values, the Guardrails section is concerned with identifying behaviors that the superintendent may not engage in because they would violate the community's values. The Guardrails section includes the theory of action and guardrails.

The Delegation policies focus on the board's cascading of authority to the superintendent, who is directly evaluated by the board. The Delegation section includes the extent and nature of the superintendent's evaluation.

The Governing policies focus on board and board member roles and how board members conduct themselves. The Governing section includes the board's role, ethics expressed as board guardrails, conflict of interest, and procedures for meetings, communications, and community engagement procedures.

Vision Statement

Albuquerque Public Schools exists to ensure that every child graduates with the knowledge, skills, and abilities to be successful upon graduation in college, career, or civic life.

1. Goals Policies

1A: Board Goals

Goal 1: The percentage of third-grade students identified in the Yazzie-Martinez decision plus African American students who demonstrate grade level proficiency or above on the state English Language Arts (ELA) summative assessment will increase from X in May 2023 to Y in May 2028. (Metric to be determined upon receipt of 2023 results from the state assessment but will not be less than a 10-point increase over five years.)

Goal 2: The percentage of eighth-grade students identified in the Yazzie-Martinez decision plus African American students who demonstrate grade level proficiency or above on the state mathematics summative assessment will increase from X in May 2023 to Y in May 2028. (Metric to be determined upon receipt of 2023 results from the state assessment but will not be less than a 10-point increase over five years.)

Goal 3: The percentage of high school graduates who earn credit in two or more Advanced Placement, International Baccalaureate, or Dual Credit courses or earn an industry certification or Bilingual Seal will increase from 39.6 percent in September 2023 to 49.6 percent in September 2028.

Goal 4: Increase the percentage of students who demonstrate the skills, mindsets, and habits most aligned to life success: perseverance, self-regulation, self-efficacy, and social awareness from X in 2023 to Y in 2028 as measured by an evidence-based and aligned tool.

2. Guardrail Policies

2A: Board's Guardrails for the Superintendent

Guardrail 1: The superintendent will not allow the district to operate with inequitable distribution of school and/or community-based wraparound and support systems.

Guardrail 2: The superintendent will not allow resources to be allocated inequitably.

Guardrail 3: The superintendent will not allow curriculum and instruction that is not district and standards-aligned, challenging, culturally and linguistically responsive, and differentiated to meet the academic needs of all students.

Guardrail 4: The superintendent will not exclude parent/legal guardian, student, and community voice and engagement in school and district operations.

Guardrail 5: The superintendent will not implement programs or procedures in schools without staff voice, high-quality professional development, and essential material and human resources.

Theory of Action

When APS mobilizes around a clear plan for how to achieve academic success for all students, and when support leaders and teachers provide students with rigorous, culturally sustaining, grade-level instruction, and when APS cultivates safe schools and classrooms that keep all students engaged in their learning, and when APS establishes clear, distinct systems for managing resources and communicating and supporting schools and families, then Albuquerque Public Schools will improve student outcomes.

[Emerging Stronger: Five-Year Strategic Plan](#)

3. Delegation Policies

3A: Delegation to the Superintendent

The Albuquerque Public Schools Board of Education believes that vision, goal setting, goal monitoring, and the legislation of policies are essential functions of a board and that the execution of the policies should be the function of the superintendent. Therefore, the board will instruct the superintendent through written board policies that represent the visions and values of the community and will actively monitor results of the policy execution.

Accordingly,

1. The board will develop and maintain Goals that represent the community's vision. These Goals will reflect the shared understanding of what the community wants to accomplish for all students.
2. The board will develop and maintain Guardrails that represent the values of the community. Guardrails are actions the superintendent may not use or allow in pursuit of the district's student outcome goals.
3. The superintendent is responsible for administering the district and developing procedures to implement each policy of the Board of Education.
4. The superintendent is responsible for employing, setting salaries, assigning, terminating, and discharging all school district employees.

3B: Superintendent's Role

As the board's sole executive officer for managing school system operations, the superintendent will be responsible for accomplishing any reasonable interpretation of the board's goals within the boundaries of the board's guardrails and federal and state laws and regulations.

Accordingly,

1. State and federal laws and regulations require board adoption of policies on various topics. The board's adopted policies constitute compliance with these legal requirements.
2. In accordance with laws and regulations, the superintendent will be responsible for preparing an annual budget and recommendations for policies to be adopted by the board, overseeing the implementation of adopted policies, and developing appropriate procedural directives.
3. In recommending policy for board adoption, the superintendent will identify when the board is required to adopt policy or has statutory decision-making authority that cannot be delegated to the superintendent.
4. Required board policy addressing administrative issues will be handled by consent agenda, with the superintendent informing the board of substantive changes.
5. Any operational issues not required to be board-adopted will be addressed in a district procedure manual, and the board will take the necessary steps to remove such issues from board policy.
6. Any information the Superintendent provides to one board member will be provided to all board members.

3C: Superintendent Evaluation

The superintendent is the only staff person accountable to the board for academic and operational achievement and conduct.

Accordingly,

1. The superintendent is evaluated only on performance regarding the board goals, guardrails, and interim goals/guardrails. The board considers superintendent performance to be indistinguishable from school system performance.
2. Any matters concerning the superintendent's performance related to contractual responsibilities, board policy, or violation of state or federal law violation should be addressed through the process detailed in the section titled "Superintendent Performance Concerns."
3. Monthly progress monitoring conversations will be held in accordance with the board's adopted monitoring calendar. These monitoring conversations will serve as regular formative assessments of the superintendent's performance.

3D: Superintendent Performance Concerns

In accordance with state and federal employment law, the board will not hear complaints about personnel matters outside of the formal grievance process.

Accordingly,

1. It is the board president's responsibility to guide the inquiry into whistleblower complaints about the superintendent.

2. If, at any time, a board member becomes concerned that the superintendent may have (1) breached any term of the superintendent's contract, (2) violated state or federal statute, (3) violated APS board policy, or (4) failed within a reasonable amount of time to address a specific issue identified by the full board, the following process will be used:
 - a. The concerned board member will bring their concern(s) to the board president, who will assist in resolving the issue(s).
 - b. If the concerned board member does not feel that the resolution is satisfactory, the board member may request, through the board president, that the item be placed on a meeting agenda. The matter may be handled in an executive session. The concerned board member must inform the board president in writing of the specific nature of any concern(s) that prompted the request.
 - c. In addition, the board president may place an item on a meeting agenda to discuss concerns about the professional performance of the superintendent.
3. If an executive session is requested and called, the board must listen to the concern(s) and determine if the issue raised is truly cause for concern.
4. If the majority of the board determines that there is a violation or breach of one of the items listed, the following process will be followed:
 - a. The exact nature of the concern or deficiency will be documented and discussed with the superintendent.
 - b. A remediation or disciplinary action plan may be adopted to include actions and timelines.
 - c. The board president will monitor any performance remediation plan for compliance, and the results will be part of the superintendent's annual performance evaluation.
 - d. The board president will be responsible for ensuring that all documentation relating to performance deficiencies will be appropriately placed in the superintendent's personnel file.

4. Governing Policies

4A: Governance Commitment

Albuquerque Public Schools exist to improve student outcomes. The Albuquerque Public Schools Board of Education exists to represent the vision and values of the community.

4B: Board Accountability

The board will monitor its process and performance by regularly conducting formative self-evaluations along with an annual summative self-evaluation within 45 days before the annual superintendent evaluation. The board will self-evaluate using a research-based self-evaluation instrument.

4C: Guardrails for the Board

Guardrail 1: Board members will not act on assumptions about each other's intentions and will accept responsibility for their own actions and behaviors.

Guardrail 2: The board will not spend less than 50 percent of public meeting time monitoring student outcome goals.

Guardrail 3: The board will not exclude community voices, including students, family, and staff, when making important decisions about such matters as, but not limited to, the budget, superintendent hiring, and setting of goals and guardrails.

Guardrail 4: No board member will represent or appear to represent through their words or actions the voice of the entire board on matters that the board has not publicly adopted.

Guardrail 5: Board members will not be disrespectful of staff time and resources and will establish a process for tracking the cost of staff time dedicated to board support in order to reduce both burden and cost.

4D: Board Responsibilities and Authority

The board will ensure appropriate organizational performance by assuming direct responsibility and authority pursuant to applicable federal and state statutes, administrative codes, and policies.

Accordingly,

1. The board will comply with all federal statutes and regulations and operate in accordance with the New Mexico Constitution, New Mexico statutes, and New Mexico administrative code.
 - See § 22-5-4 NMSA 1978 for a complete list of statutory duties
 - See NM Administrative Code of the Secretary of Education
2. The board retains and reserves all powers and duties conferred upon and vested in it by the New Mexico Constitution and New Mexico statutes.
3. The primary powers and duties of the board are:
 - To create and adopt district policy
 - To employ and negotiate the contract of a superintendent of schools for the district
 - To review and approve the budget for Albuquerque Public Schools only after determining that the board's goals are the priority for resource allocation.
4. Board members will have authority only when acting as a board in a regular, special, committee, or emergency meeting.
5. The board will monitor Student Outcome Focused Goals and Guardrails.
6. Adhere to the board's guardrails

4E: Board Membership Requirements

The board will consist of seven members elected by geographic districts for four-year staggered terms in accordance with New Mexico statutes. The individual and collective participation of its members is integral to the leadership success of the board. Therefore, each board member is expected to fulfill the following requirements:

1. Reside in the district from which they are elected or appointed. A vacancy on the board caused by the resignation, death, refusal to serve, incapacity, or removal of a board member will be filled in accordance with the provisions of the New Mexico statutes.
2. Take an oath of office to administer the duties of the office faithfully, impartially, and in accordance with the law.
3. Complete a conflict of interest disclosure form annually
4. Attend at least five hours of training annually at sessions sponsored by the New Mexico School Board Association in collaboration with the New Mexico Public Education Department. Three of the five hours for newly elected board members who have served less than a year must come from a training course developed by the Public Education Department and sponsored by the NMSBA. The course will be offered within three months after the local board election.
5. All newly elected or appointed board members will attend mandatory onboarding sessions conducted by the board services office and board members on Student Outcomes Focused Governance and required board work.

4F: Code of Conduct

To preserve the confidence entrusted to us as public officials, the board commits itself to ethical, professional, and lawful conduct, proper use of authority, and appropriate decorum.

Accordingly,

1. Board members will make the education and well-being of students the basis for all decision-making.
2. Board members will not use confidential information acquired by their associations with the district for their individual or another's private gain..
3. Board members will adhere to the provisions of the [New Mexico Gift Act](#). If board members receive or accept loans or gifts over \$250, they will disclose it to the Board Services Office and peer board members and recuse themselves if there is a conflict.
4. Board members are subject to the [New Mexico Governmental Conduct Act](#), and will, in all instances, conduct themselves with the highest professional and ethical standards and will not violate federal, state, or local laws.
5. Each year, board members will complete a disclosure form listing potential conflicts of interest concerning district contracts, purchases, payments, or other financial transactions. Newly elected board members also will complete the conflict of interest form upon taking office. Board members will notify the board services executive director if potential conflicts of interest change.
6. Board members will publicly disclose any campaign contributions in excess of \$1000 whether individual or in the aggregate before voting on matters involving individuals or organizations who made the contributions and will recuse themselves if there is a conflict unless the board decides that recusal will prevent the board from fulfilling its legal duty.

4G: Board Member Performance Concerns

In accordance with state and federal employment law, the board will not hear complaints about personnel matters outside of the formal grievance process.

Accordingly,

1. If a board member believes that another board member has violated the Code of Conduct policy or state or federal law, it is the responsibility of the concerned board member to discuss the alleged violation with the other board member in private before taking any other action, unless the nature of the allegation requires immediate escalation to the board president.
2. If, after the concerned board member has privately discussed the alleged violation with the other board member, the concerned board member feels the alleged violation has not been appropriately addressed, the concerned board member may submit, in writing, the allegation to the board president, who will serve as arbiter. If the board president is

involved in the allegation, the concerned board member may instead submit the allegation, in writing, to the board vice president or the next most senior board member not involved in the allegation, who will serve as arbiter instead.

3. The board members involved will have a conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures, and the arbiter's duty is to work to avoid such escalation.

4H: Board Officer Roles and Responsibilities

The board officers will ensure the integrity of the governing process and verify the board conducts itself consistently with its policies and legal obligations.

Accordingly,

1. The board will elect officers, including the president, vice president, and secretary.
 - a. The executive committee will include the president, vice president, and secretary and will participate in agenda preparation for all regular board meetings.
2. The executive committee will meet monthly to coordinate agenda items and confer about upcoming issues.
3. The president will:
 - a. Preside at board meetings
 - b. Coordinate the board's activities
 - c. Provide input to the superintendent regarding Board Office staff
 - d. Sign, or cause to be signed, all resolutions, contracts, and other instruments and documents authorized by the board
 - e. Ensure agenda preparation for board meetings
 - f. Approve board business that represents board consensus
 - g. Represent the board before the Legislature on matters that directly impact the district achieving its goals or as requested by the superintendent
 - h. Attend weekly meetings with the Council of Great City Schools or other national entities that unite boards and superintendents on Student Outcomes Focused Governance
 - i. Meet with the superintendent weekly
 - j. Appoint board members to serve on board committees unless specified otherwise in board policies.
 - k. The president will only act for or on behalf of the board with prior specific authority from a majority of the board
4. The vice president will:
 - a. Perform the president's duties in their absence and any other duties delegated by the president
 - b. Preside during board member discussions or debates when the president is actively engaged
 - c. In the absence of the secretary, sign, or cause to be signed, all resolutions, contracts, and other instruments and documents authorized by the board and when the secretary's signature is required

- d. Assist in agenda preparation for regular board meetings
 - e. Perform other duties as delegated by the president
 - f. Serve as chair of the Audit Committee
5. The secretary will:
- a. Preside, in the absence of the president and vice president, at board meetings
 - b. Sign, or cause to be signed, all resolutions, contracts, and other instruments and documents authorized by the board and when the secretary's signature is required
 - c. Facilitate recognitions when needed
 - d. Conduct the public forum segment of the board meeting
 - e. Assist in agenda preparation for regular board meetings
 - f. Perform other duties as delegated by the president
 - g. Act as parliamentarian during board meetings
 - h. Manage the process for keeping track of time dedicated to Student Outcomes Focused Governance

4I: Board Committees

Board committees have one essential role: to strengthen and support the board's work. The role of board committees is only to advise the board, not the district staff.

New Mexico statute requires that boards of education have a Finance and Audit subcommittee. The board may establish additional standing committees.

Accordingly,

1. Committees will have deliberative and recommending powers only.
 - a. A committee will consider only items referred by a board member, the superintendent or designee, or by formal board action.
 - b. A committee will consider only those items that fall within the committee's scope of duties.
 - c. Committees will meet regularly and report their findings and recommendations to the board.
 - d. The board will consider voting on items approved by a committee in the same month.
 - e. Committees are open for membership to all board members
 - f. All meetings are open to the public and all meeting materials will be posted publicly. All members are invited to submit questions prior to the meeting.
2. Board members may serve on the following committees:
 - a. Finance
 - b. Policy
 - c. Audit
3. The board president or a majority of the board may appoint additional committees, including

- a. Ad hoc committees, made up of board members, to perform a specific task or solve a problem with the expectation that the group will disband when the objective has been completed
- b. Task forces made up of board members and/or community members, brought together to accomplish a specific objective

4J: Board Policy Scope and Development

The board will create and adopt policy for Albuquerque Public Schools in accordance with applicable state law and regulation. The board may develop, review, and revise any policy established by the board through a majority vote of members. The board may also suspend or revoke any policy established by the board that is not specifically prescribed by federal or state statute through a majority vote of board members.

Accordingly,

1. The board limits its adoption of board policies regarding school system operations to matters 1) required by law or 2) an appropriate exercise of the board's oversight authority as defined by the board's adopted goals and guardrails.
2. Existing policies that do not meet one of these criteria will be archived, though the superintendent may choose to convert them to administrative procedures.

To ensure that policies are well examined before final action, the board will adhere to the following meeting sequence in considering and adopting proposed new policies or policy amendments:

First Meeting

1. The proposal will be presented as a discussion item to the Policy Committee, along with any objectives or rationale for the proposed policy and how it satisfies the board's identified scope.
2. Once reviewed by the Policy Committee, the proposed new policy will be made available for public review and comment for 30 days or until the next regularly scheduled Policy Committee meeting. The public comment period will provide an opportunity for formal public feedback to inform potential changes to the proposed policy.

Second Meeting

1. The proposal will be presented as an action item to the Policy Committee. During the discussion of the policy proposal, the views of the public and staff will be considered.
2. Amendments to the policy proposal may be introduced and acted upon.
3. An amendment will not require that the policy go through an additional reading unless the Policy Committee chair or board president determines that the amendment needs further study and that an additional reading would be desirable.

4. The Policy Committee will make a recommendation regarding the proposed policy, which may be presented at the next scheduled board meeting.

Third Meeting

1. The policy, along with the recommendations of the Policy Committee, will be presented to the full board for consideration and adoption.
2. Amendments may be adopted by the board.
3. Any final amendment made by the board will not require that the policy go through an additional reading unless the board determines that the amendment needs further study and that an additional reading would be desirable.

4K: Board Agendas

Board meetings will comply with the New Mexico Open Meetings Act (§10-15-1 NMSA 1978) and the Open Meetings Act Resolution of the board for public notification of meetings. The meeting schedule and agendas are posted on the APS website at APS.edu.

Accordingly,

1. The board president and the superintendent or designee will set regular and special meeting agendas.
 - a. Any board member may request to add an agenda item through committee meetings or by contacting the president.
2. The committee chair and superintendent or designee will set committee meeting agendas.
3. Consent agenda items, listed separately, may be voted on without reading the description of each item aloud.
4. Any item listed on a consent agenda may be removed for a separate vote at the request of a board member. The name of the member who objects to a consent agenda will be included in the meeting minutes.

4L: Board Meeting Procedures

The board will hold regular meetings monthly and may hold special, emergency, or committee meetings. All board meetings will comply with the [New Mexico Open Meetings Act](#).

Accordingly,

1. Board meetings will be held on the first and third Wednesday of the month.
2. Within 30 days of the annual organizational meeting, the board will establish a schedule of meetings for the year and approve the Open Meetings Resolution that will define reasonable notice for public meetings.
3. A majority of all members of the board will constitute a quorum at regular or special board meetings.

4. Final board approval of any action item will require an affirmative vote by the majority of the board at a regular or special meeting.
5. This vote may be conducted either by a roll call or a voice vote of affirmation. The board will not conduct a vote by secret ballot.
6. The board may grant permission to use digital signatures if members consent to their use on a needed basis. Digital signatures will suffice to make board documents final and official.
7. Board meetings may be canceled and rescheduled with appropriate public notification.
8. Emergency board meetings may be called as needed. During emergencies, agenda items will be limited to those considered urgent or those requiring action to conduct/continue district business.
9. Roberts' Rules of Order (Newly Revised) will be the general basis of how the board conducts meetings. Although appropriate motion procedures may handle most items, consensus action may also be used.
10. Board members should attend meetings informed of the issues to be addressed and properly prepared for discussion and deliberation.
11. The official record for all Board of Education actions will be set forth in the minutes. Minutes will require board approval in an open meeting. The board services office will maintain a permanent, official record of all board actions.

4M: Board Meeting Materials

Documents pertaining to agenda items should be ADA-accessible PDFs that can be posted along with the agenda and made available to the public.

Accordingly,

1. Before all meetings, the superintendent or designee will provide board members with all items to be considered, including legal documents, support materials, and staff presentations. The goal is to provide these materials 14 days before the meeting. All documents will be sent digitally.
2. The superintendent or designee will recommend items requiring board approval.
3. All consent-eligible items will be placed on the consent agenda by default.
4. Once board members receive the materials, they may immediately begin submitting questions to the superintendent or designee. Board members will have at least five days to submit questions about the agenda items to the superintendent or designee.
5. The superintendent or designee will create a Q&A document of responses that will be shared with board members and the public.
6. Board members will have time for follow-up questions, which may be answered in writing in advance or during the meeting.
7. Board members will have up to four days before the meeting to request items be removed from the consent agenda and placed on the action agenda for discussion and

consideration. This is the only time before or during board meetings that items will be able to be moved from the consent agenda for a separate vote. The New Mexico Open Meetings Act requires that a final agenda be posted within 72 hours of the meeting.

8. If board members need to recuse themselves from participation in an item on the agenda because of a conflict of interest, they must declare that in writing at least 24 hours before the meeting to the board services office and copy the board president. If the board services office receives a declaration, it will create a second consent agenda item -- a "recusal consent" agenda -- to place items on that are subject to a conflict of interest so that board members can vote on the standard consent agenda without voting on an item on the conflicted consent agenda.
9. No agenda items will be added to or removed from the consent agenda during the meeting. Motions to that effect will be ruled out of order by the board president.

4N: Board Meeting Minutes

The official record for all Board of Education actions will be set forth in the meeting minutes. The board services office will maintain a permanent, official record of all board actions.

Accordingly,

1. The draft minutes of each board or committee meeting will be prepared within 20 working days after the meeting. Minutes will be distributed in accordance with the New Mexico Open Meetings Act. The board will take action at a subsequent meeting to amend and/or approve these minutes.
2. The minutes will include at a minimum:
 - a. The date, time, and place of the meeting
 - b. The names of members in attendance and those absent
 - c. The substance of the proposals considered
 - d. A record of any decisions and votes taken that show how each member voted
 - e. Aspirationally, the amount of time spent on each agenda item

4O: Public Participation at Board Meetings

The board values participation and recognizes the importance of public input affecting the community, the board, and Albuquerque Public Schools.

Accordingly,

1. The board will provide a public forum during regular board meetings, subject to reasonable guidelines, for community members to express concerns, complaints, or commendations.
2. Because the board is not the district ombudsman, stakeholders are encouraged to fully utilize meetings with school officials, site councils, and administrative procedures to

communicate and resolve issues with the school administration before presenting the issue to the board.

3. APS will summarize public comments in the meeting minutes.

During public forums, the board will:

1. Listen respectfully and remain impartial
2. Clarify that it is unethical for board members to intervene directly with staff but that it is their role to aid stakeholders with connecting to the appropriate staff members (It is unethical and inequitable for board members to communicate directly or indirectly with district staff on behalf of the commentator/complainant)

This policy will not be construed to apply to comments/complaints alleging criminal activity.

4P: Community Engagement with the Board of Education

The board affirms that their first and foremost responsibility is to represent the community's vision for improving student outcomes and ensuring that their values are protected along the way. As such, public comment during board meetings will not be the only opportunity for the public to comment to the Board of Education.

Accordingly,

1. The board commits to hosting semi-annual opportunities to engage with the public in a two-way dialogue about the community's vision for improving student outcomes and protecting the community's values through the board's adopted goals and guardrails. All board members are expected to participate in community engagement at meetings or events hosted by the board and outreach at meetings or events hosted by community members.
2. Additionally, the board recognizes the need for ongoing communications. As such, the board services office will be responsible for publishing all avenues by which the public may comment to board members. Ways to contact board members will be made available upon request and at each regular board meeting.
3. Petitions and written or electronic correspondence to the board will be presented to all board members. The board services office will not be required to present anonymous information to the board members.
4. The board services office may summarize information, correspondence, and comments received before providing the information to board members.

4Q: Non-Superintendent Employee Performance Concerns

In accordance with state and federal employment law, the board will not hear complaints about personnel matters outside of the formal grievance process.

Accordingly,

- When a board member becomes concerned about the performance of district employees, they must bring their concerns directly to the superintendent and inform the board president. Such concerns must be limited to
 - Illegal actions
 - Egregious violations of board policy
 - Actions harmful to the district's or board's reputation.
- Board members must remain mindful that district personnel are the responsibility of the superintendent, not the board.
- The superintendent must listen to such concerns, review the matter, and notify the board of the resolution to the extent policy allows.
- When a board member has concerns about the performance of district employees related to employee, student, board, or community safety, the board member will notify the superintendent and, when appropriate, the police department.

Appendix: Laws and Regulations

The Board of Education of Albuquerque Municipal School District No. 12, Counties of Bernalillo and Sandoval, New Mexico, hereafter referred to as the board, retains and reserves unto itself all powers and duties conferred upon and vested in it by the New Mexico Constitution and New Mexico statutes. The primary powers and duties of the board will be to employ and negotiate the contract of a superintendent of schools for the district, create and adopt district policy, and review and approve the budget for the Albuquerque Public Schools.

The board will be subject to New Mexico Public Education Department regulations.

The board will comply with all federal statutes and regulations and will operate in accordance with the New Mexico Constitution, New Mexico statutes, and New Mexico administrative code.

Legal References:

New Mexico Statutes 1978:

- [Section 22-5-1](#)
- [Section 22-5-3.1](#)
- [Section 22-5-1.1](#)
- [22-5-4](#)

Governance Manual Section 3: Delegation Policies

A local school board has the authority to employ a superintendent of schools for the school district and fix their salary.

Legal Reference:

- [22-5-4 NMSA 1978](#)

3A: Delegation to the Superintendent

The superintendent is the chief executive officer of the school district.

Legal Reference:

- [22.5-14 NMSA 1978](#)

3B: Superintendent's Role

The superintendent:

- Carries out the education policies and rules of the state department and local school board
- Administers and supervises the school district
- Employs staff
- Prepares the school district's budget

Legal References:

- [22.5-14 NMSA 1978](#)
- [22-8 NMSA1978](#)

Governance Manual Section 4. Governing Policies

4B: Board Accountability

Legal References:

- Gift Act: [§10-16B-1 through §10-16B-4 NMSA 1978](#)
- Campaign Practices: [§1-19-26 through §1-19-37 NMSA 1978](#)
- Local Elections: [New Mexico Local Election Act \(2018\)](#)

4C: Guardrails for the Board

School boards may adopt rules pertaining to the administration of all powers or duties of the local school board. Legal Reference:

- [Section 22-5-4K NMSA 1978](#)

4D: Board Responsibilities and Authority

Local school boards have the following powers or duties:

- Develop educational policies for the school district
- Employ a local superintendent for the school district and fix the superintendent's salary
- Review and approve the annual school district budget;
- Acquire, lease, and dispose of property
- Have the capacity to sue and be sued
- Acquire property by eminent domain
- Issue general obligation bonds for the school district
- Provide for the repair of and maintain all property belonging to the school district

Legal Reference:

- [22-5-4 NMSA 1978](#)

4E: Board Membership Requirements

Legal References:

- The Albuquerque Public Schools Board of Education is made up of seven members: [22-5-3 NMSA 1978](#)
- Board members serve without compensation and can't be employed by the district: [22-5-5 NMSA 1978](#)
- Board members serve four-year terms: [22-5-8 NMSA 1978](#)
- Oath of office: [22-5-9.1 NMSA 1978](#)
- Vacant or vacated offices: [22-5-12 NMSA 1978](#)
- School board member training: [22-5-13 NMSA 1978](#)

4F: Code of Conduct

Legal References:

- [New Mexico Governmental Conduct Act](#)
- Gift Act: [§10-16B-1 through §10-16B NMSA 1978 \(Gift Act\)](#)
- Inspection of Public Records: [Section 14-2-1 NMSA 1978](#)
- Local Elections: [New Mexico Election Code](#)

4H: Board Officer Roles and Responsibilities

A local school board shall elect a president, vice president, and secretary from among its members.

Legal Reference:

- [Section 22-5-7, NMSA 1978](#)

4I: Board Committees

Legal Reference:

- Audit and Finance committees: [22-8-12.3 NMSA 1978](#)

4J: Board Policy Scope and Development

A local school board shall have the authority to develop educational policies for the school district.

Legal Reference:

- [22-5-4 NMSA 1978](#)

4K: Board Agendas

The Sunshine Act requires that public business be conducted in full public view, that the actions of public bodies be taken openly, and that the deliberations of public bodies be open to the public.

Legal Reference:

- [New Mexico Open Meetings Act](#)

4L: Board Meeting Procedures

Legal References:

- [New Mexico Open Meetings Act](#)
- [New Mexico Inspection of Public Records Act](#)

4M: Board Meeting Materials

Legal References:

- [New Mexico Open Meetings Act](#)
- [New Mexico Inspection of Public Records Act](#)

4N: Board Meeting Minutes

Legal References:

- Minutes: [New Mexico Open Meetings Act](#) (page 18)
- [New Mexico Inspection of Public Records Act](#)

4O: Public Participation at Board Meetings

Legal Reference:

- [New Mexico Open Meetings Act](#)

4Q: Non-Superintendent Employee Performance Concerns

Legal References:

- [Local Superintendent Powers and Duties](#)
- [22-5-4 NMSA 1978](#)

Additional References

- [New Mexico School Boards Association School Board Member Handbook](#)
- Per Diem: [2.42.2 NMAC 1971](#)