

<b>NEW MEXICO SCHOOL FOR THE BLIND &amp; VISUALLY IMPAIRED</b>	<b>SUBJECT: NO.001 Authority of the Board of Regents</b>
<b>Effective Date: May 26, 2011</b>	<b>Revised:</b>
<b>Distribution: All Staff</b>	<b>Kind: Board Policy</b>

**A. Authority of the Board of Regents**

The management and control of the New Mexico School for the Blind and Visually Impaired (“NMSBVI”), the care and preservation of all property of which it shall become possessed, the erection and construction of all buildings necessary for its use and the disbursement and expenditure of all money appropriated by the state or that shall otherwise come into the school's possession and the authority to cause all things to be done necessary to carry out the provisions of Chapter 21, Article 5 NMSA 1978 shall be vested in the Board of Regents.

The Board exercises legislative authority over NMSBVI in accordance with applicable laws and regulations. It determines policy; delegates executive, supervisory and instructional authority to its employees; and appraises the results achieved in light of the goals of NMSBVI. The powers and duties of the Board shall be conferred and prescribed by statute. Complete and final control of all matters pertaining to the educational goals and systems of NMSBVI shall be vested in the Board.

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 thereof, either individually or otherwise, and these powers must be exercised by the Board as a Board, meeting in regular or special called meetings, with action duly recorded in its minutes.

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.

**B. Relationship between the Board and Superintendent**

The Board shall employ a Superintendent of schools for NMSBVI and fix his/her salary. The Board will meet at least once each year with the Superintendent to discuss and evaluate the Superintendent's job performance. Where the Board chooses to consider contract extensions after evaluation, such negotiations should occur no later than the end of February in the year in which the contract expires. Nothing in this provision precludes the Board and Superintendent from voluntarily renegotiating the Superintendent’s contract at other times during the year.

The Board shall concern itself primarily with broad questions of policy and with the appraisal of results rather than with administrative detail. The application of policies is an administrative task to be performed by the Superintendent and staff, and the Superintendent shall be held responsible for the effective implementation of Board policies. The Superintendent shall be held responsible for communication with the Board which is sufficiently effective to enable the Board to fulfill its functions.

The Board recognizes the importance of timely communication among Board members and between the Board and the Superintendent. The Superintendent and Board members are to be given prior notice of matters submitted by members for deliberation at Board meetings.

### **C. Delegation of Authority**

Recognizing that Board members cannot provide full-time management of NMSBVI consistent with its powers, the Board hereby delegates to the Superintendent the authority and responsibility to act as its chief administrative officer and to perform all acts and carry out all functions reasonably necessary to assure the efficient and effective operation of NMSBVI. The Superintendent shall be qualified to hold office under the current Rules and Regulations Governing Licensure of Teachers and Administrators pursuant to New Mexico Public Education Department (“PED”) regulations.

The Board expressly delegates to the Superintendent the power to:

1. Carry out the educational policies and rules of the PED and NMSBVI;
2. Administer and supervise NMSBVI schools and programs;
3. Employ, fix the salaries of, supervise, assign, terminate or discharge all employees of NMSBVI;
  - a. Collaboration in Hiring: the board (or its designee) and superintendent will make reasonable efforts to collaborate, discuss the need for a particular hire, and review issues involving applicants where practicable prior to the superintendent making a final hiring decision. Where the superintendent determines that it is in the best interests of the School for a hiring decision to be made immediately, the superintendent may act without seeking board input, but the superintendent should provide information regarding the hire to the board at the first reasonable opportunity.
  - b. This requirement for collaboration is not meant to control or limit the hiring authority of the superintendent. All final hiring decisions will be made by the superintendent.
4. Prepare the NMSBVI budget for review and approval by the Board and the New Mexico Higher Education Department (“HED”);
5. Provide a school budget template to use in making school budget recommendations;
6. Act as hearing officer or hearing authority for the purposes of hearing or reviewing facts, deciding appropriate disciplinary action, or reviewing disciplinary actions of other designated or authorized administrators, consistent with procedures established by state law or regulation or Board policy. Instances in which the Superintendent 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 students, or such successor regulations as the PED may adopt. The Superintendent may designate other administrators to perform any of such functions as allowed under the regulations;

7. Promulgate and review grievance resolution procedures as set forth in Board policy and to determine whether particular issues are not subject to such grievance procedure; and
8. Perform other duties as required by law, the PED, HED or the Board.

The delegation of authority provided herein may not be used in a manner contrary to state or federal laws or regulations or to deny any student or employee rights to which he or she may otherwise be entitled.

The Board may expand the delegation prescribed herein in appropriate circumstances. The enumeration of delegated authorities to the Superintendent shall not be construed to limit the authority of the Superintendent authorized by law or to take such further actions as may be necessary to administer NMSBVI programs or to execute Board policy, unless such authority is reserved to the Board by law.

#### **D. Policy Development**

Control of NMSBVI by the Board shall be exercised through the formation of policies governing the operation of NMSBVI and the work of the Board itself. The Board delegates to the Superintendent the determination of the procedures and regulations necessary to operate NMSBVI, providing that the procedures and regulations are consistent with Board policy.

The Board may modify, nullify or adopt new policies at any meeting properly noticed under the New Mexico Open Meetings Act. In the Board's discretion, it may determine the number of readings and review time necessary before acting upon any changes to Board policy.

It shall be the duty of the Superintendent to advise the Board from time to time of the need for policy revision so that all Board policies are in conformance with state and federal laws and regulations. It is the duty of the Board to accept or reject or modify the Superintendent's recommendations in conformance with state and federal laws and, as it sees fit, to seek external advice. All policies shall be reviewed no less than every five years for possible revision and adjustment.

The Superintendent shall post written notice to school employees of policy changes made by the Board. Complete, current copies of the Board Policy Manual shall be available at each site's administration office, each school library, and the Superintendent's office.

If any section, paragraph, clause or provision of this policy manual for any reason shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this manual or its application to other situations.

In emergency cases where action must be taken and where an adopted policy does not provide the needed direction, the Superintendent shall have the power to act, but the decision shall be subject to review by the Board. It shall be the duty of the Superintendent to inform the Board of such action and of the need for policy, if any, at the next Board meeting.

