

**Legal Status and Authority of the Board**

The Board is the governing body of the District. The Board shall be responsible to the Secretary of Education of the NMPED and shall use the “Standards for Excellence” as a guide for the administration of the schools of the District. 6.29.1.1 NMAC (2020). Its legal authority is determined and conferred by New Mexico law. Complete and final control of all matters pertaining to the educational system shall be vested in the Board.

The Board is responsible for the fair and uniform application of all federal, state, and local laws in the operation of the District’s schools. These schools will be operated for the educational benefit of all school-age children in the District.

**Legal Status and Authority of Board Members**

A member of the Board is a public officer, but has no power or authority individually. The law vests power in the Board, and not in the members, either individually or otherwise. The Board shall not be bound in any way by any action or statement on the part of any individual Board member except when such a statement or action is in pursuance of specific instructions from the Board.

**Leadership**

The Board will exercise leadership primarily through the formulation and adoption of policies.

**Organization of the Board**

The Board shall be composed of five (5) members, who at the time of their election shall reside in and be elected from one (1) of five (5) election districts, each member shall be elected for a term of four (4) years beginning in January following the election. NMSA 1978, §§ 22-5-1 (1967), 22-5-8(A) (2018). The Board, at its first regular meeting in January following a Board election, shall administer the oath of office to newly elected members. Every member of the Board, before entering active service, shall take and subscribe to an oath to support the Constitution of the United States and the Constitution and law of the State of New Mexico and to faithfully and impartially discharge the duties of the office to the best of the member’s ability.

The Board shall, at its first regular meeting in January, reorganize officers of the Board, and from among its members, the Board shall elect a President, Vice-President, and Secretary. NMSA 1978, § 22-5-7(A) (1980). The Board reserves the right to reorganize at any time the Board votes in a majority to do so.

**Powers and Duties of the Board**

The Board shall have the following powers and duties:

1. Subject to the rules of the NMPED, develop educational policies for the District [NMSA 1978, § 22-5-4(A) (2005)];
2. Employ and evaluate a Superintendent of schools for the district and fix his/her salary [6.29.1.9(A)(2) NMAC (2020); NMSA 1978, §22-5-4(B) (2005)];
3. Review and approve the annual District budget [6.29.1.9(A)(1) NMAC (2020); NMSA 1978, §22-5-4(C) (2005)];
4. Acquire, lease and dispose of property [NMSA 1978, § 22-5-4(D) (2005)];
5. Have capacity to sue or be sued [NMSA 1978, § 22-5-4(E) (2005)];
6. Acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code, NMSA 1978, §§ 42A-1-1 *et seq.* (1981), [NMSA 1978, §22-5-4(F) (2005)];
7. Issue general obligation bonds of the District [NMSA 1978 § 22-5-4(G) (2005)];
8. Review, approve and support the District's Education Plan for Student Success [6.29.1.9(A)(1) NMAC (2020)];
9. Provide for the repair and maintenance of all property belonging to the District [NMSA 1978, § 22-5-4(H) (2005)];
10. For good cause and upon order of the court, subpoena witnesses and documents in connection with a hearing concerning any power or duties of the Board [NMSA 1978 § 22-5-4(I) (2005)];
11. Except for expenditures for salaries, contract for the expenditure of money in accordance with the provisions of the Procurement Code, NMSA 1978, §§ 42A-1-1 *et seq.* (1981), [NMSA 1978, §22-5-4(J) (2005)];
12. Adopt rules pertaining to the administration of all powers or duties of the Board [NMSA 1978, §22-5-4(K) (2005)];
13. Accept or reject any charitable gift, grant, devise or bequest, which if accepted, shall be considered an asset of the District [NMSA 1978, §22-5-4(L) (2005)];
14. Offer and, upon compliance with the condition of such offer, to pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders who engage in theft, defacement, or destruction of District property; and such rewards shall be paid from District funds in accordance with rules promulgated by the NMPED [NMSA 1978, §22-5-4(M) (2005)];
15. Give prior approval for any District educational program that is to be conducted, sponsored, carried on or caused to be carried on by a private organization or agency. [NMSA 1978, §22-5-4(N) (2005)];

16. Develop a planned program of training annually in accordance with NMPED regulations [6.29.1.9(A)(3) NMAC (2020)];
17. Delegate administrative and supervisory functions to the Superintendent and refrain from involvement in administrative functions [6.29.1.9(A)(4)-(5) NMAC (2020)];
18. Review District policies on an annual basis and revise as needed [6.29.1.9(A)(6) NMAC (2020)];
19. Award high school graduation diplomas to student who have successfully completed graduation requirements [6.29.1.9(A)(7) NMAC (2020)];
20. Ensure the alignment of District curricula with New Mexico content standards with benchmarks and performance standards [6.29.1.9(A)(8) NMAC (2020)];
21. Ensure proper management of District school funds [6.29.1.9(A)(9) NMAC (2020)];
22. Be responsible for oversight of revenue and expenditures within the District [6.29.1.9(A)(11) NMAC (2020)];
23. Coordinate with the Superintendent to establish discharge and termination procedures of school employees [6.29.1.9(A)(12) NMAC (2020)];

**Legal Reference:** NMSA 1978, §§ 22-5-4 (2005), 22-5-8 (2018), 22-5-1 (1967), 22-5-7 (1980), 6.29.1.9(A) NMAC (2020).