



# Horizon Academy West

SECTION A: FOUNDATIONS AND GOVERNING COUNCIL GOVERNANCE

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## SECTION A: FOUNDATIONS AND GOVERNING COUNCIL GOVERNANCE

### A.1 VISION & MISSION STATEMENT

**School Vision:** Horizon Academy West is a public charter school with approximately 500 students in Prekindergarten (full-day) through 6th grade. As a charter school, we provide a quality education with smaller class sizes, develop stronger parental and community involvement, and attract a dedicated and enthusiastic staff. Horizon Academy West is dedicated to improving student achievement through a variety of means. Class sizes are restricted to a student: teacher ratio of 23:1 (Kindergarten is 20:2). Teachers, students, parents, and community members are active participants through volunteering and committee membership. **School Mission Statement:** Horizon Academy West has a commitment to educational excellence, and our staff is dedicated to providing a rigorous, creative, well-rounded education for all students. Our school is committed to helping each student master his or her subjects, and learn to think – critically and creatively.

Our school is committed to help each student master a challenging curriculum, learn to think critically and creatively along with understanding the values and traditions that underlie our society. We believe that students have different needs at different developmental stages, each bringing with them different lifestyles and cultural backgrounds. Students learn through active participation as Horizon Academy West sees itself as a community of students and teachers, responsible to each other. Our institution provides an environment that fosters the professional growth of a dedicated and diverse faculty as they generate for every student a foundation in learning and achievement. We will encourage teacher creativity and initiative, understand and support the whole child, attract and support a diverse student body along with achieving a school community that is socially responsible.

### A.2 NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

HAW affirms its commitment to the rights of students, parents and employees with disabilities as set forth in Section 504 of the Rehabilitation Act of 1973, the New Mexico Human Rights Act (NMHRA) and the Americans with Disabilities Act (ADA).

### A.3 GOVERNING LAWS

HAW must comply with all applicable federal, state, and local laws and regulations. As a public charter school, HAW is governed by, without limitation:

- the Charter Schools Act (NMSA 1978, Sections 22-8B-1, et seq.),
  - the New Mexico School Personnel Act (NMSA 1978, Sections 22-10A-1, et seq.),
  - the New Mexico Procurement Code (NMSA 1978, Sections 13-1-1 et. seq.),
  - the Open Meetings Act (NMSA 1978, Sections 10-15-1 et seq.)
  - the applicable rules and regulations issued by the New Mexico Public Education Department (contained in Title 6 of the New Mexico Administrative Code) and such other regulations applicable to public schools,
  - HAW's charter with the New Mexico Public Education Commission PEC policies not waived in HAW's charter.
- The Governing Council of HAW has a responsibility to ensure that HAW operates in accordance with these laws and regulations, and meets its commitments to the Commission and the New Mexico Public Education Department as reflected in its charter.

### A.4 GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

The primary powers and duties of the Governing Council are to:

- employ and negotiate the contract for the school's head administrator and chief operating officer as defined in 6.80.4.7 NMAC (6.30.2009);
- review and approve the budget for HAW;
- review and approve all policies and procedures for HAW;
- accept or reject any charitable gift, grant, devise or bequest valued over \$1,000 (if accepted, the gift shall be considered an asset of HAW);
- review and approve facilities plans for HAW; and
- serve as HAW's appellate authority with respect to discipline of students and employees and all Concerns, Complaints, and Inquiries (CCI Parent/Community Member complaint process)

Governing. The Council shall not be involved in the day-to-day operations of the school; however, the Council will ensure that the administration carries out the policies and procedures of the Council by requiring regular reports and by conducting annual reviews of the school's Head Administrator.

The Head Administrator will ensure that the Council's shall policies and procedures, facilities plans, and school budget are implemented.

#### A.5 COUNCIL MEMBER AUTHORITY

Except as stated herein, Council members have no independent authority and may act only in a properly convened public meeting. The Council will not be bound in any way by any statement or action on the part of any individual Council member, unless the Council, by majority vote, delegates authority to speak for or represent the entire Council to a Council member. Unless acting pursuant to express delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action approved by the Council and which is the responsibility of the Head Administrator or his/her designee unless such action is taken under the direction and supervision of the Head Administrator. When acting under such direction and supervision of the Head Administrator or his/her designee, a Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

#### A.6 SUSPENDING OR REVOKING POLICIES AND PROCEDURES

Any policy of the Council, not specifically prescribed by applicable law or the charter, may be suspended or revoked by a majority vote of the Council. The Principal may, in case of emergency, suspend any policy or procedure, or any subsection thereof, as they pertain to the administration of the school, provided that the Principal first attempts to obtain Executive Committee approval for such suspension, unless the emergency is such that the Principal must act immediately. The Principal will report the facts and reasons for such suspension at the next meeting of the Council, and the suspension will expire at the time of said report unless continued in effect by the Council.

#### A.7 COUNCIL MEMBERSHIP

The Governing Council is intended to be a collaborative body and members are not intended to represent particular constituencies, but should recognize and pursue the best interests of the school as a whole. It is, however, recognized that diverse groups exist and it is advisable to draw membership from all areas. Therefore, the council membership will consist of five voting members (Community Members and/or Parent Members). A maximum of four, but no less than three non-voting members (one Faculty and at least two Administration Members) will sit on the board to provide assistance to the council. A Council member is defined as a voting member for the purposes of these policies.

##### Low or No Governing Council Membership:

- A. In the event Horizon Academy West Governing Council membership drops below five members but still has at least three members, within thirty days of dropping below five members the remaining Governing Council members shall select candidates for the Governing Council and then vote them in as members at a meeting called pursuant to the Open Meetings Act.
- B. In the event the Horizon Academy West Governing Council membership drops below three members (including the situation where the Governing Council membership is zero members), within ten days of dropping below three members the Executive Director shall develop a process to identify candidates for the Governing Council, which may include current or former Governing Council members, faculty, parents, or partner organizations. Within the ten days after the Governing Council membership drops below three members, the Executive Director shall post a meeting pursuant to the Open Meetings Act, where the candidates shall elect themselves in the same manner as when the school was initially chartered.

##### Selection/Election:

- a) Faculty Members (non-voting membership) will be selected by the Administration. All teachers may submit nominations for the position to the Administration for consideration.
- b) The Faculty and Administration positions are non-voting membership positions.
- c) Parent Members and Community Members:
  - i) On or before May 1 of each calendar year, if a vacancy will exist the Council shall appoint a five-member Nominating Committee, which shall consist of: (a) one member of the Governing Council; (b) one member of the faculty who will not serve on the Council the following year; (c) one parent who is not currently on the Governing Council, is not employed by HAW in any capacity, and will not serve on the Council the following year; and (d) two designees selected by the Administration.
  - ii) The Nominating Committee shall meet thereafter and solicit applications, recruit potential candidates, and screen applicants and recruits for each of the Parent Member and Community Member positions on the Council to be filled.
  - iii) The Nominating Committee shall generally recommend candidates based upon their professional skills, demonstrated collaborative and problem-solving skills and attitudes, their ability and willingness to devote substantial time and energy to serve on the Council (including chairing and regularly participating in the activities of at least one Council committee), and their willingness and ability to devote their time and energy to acting for the

best interests of HAW as a whole, rather than the interests of any particular interest group. iv) The Nominating Committee's slate of recommended candidates shall be submitted to the Council and publicly announced no later than May 10. v) If there is more than one candidate for any Parent Member or Community Member Position, either by virtue of the Nominating Committee recommending more than one candidate for a particular position or because a nominating petition has been submitted in accordance with vi) below, the Council shall arrange for an election to be held with respect to the contested position(s) on the third Thursday of May. vi) Any person who desires to be considered for one of the Parent Member or Community Member Positions on the Council, and who has not been included on the Nominating Committee's slate, shall be placed on the ballot if a petition, signed by at least 50 (fifty) HAW families is presented to the governing council by no later than May 15. vii) With respect to each of the Parent Member and Community Member Positions, families shall be entitled to cast one (1) vote for each child currently enrolled at HAW. If families attempt to cast more than one vote per child all that family's ballots shall be disqualified. viii) Voters shall cast their votes by secret written ballot on or before the

election date, and the candidates for each Parent Member and Community Member Position receiving the most votes shall be elected to that position. ix) At the last Council meeting in May, the Council shall vote to approve or disapprove, as a whole, the uncontested candidates recommended by the Nominating Committee and the candidates elected (if any). If approved, all such candidates shall be seated as members of the Council for the relevant terms. If such candidates are disapproved by the Council as a whole, the Council shall reconvene the Nominating Committee to develop a new slate of candidates for the uncontested positions.

**Restrictions on Council Members:** In no event shall

Council members in office be employees of HAW (which shall for this purpose include persons receiving compensation from HAW as independent contractors); or shall spouses serve on the Governing Council at the same time.

**Terms:** Council member terms are for a minimum of one year and a maximum of five years. Faculty Members will generally serve for one year unless the administration decides to appoint any faculty member for more than one year. Parent and Community Members will be requested to serve for five years, provided that any such member may elect to serve for a shorter term. Prior to May 1, the governing council will identify the current length of the terms for each council members and who will be remaining on the council for the following year. The Council will also determine whether the make-up of the Council shall be increased or otherwise changed in subsequent years. This will determine the positions that are to be filled for the following year.

**Automatic Removal of Certain Council Members:**

(1) **Termination of HAW Relationship.** A Council member who occupies a Council position by virtue of his or her relationship to HAW (e.g., administrator, faculty or adjunct faculty member, parent of HAW student, etc.) will be deemed to have automatically resigned from his or her position on the Council upon the termination, for any reason whatsoever, of the circumstances which initially made such person eligible for the Council position. (2)

**Termination of Independent Contractor Status** In such circumstances, the Council shall appoint a qualified person to fill the vacant seat of that member for the remainder of the term for which that member was initially elected or appointed, by majority vote of the Council.

**Recall of Elective Council Members:** If at any time the Council shall receive a recall petition with respect to any member serving in a Faculty Member, Parent Member or Community Member Position, signed by the following constituents: at least fifty percent (50%) of the faculty (in the case of a Faculty member) or 200 HAW Families (in the case of a Parent Member or Community Member), the Council shall arrange for a recall election to be held within thirty (30) days thereafter. Constituents eligible to vote for such position shall vote by secret ballot in such recall election, and such member shall be recalled and removed from office if more than fifty percent (50%) of the votes cast in such election are cast for removal.

**Vacancies:** A vacancy on the Council caused by the resignation, deemed resignation pursuant to Section A.7.5, removal by vote of the Council pursuant to Section A.19, recall pursuant to Section A.7.6, death, refusal to serve, or incapacity of a member, or by the failure to fill all available positions, will be filled by majority vote of the remaining Council members, unless the Council elects to convene a Nominating Committee to fill the vacancy in accordance with the procedure above.

**Annual Mandatory Training Obligation:**

Pursuant to NMSA 1978 §22-8B-5.1 (2009), every member of the Council must comply with the New Mexico Public Education Departments mandatory training. All members must attend five hours of training at least annually on topics that include department rules, policies and procedures, statutory powers and duties of governing boards, legal concepts pertaining to public schools, finance and budget and other relevant matters. Council members who shall attend five hours of annual training approved by NMPED and which is sponsored by the New Mexico School Boards Associations or the New Mexico Coalition of Charter Schools. The Council member must provide written attendance forms to the school's Head Administrator or his/her designee and which shall be maintained in the School's records. The school will be required to report annually the list of training hours to the Assessment and Accountability Division of the Public Education Department; which report shall include the number of hours of training earned each year by each Council member.

#### A.8 COUNCIL MEMBER CONFLICT OF INTEREST

Council members are prohibited from using confidential information acquired by virtue of their associations with HAW for their individual or another's private gain. Council members are prohibited from requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as Council members. Business with suppliers to HAW will not be influenced or appear to be influenced by a Council member's financial interest. Council members must, in all instances, maintain their conduct at the highest standards. Council members must not engage in activities which violate federal, state, or local laws or which, in any way, diminish the integrity, efficiency, or discipline of the Council or HAW. The Council will not initially employ or approve the initial employment in any capacity of a person who is a Council member (unless the offer of employment is contingent upon such member's resignation from the Council), the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law, sister or sister-in-law, brother or brother-in-law, or sibling of any Council member, in accordance with New Mexico State Statutes. The Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of HAW in the employment of any person who is the parent of a HAW student.

##### A.8.1 TRANSACTIONS WITH INTERESTED COUNCIL MEMBERS

HAW shall not enter into any financial transaction with any Council member, any relative of a Council member, or any other person or entity in which the Council member or a relative of the Council member has a direct or indirect financial interest unless: (a) the nature of the direct or indirect financial interest is fully disclosed to the Council; and (b) the transaction is expressly approved by a majority of the Council members present at such meeting who have no direct or indirect personal financial interest in the transaction, provided a quorum of the full Council is present at such meeting. A written contract or other written memorandum shall evidence all such interested transactions approved by the Council. Each Council member shall be responsible for disclosing to the Council the existence of any such direct or indirect interest. Failure to make such disclosure shall be grounds for voiding the transaction, at the discretion of the Council. Nothing in this procedure shall prevent HAW from paying reasonable compensation to a Council member's relative or affiliated entity for services or property provided to HAW, provided (i) the foregoing procedure is followed and (ii) the transaction is otherwise in compliance with other applicable laws, regulations and HAW policies and procedures. [See also Policy B.6 and Procedure B.6-1]

#### A.9 COUNCIL ORGANIZATIONAL MEETING

The Council will hold its annual organizational meeting during the first regular Council meeting in May, unless no incumbent officers remain on the Council at the time a new Council takes office. In this instance, the Council will hold its annual organizational meeting during the first regular Council meeting after the new Council assumes office. The offices of the Council will include President, Vice President and Secretary, and will be determined at the July regular meeting.

#### A.10 COUNCIL COMMITTEES

The Council may establish committees during an open meeting, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. The time and place of all Committee meetings shall be announced to the Council. All Council members may attend any committee meeting unless to do so would constitute a quorum, in which case such meetings shall be held in compliance with the Open Meetings Act. The function of the committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations will be made directly to the Council, which alone may take action. The responsibility of each committee shall be reflected in a memorandum approved by the Council and filed with these policies. The Council may appoint ad hoc advisory committees when and as determined to be necessary or advisable by the Council. Ultimate authority to make decisions will continue to reside in the Council. All committees shall keep written minutes of their meetings, and shall periodically present written reports to the Council containing committee recommendations.

##### A.10.1 PARENT ADVISORY COMMITTEE

In accordance with House Bill 212, Horizon Academy West will establish and maintain a Parent Advisory Committee (PAC). The PAC will consist of at least one, but no more than two, Council members, equal staff and parental membership, with a minimum of three (3) representatives from staff and parental membership groups. The principal will, by default, be selected for membership of the PAC. Additionally, if available, at least one member of the community will be selected for committee membership.

The purpose of the PAC will be to assist the school principal with school-based decision-making and to involve parents in their children's education. The committee shall:

- (1) work with the school principal and give advice, consistent with state and school district rules and policies, on policies relating to instructional issues and curricula and on the public school's proposed and actual budgets;
- (2) develop creative ways to involve parents in the schools;
- (3) where appropriate, coordinate with any existing work force development boards or vocational education advisory councils to connect students and school academic programs to business resources and opportunities; and
- (4) serve as the champion for students in building community support for schools and encouraging greater community participation in the public schools."

The PAC will provide the Council with written copies of the agenda and minutes for each meeting. Any recommendations concerning governance, financial matters, or charter amendments created by the PAC must be presented to the Council, which alone may take action.

#### A.10.2 FINANCE COMMITTEE

In accordance with NMSA 1978 §22-5-4.11(2010) HAW will appoint at least two members of the Council to a Finance Committee to assist the Council in carrying out its budget and finance duties. The Finance Committee shall:

- (1) make recommendations to the Council in the following areas:
  - (a) financial planning, including reviews of the school's revenue and expenditure projections;
  - (b) review of financial statements and periodic monitoring of the revenues and expenses;
  - (c) annual budget preparation and oversight; and
  - (d) procurement; and
- (2) serve as an external monitoring committee on budget and other financial matters.

#### A.10.3 AUDIT COMMITTEE

In accordance with NMSA 1978 §22-5-4.11 (2010) the Council will appoint an Audit Committee that consists of two Council members, one volunteer member who is a parent of a student attending the school and one volunteer member who has experience in accounting of financial matters. The Head Administrator and the school's business manager shall serve as ex-officio members of the committee. The Audit Committee shall:

- (1) evaluate the request for proposal for annual financial audit services;
- (2) recommend the selection of the financial auditor;
- (3) attend the entrance and exit conferences for annual and special audits;
- (4) meet with external financial auditors at least monthly after audit field work begins until the conclusion of the audit;
- (5) be accessible to the external financial auditors as requested to facilitate communication with the Council and the Head Administrator;
- (6) track and report progress on the status of the most recent audit findings and advise the Council on policy changes needed to address audit findings;
- (7) provide other advice and assistance as requested by the Council; and
- (8) be subject to the same requirements regarding the confidentiality of audit information as those imposed upon the Council by the Audit Act, NMSA 1978 §§12-6-1, et seq.

#### A.11 COUNCIL MEETINGS

Regular meetings of the Council will be held regularly, except that regular meetings shall not be held during school holidays occurring during the school year. The Council will establish the calendar of regular meetings for each Council year (May through April) at the first Council meeting in August. The date or time of the regular monthly meeting may be changed by action of the Council, provided that every member of the Council and the HAW community have been notified and notice of the change has been properly published as required by the Open Meetings Act. Council meetings will be held at school premises, or such other location as may be determined by the Council.

A special Council meeting may be called by the Council President, or by a quorum of Council members. Advance notice of a special meeting will be given to all Council members in accordance with the Open Meetings Act (NMSA 1978, Section 10-15-1) and the annually adopted resolution of the Governing Council.

#### A.12 COUNCIL AGENDA



Council agendas are set by the Principal or Administrative designee in collaboration with the Governing Council. A request from any other Council member that an item be included on the agenda must be submitted to the Principal or Director at least 48 hours prior to the meeting. A written request by non-Council members that an item be included on the agenda must be filed with the Principal at least seven (7) calendar days before the meeting. Such requests must include, in writing, all statements and materials the person anticipates presenting. The Principal shall provide a copy of the agenda to each Council member and the public at least 24 hours prior to the meeting.

#### A.13 COUNCIL AND COMMITTEE DELIBERATIONS

All Council members shall work collaboratively with each other, with the sole goal of achieving HAW's educational mission. The Council has been constituted so as to include a broad spectrum of experience and perspectives, and every Council member shall be afforded the opportunity to express his or her opinion, in a professional manner, about matters before the Council. Council members shall refrain from non-constructive or personality-based comments that do not advance HAW's mission. Because the Council makes decisions as a deliberative body, it is expected that, except in extraordinary circumstances, Council members will voice their opinions to other Council members about Council matters in the context of Council and/or committee meetings. Council members shall be expected to keep confidential any deliberations or discussions that take place in the closed session meetings. It is expected that Council members will raise concerns or share information about discussed in closed session meetings within the context of Council. Until such decisions are ready for public comment, such information will not be shared with the HAW community at large.

#### A.14 ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

The Council recognizes the existence and effectiveness of alternative dispute resolution programs. Use of alternative dispute resolution programs can result in the early, fair, efficient, cost effective, and informal resolution of disputes. Appropriate use of alternative dispute resolution methods by HAW is hereby determined to be in the best interest of HAW. For parents and community members, an alternative dispute resolution process is in place (CCI process). An alternative dispute resolution process for staff is also in place and has been approved by the Council.

#### A.15 POLICY ADOPTION

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Council. Proposals regarding policies may only originate with a Council member or the Administration. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Principal sponsor a proposed policy. The Council will adhere to the following procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action: A Committee will draft and review new policies or revisions to existing policies. After such review, the Committee will make such proposed policies available for public comment by staff members, students, civic groups, parents or other interested citizens, and notice of such proposed policies shall be available for inspection in the front office. Upon request, the Principal shall make copies of the proposed policies available to interested parties. Comments on the proposed policies must be submitted in writing to the Principal by the deadline specified by the Committee. Following such public comment period, the Committee shall consider any comments received and determine whether changes to the initial draft policies should be recommended. After such consideration by the Committee, and adoption of any recommended changes, the Committee shall present to the Council for consideration its final recommended policies or revisions. The Committee shall also submit to the Governing Council a summary of all comments submitted. The public comment process shall apply to all policies proposed by the Committee after the date this amended policy is adopted by the Governing Council. All Council members working on committees should be aware that committee work is not effectively the work of the Council in small groups and should follow the Open Meetings Act at all times.

#### A.16 COUNCIL POLICY AND PROCEDURE INTERNAL AUDITS

The Council will review all school policies and procedures on an on-going basis, in an effort to assure that all implemented procedures conform to the school charter, state, and federal regulations. Internal audits may include, but are not limited to the following:

- (1) Review and discussion of specific policies and procedures;
- (2) Observations of procedure implementation by a board member;
- (3) Modification of policies and/or procedures as needed.

It should be noted that in the event that an observation of procedure implementation is conducted, the Council member shall coordinate and such visit with the Head Administrator or his/her designee. The visit shall not interfere with the daily operations at the school. Observations must be scheduled in advance to avoid disruption in the educational and professional process at the school. Observations must be discussed by the board prior to being conducted.

Modification of policies and/or procedures will be initiated when necessary, only after detailed attention to the policy and/or procedure in question has been given by the Council as a whole. Modification of policies and/or procedures may require input by the entire school community, including administration, staff, parents, students, and other community members.

#### A.16.1 ADDRESSING THE COUNCIL

An individual may speak at a Council regular meeting by signing up for public forum. All presentations should be brief and each individual speaking on an agenda item should limit his or her remarks to three (3) minutes or as modified and ruled on by the Council at the public meeting. . Complaints about individual employees or which involve confidential student information will not be heard at Council meetings, but should be raised pursuant to the general complaint policy adopted by the Council.

#### A.17 COUNCIL MINUTES

A record of all actions of the Council will be set forth in the official minutes of the Council. The minutes will be kept on file as the permanent official records of HAW. The Council will maintain a separate handbook of resolutions passed by the Council. The Council will also maintain an indexed record of action.

##### A.17.1: COUNCIL MINUTES AND RECORDS

The Principal, or administrative staff to whom the Principal shall delegate such responsibility, shall take the minutes of all Council meetings, and provide a written copy thereof for approval at the next Council meeting. The Principal or Director shall also supervise the handbook of resolutions passed by the Council and the indexed record of action.

#### A.18 REMOVAL OF COUNCIL MEMBERS FOR BREACH OF RESPONSIBILITIES

- a) Governing Council members are expected to regularly attend Council meetings. If a Council member anticipates that he or she will not be able to attend a meeting, the Council member shall notify the President of the Council and the Principal of his or her impending absence in advance of the meeting. If a Council member, as a result of an emergency or illness, is unable to notify the President of the Council and the Principal in advance that he or she will be unable to attend a meeting, the Council member shall notify the Council President and the Principal within 24 hours following the meeting of the reason for his or her absence.
- b) If a member of the Governing Council misses two four consecutive regular meetings without prior and approved reasons ,the office of such member may be declared vacant by a vote of three-fourths of the remaining members of the Council.
- c) If a member of the Governing Council knowingly violates any policy or procedure adopted by the Governing Council, the office of such member may be declared vacant by a vote of three-fourths of the remaining members of the Council.
- d) Any vacancy of an office on the Governing Council created pursuant to this section shall be filled in the same manner as other vacancies on the Governing Council are filled. Any member of the Governing Council who has his or her office declared vacant or vacated pursuant to this section A.18 shall not be eligible for appointment or election to the Governing Council until the term for which he or she was originally elected or appointed has expired.
- e) As used in this section A.18, "regular meeting" means a the monthly meeting of the members of the Governing Council, which has been formally scheduled and adopted through the resolution process.
- f) No office of a member of the Governing Council shall be declared vacant under this section A.18 for any absence or other event that occurred prior to the date of adoption of this section A.19.

#### A.19 PARLIAMENTARY AUTHORITY

Roberts' Rules of Order, newly revised, will govern the Council, except when state regulations prevail. Although most items are handled by appropriate motion procedures, consensus action is also used. Actual procedures will be left to the discretion of the Council President or the person chairing the meeting in the President's absence. Unless

otherwise specified by Council policy, procedure or resolution, a quorum shall consist of a simple majority of Council members in office, and any action may be taken upon the approval of a majority of those members present, provided a quorum is present.

#### A.20 AVOIDING CONFLICTS OF INTEREST.

In order to avoid conflicts of interest and the appearance of impropriety, the following restrictions on participation in Council deliberations and voting shall apply to certain members of the Council:

- (a) Non-voting members of the Council shall not participate in Closed Session (as defined in subparagraph (c) below) deliberations relating to the compensation, evaluation, or discipline of any staff member, including independent contractor staff members, unless the particular staff member is supervised (directly or indirectly) by that Council member or that nonvoting staff member is invited to participate in the Closed Session at the express invitation of the Council;
- (b) Council members shall not participate in open meeting or Closed Session deliberations or votes relating any transaction between HAW and any Related Entity (as such term is defined in Section A.21);
- (c) As used in this Section A.20, "Closed Session" shall mean any portion of a Governing Council meeting which is properly closed to the public in accordance with the provisions of the state Open Meetings Act.
- (d) The Governing Council may invite guests to Closed Sessions, or portions thereof, to provide information and contribute to the discussion at hand.

#### A.21 NO MISUSE OF POSITION

No Council member or HAW employee shall use his or her position at HAW to attempt to influence the decision of any employee of HAW to grant special treatment to (a) the child or ward of such Council member or employee (including independent contractors), (b) any relative of such Governing Council member or employee, or (c) any "Related Entity". For purposes of this Section A.21, a "Related Entity" is a business enterprise, nonprofit organization or other entity with respect to which such Governing Council member, employee, or a relative of such Governing Council member or employee (i) has a direct or indirect financial interest; (ii) is an officer or director; or (iii) is otherwise in a position to control the management or decision-making of such entity. Every Council member and every HAW employee who is a parent or ward of a HAW student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to HAW students, that he or she is not entitled to special treatment by virtue of the relationship with a Council member or employee, and that any attempt to seek such special treatment may result in disciplinary action.

#### A.22 GENERAL CONFLICT OF INTEREST POLICY

A. General Principles. It is the responsibility of all employees (including for this purpose independent contractors providing services to HAW) of HAW, all volunteers at HAW, and all Governing Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude conflict between the interest of HAW and the personal interests of the employee, volunteer or Governing Council member. Likewise, it is the responsibility of HAW to conduct all its business and operations impartially in accordance with all laws and in conformity with the highest ethical standards. All hiring and other transactions imposing financial and/or legal obligations on HAW shall be made with the best interests of HAW as the foremost consideration. HAW also recognizes that the ultimate success of HAW depends upon the active participation, cooperation and collaboration of parents, volunteers, employees, Governing Council members and students. Sometimes, the best interests of HAW may involve the creation of relationships that might create an appearance of impropriety or potential for abuse of position, if not carefully evaluated by disinterested parties. HAW therefore has established this policy to guide all HAW employees, volunteers and Governing Council members in their actions or relationships, so that they will avoid the appearance of having their judgment or the performance of their duties compromised.

B. Conflict of Interest Definition. A conflict of interest occurs whenever an employee, volunteer, or Governing Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Entity) to influence improperly his judgment or actions in the conduct of HAW business. While it is not practical to specify every action by an employee, Governing Council member or volunteer that might create a conflict of interest, the following situations are considered to have that potential and MUST be avoided unless the situation has first been approved by the HAW Administration in writing.

1. Acquisition, leasing or sale of any property, facilities, materials, or contract services (e.g., financial, legal, public relations, computer) by HAW under circumstances in which there is direct or indirect compensation (other than the

regular salary received from HAW by full or part-time employees) to an employee, volunteer, or Governing Council member, or a relative of an employee, volunteer, or Governing Council member or to a Related Entity (as such term is defined in Section A.21);

2. Acceptance by an employee, volunteer, or Governing Council member or a relative of the employee, volunteer or Governing Council member from any individual or company seeking to do business with HAW, any loan, service, excessive entertainment, travel, or gift of more than nominal value. This does not preclude exchange of token gifts or entertainment that conforms to customary industry practices, provided such exchange does not obligate or appear to obligate the employee, HAW, or any associated third party and such gift or transaction is disclosed to the HAW Governing Council if it exceeds \$20.

#### A.23 EVALUATION OF PRINCIPAL AND/OR DIRECTOR

The Horizon Academy West Governing Council will use the New Mexico Highly Objective Uniform Statewide Standard of Evaluation for Principals and Assistant Principals (HOUSSE-P), as determined by 22-10A-11(G) NMSA, as the method of evaluating the Head Administrator. Each evaluation will consist of the following:

- (1) Self-Assessment (Due prior to Professional Development Plan)
- (2) Professional Development Plan (Due 40 days after annual signing of contract)
- (3) Self-Reflection on the Professional Development Plan (April or May)
- (4) Summative Evaluation (April or May)

All board members will be given the opportunity to complete a review form for the Head Administrator. The discussions involved in the evaluation process will be conducted either a closed session of the board or in a separate meeting between the employee and the President of the Governing Council or his/her designated representative.

Authority NEW MEXICO PUBLIC SCHOOL CODE, NMSA 1978, § 22-1-1 et seq. SECTION B GENERAL SCHOOL ADMINISTRATION