

## AGENDA ITEM EXECUTIVE SUMMARY

- I. Public Education Commission Meeting Date: January 13, 2017
- II. Item Title: Discussion and Possible Action on Governing Body Changes Policy and Forms– Contract Provision 8.10 (B) And PEC Policy
- III. Executive Summary and Proposed Motions:

At the November 15, 2016 PEC meeting the Commission voted on changes to the governing body change policy. A motion was passed unanimously requesting that CSD present a revised policy statement that clarifies the following:

No. 1. Schools must notify the CSD of any and all changes to governing body membership.

No. 2. Schools must annually identify the number of positions on the governing body in a public vote at a properly noticed meeting of the governing body.

No. 3. Any and all changes to the number of positions on the governing body must be approved according to the school's bylaws during a public vote at the first meeting of the fiscal year.

No. 4. Schools must fill any and all vacancies based on the number of members identified in the annual notice, and/or changes in a public vote, pursuant to the vote referenced in Item

Attached are a revised policy statement and a revised notification form for the PEC's consideration and vote.

### **Proposed Motions**

- Move to adopt the revised policy statement presented in today's materials and the revised form for making governance changes.
- Move to adopt the revised policy statement presented in today's materials and the revised form for making governance changes, with the following changes [LIST CHANGES] discussed on the record today.

Policy Statement  
Charter School Governing Body Changes

Background:

Section 8.10(b) of the charter contract requires schools to notify their authorizer within 30 (thirty) days of a member's resignation or designation of a new member and sign the appropriate forms to ensure that the governing body continues to qualify as a board of finance. The contract further requires the school to fill any vacancy on its governing body no later than 45 days from the vacancy or seek an extension for such appointment from the Authorizer in writing.

The Commission requires schools to notify the CSD of any and all changes to governing body membership.

Policy:

A. Annual identification of the number of positions on the governing body

1. At the first governing body meeting of each fiscal year, every state-authorized charter school must identify the number of positions on the governing body in a public vote.
2. Any and all changes to the number of positions on the governing body must be approved according to the school's bylaws during a public vote at the first meeting of the fiscal year.
3. If any change is made to the number of positions on the school's governing body, the school must notify the CSD of the change by sending the governing body minutes to the charter schools division email address.

A.B. Resignation or removal of a governing body member

1. Within 30 days of receiving notice of a governing body member's resignation or removing a governing body member, the governing body or its authorized representative shall provide notice to CSD on the "Change of Governing Body Membership Form" available in the PEC's document library.
2. The "Change of Governing Body Membership Form" shall be accompanied by:
  - i. The governing body minutes showing the vote to remove the member, or
  - ii. The resigning member's signed and dated written resignation.
3. At the next PEC meeting after receipt of a "Change of Governing Body Membership Form", CSD will notify the PEC of the resignation or removal of a governing body member on the "Ongoing Actions and Monitoring" document provided each month. Notice will remain on the document until the vacancy has been filled.
4. If a vacancy is not filled within 45 days or receiving notice of a governing body member's resignation or removing a governing body member, and the school has not been granted an extension to fill the vacancy, or if the vacancy is not filled within the time granted as an extension the school will be added to the schools of concern agenda item for consideration of the PEC and potential corrective action.

B.C. Designation of a new governing body member

1. Within 30 days of the appointment of a new governing body member, the governing body or its authorized representative shall provide notice to CSD on the "Change of Governing Body Membership Form" available in the PEC's document library.
2. The "Change of Governing Body Membership Form" shall be accompanied by:
  - i. An updated "STATEMENT OF GOVERNING BODY TO CONSULT WITH PED" signed by all current governing body members, and
  - ii. An "AFFIDAVIT OF GOVERNING BODY MEMBER" signed by the new governing body member and verified by a notary public.

Policy Statement  
Charter School Governing Body Changes

3. At the next PEC meeting after receipt of a “Change of Governing Body Membership Form”, CSD will notify the PEC of the change in governing body membership on the “Ongoing Actions and Monitoring” document provided each month.

C.D. Requests for extensions to fill a vacancy on the governing body

1. If a vacancy cannot be filled within 45 days of receiving notice of a governing body member’s resignation or removing a governing body member, the school shall request in writing to [charter.schools@state.nm.us](mailto:charter.schools@state.nm.us) an extension of exactly 30 days from the end of the original 45 day period to fill the vacancy. The request must be received from CSD prior to the expiration of the original 45 day period to fill the vacancy.
1. CSD shall grant the extension in writing, identifying the date on which the extension ends, and notify the school that if the vacancy is not filled within the time granted as an extension the school will be added to the schools of concern agenda item for consideration of the PEC and potential corrective action.

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The Commission requires schools to notify the CSD of any and all changes to governing body membership.

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  - i. An updated "STATEMENT OF GOVERNING BODY TO CONSULT WITH PED" signed by all current governing body members, and
  - ii. An "AFFIDAVIT OF GOVERNING BODY MEMBER" signed by the new governing body member and verified by a notary public.

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2. CSD shall grant the extension in writing, identifying the date on which the extension ends, and notify the school that if the vacancy is not filled within the time granted as an extension the school will be added to the schools of concern agenda item for consideration of the PEC and potential corrective action.

## STATE CHARTER SCHOOL CHANGE OF GOVERNING BODY MEMBERSHIP FORM

Please complete and submit this form to: **Charter Schools Division**, Public Education Department, [charter.schools@state.nm.us](mailto:charter.schools@state.nm.us), Room 301, 300 Don Gaspar, Santa Fe, NM 87501

Name of State-Chartered School: 32T Current Number of Governing Body Members: 32T

Date submitted: 32T Contact Name: 32T E-mail: 32T

Governing Board Member Name	Governing Board Member's Current Personal Contact Information: Address/Phone Number/Email Address	Action	Date of Action	Reason for removal or resignation	Term of Service
32T	32T		32T	32T	From: 32T To: 32T
	32T				
	32T				
32T	32T		32T	32T	From: 32T To: 32T
	32T				
	32T				
32T	32T		32T	32T	From: 32T To: 32T
	32T				
	32T				

Original Signature of Governing Council President or Designee: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Governing Council President or Designee: \_\_\_\_\_

### Instructions:

- Complete **ALL** fields about the school. Incomplete forms will be rejected.
- Complete **ALL** fields for each board member for whom action was taken. Incomplete forms will be rejected.

## STATE CHARTER SCHOOL CHANGE OF GOVERNING BODY MEMBERSHIP FORM

- Include all required attachments as described below. Submissions not containing all required materials will be rejected.

### Required Attachments:

Submission of this form **MUST** be accompanied by each of the following, as applicable:

#### i. Notices of Resignation or Removal:

- a. The governing body minutes showing the vote to remove the member, or
- b. The resigning member's signed and dated written resignation;

#### ii. Notices of Designation:

- a. An updated "STATEMENT OF GOVERNING BODY TO CONSULT WITH PED" signed by all current governing body members,
- b. An "AFFIDAVIT OF GOVERNING BODY MEMBER" signed by the new governing body member and verified by a notary public, and
- c. The governing body minutes showing the vote to designate the member