El Camino Real Academy

Board Training

Governing Council Overview

Included in this email are the bylaws of the Governing council, as approved on May 10, 2011.

Please make sure you have read and understand the bylaws. In this training we will be reviewing powers and responsibilities, collective authority, ethical obligations and duties.

**ARTICLE V**

GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

 The primary powers and duties of the Council are to:

1. Develop educational and operational policies for the ECRA;
2. Employ ECRA’s head administrator, who shall be referred to hereafter as the “Principal,” evaluate the Principal annually; and set the salary schedule for certified/licensed employees;
3. Charge the Principal with the responsibility of implementing the charter; employing, fixing the salaries of, assigning, terminating and discharging all ECRA employees; carrying out ECRA’s policies and procedures, facilities plans, budget, and such other directives and policies adopted by the Council from time to time. The Governing Council shall not be involved in the day-to-day operations of the school;
4. Review, approve and monitor implementation of the annual ECRA budget;
5. Acquire, lease and dispose of property, both real and personal to the extent permissible by laws applicable to public charter schools;
6. Initiate lawsuits or take all necessary steps to protect the ECRA’s interests;
7. Consistent with ECRA’s budget authority, approve contracts for the repair and maintenance of all property belonging to the ECRA or for which ECRA is contractually responsible to maintain and repair, which authority may be delegated to the Principal up to an amount not exceeding $7,500;
8. Enter contracts consistent with the ECRA approved budget for any service or activity that is required for ECRA to perform in order to carry out the educational program described in the ECRA charter. The Council may delegate its authority hereunder to the Principal for contracts not exceeding $25,000, except in cases of employment contracts which shall be delegated to the Principal consistent with ECRA’s budget authority and the Council’s adopted salary schedule;
9. Develop, adopt and amend policies and procedures pertaining to the administration of all powers or duties of the Council and ECRA;
10. Accept or reject any charitable gift, grant, devise or bequest. Each particular gift, grant, devise or bequest accepted shall be considered an asset of the ECRA;
11. Approve amendments to the Charter prior to presentation to the APS for approval;
12. Make application to APS or then NMPED for capital outlay funds and to be included in APS’s five-year facility plan;
13. Negotiate with APS to provide transportation to students eligible for transportation under the provisions of the Public School Code as deemed necessary and/or other services consistent with ECRA’s charter;
14. Open other locations for operation of ECRA as consistent with the charter;
15. Address problems through the applicable dispute resolution processes according to policies and procedures;
16. Review and consider recommendations submitted by the Principal and other advisors to the Council;
17. Promote a cooperative relationship with its charter authorizer; to function in accordance with the New Mexico Charter School Act and resolve any dispute, which may arise between ECRA or its Council and APS officials or the APS School Board to the mutual benefit of the operation of ECRA and its authorizer/local supervisory authority; and
18. Such other powers and authorities as provided for by law.

This list of powers is large and the final one is even larger. However nowhere in this list are you empowered to run the day to day operations of the school. That is the duty of the Principal that you hire. It is imperative that you understand this and also the sections of the bylaws below.

**ARTICLE VI**

COLLECTIVE AUTHORITY OF COUNCIL

….When a Council member is assisting the Principal with implementing school policies, programs or other directives of the Principal or the Council, in this role the Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

**ARTICLE XI**

COUNCIL MEMBERS’ ETHICAL OBLIGATIONS AND DUTIES

1. Misuse of Position. A Council member shall not use his or her position at ECRA to attempt to influence the decision of any ECRA employee to grant special treatment to (a) the child or ward of the member, (b) any relative of the member, or (c) any "Related Party" as defined in Article X. Every Council member and every ECRA employee who is a parent or ward of a ECRA student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to ECRA 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.

You, as a Board member, must not allow yourself to bring that status to bear in dealing with personal issues. In addition, although you are available to hear concerns from staff and parents, be aware that in some cases you are a court of appeals and that these interactions must jeopardize your ability to be an impartial judge.

It is recommended that you advise staff and parents to follow the handbooks that lay out the procedures for the administration to hear their issues.

In addition, there is more to the collective authority of the council and its treatment of others and information

**ARTICLE VI**

COLLECTIVE AUTHORITY OF COUNCIL

The Council will not be bound by any statement or action by an individual Council member, unless the Council, by majority vote in a properly convened meeting, delegates authority to that individual member to speak for or represent the entire Council. Unless acting pursuant to said express-delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action of the Council.

**ARTICLE XI**

COUNCIL MEMBERS’ ETHICAL OBLIGATIONS AND DUTIES

1. Commitment to Collaboration. All Council members shall work collaboratively with each other, with the sole goal of achieving ECRA’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 ECRA’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, rather than in private communications among Council members.
2. Confidentiality. 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 closed session meetings within the context of Council and/or other committee meetings with other members of the Council and appropriate staff members only. A member’s obligation to maintain confidentiality shall survive the Council’ member’s tenure on the ECRA Council.