



GOVERNANCE COUNCIL POLICY: GOVERNANCE COUNCIL POWERS AND AUTHORITY

Policy No: GC0012
Adopted: 9/20/21
Amended:

I. PURPOSE

- A. To establish the powers and authority of the Governance Council.

II. BACKGROUND

- A. New Mexico Charter Law vests supervision of the Alma d'arte Charter High School in the Governance Council and specifies the powers and duties of the Governance Council. The Governance Council also has other powers and duties imposed on it by state law, judicial decisions, and regulations of the Public Education Department.

III. POSITION

- A. The Governance Council is the governing body of the charter school. It is responsible for ensuring the proper and uniform application of all federal, state and local laws in the school's operation and the school's Charter and policies. The school will be operated for the educational benefit of its students. The Governance Council is the policy-making body for the school. The Alma d'arte Charter Governance Council will exercise leadership primarily through the formulation and adoption of policies.
- B. The powers and duties of the Governance Council are prescribed by the Alma d'arte Charter, the New Mexico Public School Code, and all applicable laws and regulations. Complete and final control of all matters about the school's educational system shall be vested in the Governance Council. The Governance Council of Alma d'arte Charter shall have the following powers and duties:
 - 1. Those powers as outlined in the Alma d'arte Charter that is not inconsistent with federal or state laws or constitutions, or as otherwise set forth in the Charter Schools Act, NMSA1978 §22-88-1, et seq.;
 - 2. Recruit, employ, and evaluate the performance of a Principal/CAO, annually deciding on the renewal of the Principal/CAO's contract to manage Alma d'arte, and annually establishing the Principal/CAO's salary;
 - 3. Delegate administrative and supervisory functions to the Principal/CAO;
 - 4. Establish and approve the annual budget of anticipated income and expenditures, and regularly monitoring school implementation of that budget, financial reports and budget adjustment requests;
 - 5. Have the capacity to sue or be sued;
 - 6. Accept or reject any charitable gift, grant, devise or bequest not otherwise contrary to law or the terms of the Charter;
 - 7. Serve as the final arbiter for all personnel grievances which have proceeded through the prior steps laid out in the school's personnel policies and which have not been resolved to the satisfaction of the complainant;
 - 8. Develop both a long-term strategic plan and an annual work plan for the school to foster the attainment of its goals and objectives and to assure faithful compliance with the terms of the original Charter granted by the Alma d'arte Governance Council, including periodically reviewing that Charter with an eye to possibly seeking revisions in it;

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9. Meet at such times and places required by the adopted Bylaws and conduct those meetings in compliance with the requirements of the New Mexico Open Meetings Act, including public notice;
 10. Adopt an annual resolution specifying what notice of Governance Council meetings shall be given to the public and conduct all Board meetings per the Open Meetings Act. (10-15-1 through 10-15-4 NMSA 1978);
 11. Award diplomas to students who have completed graduation requirements;
 12. Ensure that each member of the Council participates in a planned program of training which will assist in the performance of specific duties; and
 13. Negotiate, enter or terminate contracts of and on behalf of Alma d'arte Charter High School.
- C. The Governance Council shall concern itself primarily with broad policy questions and with the appraisal of results rather than with administrative detail. The application of policies is an administrative task to be performed by the Principal/CAO and designated staff. They shall be held responsible for the effective implementation of Governance Council policies. The Principal/CAO shall be held accountable for keeping the Governance Council informed of all matters within its purview to fulfill the described function of a governing body.
- D. The Governance Council expressly delegates to the Principal/CAO the power:
1. To act as hearing officer or hearing authority to hear or review facts, deciding appropriate disciplinary action, or reviewing disciplinary actions of other designated or authorized administrators, educators, assistants, or staff, consistent with procedures established by state law or regulation or Governance Council policy. Instances in which the Principal/CAO may exercise such delegation of authority include, but are not limited to, acting as hearing authority, review authority, or disciplinarian in hearings involving long-term suspension or expulsion of school students pursuant to the Public Education Department Regulation No. 81-3, or such successor regulation as the Governance Council may adopt. In addition, the Principal/CAO may designate other administrators to perform any of such functions.
 2. To affect the immediate and temporary suspension with pay of Alma d'arte Charter High School employees, or to accept employee resignations, where the Principal/CAO in the exercise of their sole discretion determines such immediate action to be in the best interests of the school, necessary to preserve the health, safety, or welfare of the students, or other employees of the school, or to assure the continued efficient operation of the school. No appeal to the Governance Council from such action may be had unless the Principal/CAO also recommends Governance Council action to suspend such employee without pay or terminate or discharge such employee.
 3. To offer employment to prospective school employees and evaluate or delegate evaluations of all staff as specified in New Mexico Administrative Code.
 4. To review grievance resolution proceedings as outlined in Governance Council policy and determine whether issues are not subject to such grievance procedure.
 5. To act as the spokesperson to the media.

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6. The delegation of authority provided herein may not be used in a manner contrary to state law or regulation or deny any student or employee rights to which they may otherwise be entitled.
7. The Governance Council may expand the delegation prescribed herein in appropriate circumstances. The enumeration of delegated authorities to the Principal/CAO shall not be construed to limit the authority of the Principal/CAO to take such further actions as may be necessary to administer school programs or to execute school Governance Council policy unless such authority is reserved to the Governance Council by state law.

IV. REVIEW

- A. The Council will review this Policy per the policy review process.

Approved, Governance Council, President

Date

Legal Reference: