



POLICY NAME GOVERNING COUNCIL BYLAWS	Section: A Policy Number: 1 Effective Date: 2/21/2024 Review Date:
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ARTICLE I

VISION AND MISSION STATEMENT

La Academia De Esperanza strives to open the hearts and minds of children to life’s possibilities, while supporting their self-determination in the least restrictive environment. We focus on educating and meeting the individual needs of each of our students. La Academia de Esperanza provides quality academic and vocational learning for students ages 11 to 18 in preparation for their roles as socially responsible individuals, within a community-based, ethnically and culturally-sensitive educational environment.

UPDATED PENDING DISTRICT REVIEW

Vision:

La Academia de Esperanza provides an engaging educational environment that empowers students to expand into their fullest life potential.

Mission:

La Academia de Esperanza fosters academic and personal growth through cultivating creativity, adaptability, relationship building, and a culture of belonging.

ARTICLE II

NAME OF SCHOOL AND GOVERNING BODY

La Academia De Esperanza Charter School shall be referred to in the bylaws as “LADE”. The name of the La Academia de Esperanza Charter School’s governing body shall be known and referred to in the bylaws as the “Governing Council”.

ARTICLE III

EQUAL OPPORTUNITY

As a common policy, LADE 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).

Federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, physical or mental handicap, serious medical condition, race, creed, color, sex, gender identity, sexual orientation, spousal affiliation, national origin, religion, ancestry or need for special education services and shall not allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses. (HB-29 2021)

ARTICLE IV GOVERNING LAWS

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

- the New Mexico 1999 Charter School Act (NMSA 1978, Sections 22-8B-1 to 22-8B- 15),
- the New Mexico School Personnel Act (NMSA 1978, Chapter 22, Article 10),
- 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 State Department of Education (contained in Title 6 of the New Mexico Administrative Code),
- LADE’s charter with Albuquerque Public Schools (APS), including the applicable APS school policies not waived in LADE’s charter.
- Governmental Conduct Act (NMSA 10-16-1 et. seq.)
- Inspection of Public Records Act (NMSA 14-2-1 et. seq.)
- NMAC
- Public Schools NMSA 22

The Governing Council has a responsibility to ensure that LADE operates in accordance with these laws and regulations, and meets its commitments to APS, or Charter School Authorizer, and the State Board of Education as reflected in its charter.

ARTICLE V GOVERNING COUNCIL POWERS AND RESPONSIBILITIES

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

- develop educational and operational policies
- adopt rules and policies pertaining to the administration of the Governing Council and LADE
- employ, supervise and annually evaluate the Head Administrator of LADE
- review, approve, and monitor the implementation of the annual budget of anticipated income and expenditures; vote on Budget Adjustment Requests (BARS), and direct preparation of the annual financial audit
- The Governing Council shall approve all contracts, except for employee contracts other than the Head Administrator, for purchases over the limit of the New Mexico Procurement Code: \$60,000
- acquire, lease, and dispose of property, both real and personal, to the extent permissible by laws applicable to public schools
- initiate lawsuits or take all necessary steps to protect LADE’s interests
- accept or reject any charitable gift, grant, devise, or bequest
- approve amendments to the charter prior to presentation to the charter authorizer for approval
- amend the bylaws of the Governing Council as needed to remain consistent with the mission of LADE
- delegate to the Head Administrator the authority to implement the approved charter and LADE’s policies and procedures, facilities plans, budget and such other directives and policies adopted by the Governing Council. The Governing Council shall not be involved in the day-to-day operations of LADE.
- the Governing Council will have primary responsibility for the development and review of all major policies; problem resolution which has escalated to the Governing Council according to policies, procedures, and appropriate protocol; and review recommendations submitted by the Head Administrator and other Governing Council consultants and advisors
- 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 the Governing Council and the authorizer

- reserve any other powers and duties included in the charter and that are not inconsistent with federal or state laws or constitutions, or as otherwise set forth in the Charter Schools Act, NMSA 1978 §§22-8B-1, et seq. and the New Mexico Public School Code, Chapter 22 of the New Mexico Statutes

ARTICLE VI

COLLECTIVE AUTHORITY OF GOVERNING COUNCIL

LADE Governing Council members will have authority only when participating in Council deliberations during a regular or special Council meeting. Neither the Administration nor the Council will 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 Governing Council, no Council member shall undertake any individual action to implement any plan or action approved by the Council and within the responsibility of the Head Administrator except under the direction and supervision of the Head Administrator. When acting under such direction and supervision of the Head Administrator, a Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

Governing Council members are bound by these Policies. Any violation of Policies and Procedures by a Council member may be grounds for removal of the member under the procedures in Article VIII, section J.

ARTICLE VII

PARLIAMENTARY AUTHORITY

Basic Roberts' Rules of Order procedures 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 Governing Council President or the person chairing the meeting in the President's absence. Unless otherwise specified by Governing Council policy, procedure or resolution, a quorum shall consist of a simple majority of voting Council members in office, and any action on the agenda may be taken upon the approval of a majority of those voting members present, provided a quorum is present.

ARTICLE VIII

COUNCIL MEMBERSHIP

A. Positions and Qualifications

The LADE Governing Council shall have no fewer than five (5), but no more than nine (9) voting members. The Governing Council should make all efforts to include at least one parent who has a child currently enrolled in LADE. In general, candidates for the Governing Council should have experience in such fields as governance, business, education, mental health, finance, law, or other fields which are beneficial to LADE's mission. They should also possess interpersonal/problem-solving skills and a commitment to youth education, as well as a willingness to devote time and energy to serving on the Governing Council. Individuals wishing to serve on the Governing Council must submit their names, brief resumes, and a short statement outlining their interests, goals, and objectives in serving on the Governing Council.

Non-voting members of the Governing Council may include up to three faculty/staff members, and two student members.

Voting Member Restrictions:

- Spouses/domestic partners are prohibited from serving on the Governing Council at the same time.

- LADE employees and contractors; or spouses/domestic partners of LADE employees or contractors shall not constitute a majority of the voting members.
- No member of the governing body shall serve on the governing body of another charter school. (NMSA 22-8B-4.B)
- No member of a local school board shall be a member of the governing body of a locally chartered charter school located within the local school board's school district during the term of office for which the member was elected or appointed. (NMSA 22-8B-4.B)

B. Training New and Returning Governing Council Members

With regards to New Mexico Administrative Code 6.80.5.9

Within the first fiscal year of service, new governing council members will complete a minimum of 10 hours of training in accordance with NM Public Education Department guidelines. These hours are comprised of the following: 2 hours of ethics, 2 hours of charter school fiscal requirements, one hour of academics and evaluating academic data, one hour of open government legal and organizational performance requirements, one hour on equity and culturally linguistic practices, and three hours as identified by the governing council and may be the LADE governing Council onboarding training.

Returning Governing Council members must complete a minimum of 8 hours of annual training as prescribed by the NM Public Education Department. These hours are comprised of the following: 1 hours of ethics, 3 hours of charter school fiscal requirements, 2 hours of academics and evaluating academic data, one hour of open government legal and organizational performance requirements, one hour on equity and culturally linguistic practices.

C. Member Terms

There shall be no limit on the length of a member's tenure on the Governing Council.

D. Vacancies

All vacancies on the Governing Council caused by the resignation, deemed resignation, removal by vote of the Council, recall, death, refusal to serve, or incapacity of a member, or by the failure to fill all available positions, or other reasons, will be filled by majority vote of the remaining Council members, unless the Council elects to convene a Nominating Committee to fill the vacancy.

E. Nominations

Nominations shall be given to the Secretary (or designee) of the Governing Council and placed on the agenda as an action item before the date of the regular meeting at which the vote of the Governing Council shall be made.

F. Disqualifications/Nepotism Rule

In no event shall a Governing Council member be a LADE employee, spouse of another Council member, or have a contract for provision of services or property with LADE. The Council will not initially employ as Principal 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, sister-in-law, brother, brother-in-law, or sibling (collectively "family members") of any Council member. Upon petition by the Principal, the Council may approve the Principal's hiring of the Principal's family members as School employees by majority vote at a public meeting. Prior to approving the Principal's request to hire said individual, the Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of LADE in the employment of any person who is a family member of the Principal or the parent of a currently enrolled LADE student.

G. Individual Member Authority

A member of the Governing Council is a Public Officer but has no power or authority individually. The charter vests power in the Governing Council and not in its members individually. These powers must be exercised by the Governing Council at public meetings, whether regular, special, or emergency meeting, with action duly recorded in its minutes.

H. Binding Authority

The Governing Council shall not be bound in any way by any action or statement on the part of any individual Governing Council member except when such a statement or action is in pursuance of specific instructions from the Governing Council as a whole. Any such exception shall be recorded as an action item of the Governing Council and recorded in the minutes.

I. Meeting Attendance

Members of the Governing Council are required to attend all scheduled meetings of the Council unless exigent circumstances arise. If a Council member cannot be physically present at a meeting due to an unavoidable conflict, they may make arrangements to appear by telephone or video conference, in accordance with the provisions of the Open Meetings Act. A member of the Council unable to attend a Council meeting will notify the president of the Council or the Head Administrator by telephone or e-mail as soon as possible prior to the meeting. If the member intends to appear by telephone the member shall make arrangements with the Head Administrator or their designee. If the president cannot attend the meeting, they must notify the vice-president and forward all information regarding the upcoming meeting to them, including notices of non-appearances by other Council members.

J. Removal from Council

A Governing Council member may be removed by a majority vote of the remaining Council members for the following reasons:

- If a member misses three (3) consecutive regular meetings during the school year (July 1-June 30), except when such absence is due to exigent circumstances
- If a member violates any policy or procedure adopted by the Council
- If the Council determines that a member is not acting in the best interest or is otherwise obstructing the business of the Council
- Violation of the Conflict of Interest Policy, Article XV
- Any other ground the Council deems appropriate.

K. Resignations

Any Governing Council member may resign, by giving verbal or written notice to the Council President or Secretary. A resignation shall be effective on the effective date listed on the resignation letter or, if none is provided, the date it is accepted by the Council.

L. Compensation

Members of the Governing Council shall not be compensated for their services. However, they may be compensated for expenses, per the New Mexico Mileage and Per Diem Act.

M. Directors and Officers Insurance

The Governing Council may secure officers and directors insurance in excess of the coverage provided by the New Mexico Public School Insurance Authority upon appropriate approval of the Council and if provided for in the school's approved budget.

ARTICLE IX OFFICERS OF THE COUNCIL

The officers of the LADE Governing Council are comprised of a President, Vice-President, Treasurer, and Secretary. LADE may, by a majority vote, create different categories of officers without requiring an

amendment to these bylaws. There is no term of office limit. The duties of certain officers are set forth herein. When the incumbent of an office is unable to perform the duties thereof or when there is no incumbent of an office (both such situations referred to hereafter as the “absence” of the officer), the duties of the office shall, unless otherwise provided by the Governing Council, be performed by the next officer set forth in the following sequence: President, Vice-President, Treasurer, Secretary.

The Governing Council may delegate temporarily the powers and duties of any officer, in the case of such officer’s absence or for any other reason, to any other officer, and may authorize the delegation by any officer of any of such officer’s powers and duties to any agent or employee subject to the general supervision of such officer.

A. President

The President of the Governing Council shall preside at all meetings and shall appoint committees with approval of the Governing Council. They shall have the right, as other members of the Governing Council, to make or second motions, to discuss questions, and to vote. The President of the Governing Council may not act for or on behalf of the Governing Council without prior specific authority from a majority of the Governing Council to do so. All communications addressed to the President shall be considered by him/her for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Governing Council. The President shall sign legal documents as required by law and perform such other duties as may be prescribed by the Governing Council. It is the President’s responsibility to ensure that Governing Council members uphold their commitments/responsibilities to the school. Attend school events, to the greatest extent possible, as a representative of the Governing Council. The President will compile in collaboration with the Head Administrator the topics for business to be placed on the agenda. Any member of the Governing Council may offer items to be heard or discussed at any meeting of the council. Chair at least one committee.

B. Vice President

Perform the duties of the President in the absence of the President or at the request of the President. Attend school events, to the greatest extent possible, as a representative of Governing Council. In the event a vacancy occurs in the Presidency, the Vice-President will act in the capacity of the President until the office has been filled by a vote of the Governing Council. Chair and/or be a member of at least one committee.

C. Treasurer

The Treasurer shall be familiar with the fiscal affairs of the school and keep the council informed thereof in the event that the school’s business manager is unable to do so. They will have knowledge of public school finance laws, rules and policies and shall serve as the chair of the LADE Finance Committee and be a member of the audit committee. They are encouraged to attend the PED Spring Budget Workshop and/or any other financial regulatory training recommended by the Head Administrator or the business manager. Attend school events, to the greatest extent possible, as a representative of Governing Council.

D. Secretary

Keep the minutes of the Governing Council meetings. Assure that all notices are given in accordance with the provisions of the charter or as required by law. Keep Governing Council policies. Shall countersign, when required, all authorized bonds, contracts, deeds, leases or other legal instruments. The council Secretary will review the minutes prior to presentation to the Governing Council for approval. The Secretary shall be responsible for presenting the agenda and minutes to the council at meetings. Attend school events, to the greatest extent possible, as a representative of Governing Council. The council may appoint a designee to assist with the responsibilities of the secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Governing Council’s review. The Secretary shall be responsible for presenting the agenda and minutes to the council at meetings. Consider participating in and/or chairing at least one committee.

E. General Members

Ensure LADE exercises due diligence with all public monies by reviewing budgeting and spending practices regularly. Attend all regularly scheduled governing council meetings to the greatest extent possible. Lack of attendance can be considered vacating the office. Support LADE and its mission by attending at least one event or performance annually. Consider participating in and/or chairing at least one committee.

ARTICLE X COUNCIL COMMITTEES

Committee power is limited and does not substitute as judgement for the Governing Council.

The Governing Council has established standing committees and may form ad-hoc committees, which may consist of Governing Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Governing Council, provided that at least one Council member shall serve on each committee. No committee will include a majority of the voting members of the Governing Council. Members for committees that include parents or community (non-Council members) will be solicited at least annually.

The time and place of all Committee meetings shall be announced to the Governing Council. With proper notice of quorum, all Governing Council members may attend any committee meeting but only the appointed members are active, participatory members. The Council has established the following standing committees: Finance Committee, Audit Committee, Program and Policy Committee (Ad Hoc).

The function of the standing committees will be fact-finding, deliberative, and advisory, rather than legislative or administrative. Committee recommendations will be made directly to the Governing Council, which alone may take action.

A. Finance Committee

The Finance Committee is composed of up to five members and will include two voting Governing Council members and may include a member (not on the Governing Council or a school employee) who are the active, participatory members. The committee will be chaired by the Governing Council Treasurer. The non-Governing Council member is recommended to have a financial, accounting, or management background. The LADE Business Manager and the Head Administrator shall be advisory members.

Responsibilities can include:

- Financial planning, including reviews of the school's revenue and expenditure projections
- Review of financial statements and periodic monitoring of revenues and expenses
- Annual budget preparation and oversight
- Collaborate with the Head Administrator to develop necessary financial forecasts
- Review all grant proposals when applicable, make recommendations to the council
- Review Business Manager's required reports and make recommendations to the Governing Council regarding the reports as necessary.
- Procurement

B. Audit Committee

The Audit Committee will consist of two Governing Council members, one volunteer member who is a parent of a student attending LADE, and one volunteer member who has experience in accounting or financial matters. The LADE Head Administrator and Business Manager shall serve as advisory members on the committee (22-8-12.3.D NMAC). The Governing Council Treasurer should serve as a member on the committee.

Responsibilities can include:

- Evaluate the request for proposal and annual financial audit services
- Recommend the selection of the financial auditor

- Attend the entrance and exit conferences for annual and special audits
- Be accessible to the external financial auditors as requested to facilitate communication with the Governing Council and the Head Administrator
- Track and report progress on the status of the most recent audit findings and advise the Governing Council on policy changes needed to address audit findings
- Develop and implement a corrective action plan to resolve any findings or concerns raised by the audit
- By law, the Audit Committee is not permitted to discuss the results of the audit or the action plan until the PED audit is officially released.

C. Program and Policy Committee (Ad Hoc)

The Policy Committee composition is open but will include at minimum the Head Administrator and two voting Council members. Parents, community members, and faculty/staff are encouraged to participate. All members of the Policy Committee are active, participatory members. The objective is to continually review policy and ensure that the educational programs and curriculum of the school are accomplishing the goals of the charter. All policy recommendations are presented to the Governing Council.

D. Ad Hoc Committees

The Governing Council has the authority to create ad hoc committees as deemed necessary or when advisable by the Council. Ultimate authority to make decisions will continue to reside with the Governing Council.

ARTICLE XI COUNCIL MEETINGS

A. Regular Governing Council Meetings

The Governing Council shall schedule Regular Council Meetings each month - on specific, recurring dates. The planned schedule and location for these regular meetings shall be detailed in the Council's annual resolution - to comply with the New Mexico Open Meetings Act (OMA). The Council may cancel any regular meeting it may deem to be unnecessary.

B. Special Governing Council Meetings

Special meetings of the Governing Council may be called by the President or by written request of at least two members of the Council. Written notice of the time, place and agenda for each special meeting shall be provided to each member and also posted on the school's website, at least three days prior to the meeting.

C. Emergency Governing Council Meetings

Emergency meetings of the governing Council may be called only by agreement of both the President and the Head Administrator. It is necessitated by unforeseen circumstances that if not addressed immediately by the Governing Council, will likely result in injury or damage to persons or property or substantial financial loss to the school.

D. Quorum

A quorum shall consist of a simple majority of Governing Council members in office. If there is an even number of Council members, then a quorum shall consist of one-half or more of the currently serving members in office. When a quorum is present, any action may be taken by a majority vote of those members present, except the removal of Council members or officers. Such removal requires a majority vote (half or more) of all current Council members. Please note that a quorum of the board may attend training, school activities, or community events. If this occurs, no board work will be discussed, nor will any actions be taken at these gatherings. All board discussion regarding decisions and voting shall occur at publicly noticed meetings.

E. Attendance via Telephone Conference Call or Video Conference

Except to the extent otherwise provided by law, any meeting of the Governing Council may be attended by any of the Council members by means of a conference telephone (or similar communications equipment) when it is

otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any other member of the Council who speaks during the meeting. Additionally, a Council member may attend via video conference. Such attendance shall constitute presence by the Council member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Governing Council at such meeting shall constitute a valid action of the Council. Governing Council members appearing by telephone or video conference shall make advance arrangements with the Council President at least three (3) days in advance of the meeting.

F. Notice

The Governing Council shall provide notice and post agendas in accordance with the New Mexico Open Meetings Act. Reasonable notice of the Governing Council shall include posting agendas on the school's website and at the following location: 7311 Glenrio Rd NW, Albuquerque, New Mexico 87121, at least three (3) days prior to a meeting (except emergency meetings). Notice of meetings and the availability of meeting agendas shall be consistent with the Governing Council's annual resolution. Except in cases of emergency, the Governing Council shall only act on matters identified on the agenda.

Individuals with a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the Governing Council meeting, can contact Head Administrator Adam Giron at 505-764-5500 or mrg@ladecharter.org at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

G. Governing Council Agendas and Minutes

The Governing Council President and Head Administrator shall set meeting agendas, in consultation with the Council Secretary (or designee). Any suggested agenda items from other sources shall be submitted to the Secretary (or designee) at least seven days prior to the meeting, and may or may not be accepted for the agenda. Meeting agendas shall be posted on the school's website and at the following location: 7311 Glenrio Rd NW, Albuquerque, New Mexico 87121, at least three days prior to a meeting (except emergency meetings). Agendas of Council meetings, except those of executive and work sessions, shall include an opportunity for public comment, and are subject to the following: 1. The President must "recognize" the individual and shall stipulate the Council's approved time limit of two (2) minutes. 2. The individual recognized by the presiding officer shall provide his/her name, relationship to the school (teacher, staff, student, parent, community member). 3. The Secretary (or designee) shall note the person's identification in the minutes of the meeting along with the topic discussed. The events of each meeting will be recorded in the form of written minutes. This record will include the date, time, and place of the meeting, members in attendance, a brief description of business considered at the meeting, and a record of all decisions made. The Secretary (or designee) shall present draft minutes for approval at the next regular Council meeting, and they will be kept on file pursuant to state record retention requirements. In accordance with the Open Meetings Act, draft minutes will be posted on the LADE website no later than ten (10) days after the meeting. Both draft and final minutes will be posted on the LADE website, with final minutes having access for at least one (1) year.

H. Maintenance of Records

A record of all actions of the Governing Council will be set forth in the official minutes of the Council. The minutes and recordings will be kept on file pursuant to New Mexico record retention requirements. The Governing Council will maintain electronic copies of its minutes and resolutions passed by the Council, which shall be available for public inspection pursuant to the Inspection of Public Records Act, NMSA 1978 14-2-1 *et seq.*

I. Open Meetings Act

All meetings/actions of the Council shall comply with the requirements set forth in the New Mexico Open Meetings Act (NMSA 1978 §10-15-1). On an annual basis, the Council shall review and approve an OMA

Resolution, which confirms that LADE will comply with the OMA and establishes the schedule for regular meetings of the Governing Council for the school year. (Exhibit A)

J. Freedom-to-Act /Indemnity

To the extent permitted under existing law, LADE shall defend, indemnify and hold harmless present and past members of the Governing Council, support staff and volunteers, for actions taken on behalf of the school. These protections are available for all actions taken in good-faith while serving in those roles, provided they have acted within the reasonable scope of their positions or office and that their decisions/actions are generally in-accordance with those that would be made in similar circumstances, by a reasonable person.

ARTICLE XII

INSPECTION OF PUBLIC RECORDS ACT (IPRA) POLICY AND PROCEDURES/GUIDELINES

LADE follows procedures contained in the New Mexico Inspection of Public Records Act (NMSA 1978, Chapter 14, Article 2). By law, under the Inspection of Public Records Act, every person has the right to inspect public records of LADE. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the employees of LADE. This provides notice of the public's right to inspect public records.

A. To Submit a Request

A person desiring to inspect public records may submit a request to the records custodian orally or in writing. However, the procedures and penalties prescribed by the Inspection of Public Records Act apply only to written requests. Emailed requests are preferred, and will help ensure a more timely response. Responses may be sent to the requestor electronically or via certified mail. A written request must contain the name, address and telephone number of the person making the request. A request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records. Requests for reasons or justification on why certain actions were taken by the LADE are not proper requests under this law. Written requests must be mailed or emailed to:

Adam Giron LADE IPRA Custodian of Records

7311 Glenrio Rd NW 87121

admin@ladecharter.org

505-764-5500

B. Response to a Request

The records custodian must permit inspection immediately or as soon as practicable, but no later than fifteen (15) calendar days after the records custodian receives the inspection request. If inspection is not permitted within three (3) business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within fifteen (15) calendar days after the records custodian received the request for inspection. If the records requested are extensive, the requestor may receive a burdensome letter extending the deadline for the request. Records may also be available for inspection at the LADE offices at 7311 Glenrio Rd NW Albuquerque Nm 87121.

C. IPRA Compliance Guide

A printable copy of the IPRA Compliance Guide is available online at <https://nmag.gov/publications/>

ARTICLE XIII

FERPA/STUDENT CONFIDENTIALITY

Student records kept by LADE will be open to review by parents or guardians and/or students and will be treated as prescribed by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended, New Mexico State Board of Education regulations and other existing law. If there are apparent conflicts among the various statutes, the provisions of FERPA will prevail.

ARTICLE XIV **CONFIDENTIAL MATTERS**

The Governing Council recognizes that confidential information will be brought to the attention of individual Council members and/or the Council as a whole pertaining to, but not limited to, the following:

- Matters relating to the employment or dismissal of, or charges against, specific LADE personnel
- Matters relating to litigation or proposed litigation in which the Governing Council is or may become a party, or attorney-client communications
- Consideration of the acceptance of gifts, bequests, or donations where confidentiality has been requested by the donor
- Consideration of wages and benefits for the Head Administrator
- Consideration of suspension, expulsion, or disciplinary action in connection with a student
- Matters relating to the security of students, personnel, visitors, and/or school property
- Such matters as may arise and qualify as being confidential by law.

The Governing Council further recognizes that public disclosure of such information may result in injury to an individual or potential harm and possible liability to LADE, and the Governing Council members must respect confidentiality of information that is privileged under applicable law.

It is the policy of the Council that Council members shall discuss or disclose confidential information only in connection with legitimate LADE business and only with individuals with a legitimate right to know.

ARTICLE XV **CONFLICT OF INTEREST**

A. General Principles

It is the responsibility of all Governing Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude any appearance of a conflict between the interests of LADE and the personal interests of the members. Likewise, it is the responsibility of the Governing Council and the Head Administrator, to ensure that the school conducts all its business and operations impartially in accordance with all laws. All decisions and transactions shall be made with the best interests of LADE as the foremost consideration.

A Governing Council member shall voluntarily excuse themselves from discussions of confidential information and abstain from voting on matters in which the Governing Council member has a personal or financial interest, including an interest by a member of the Governing Council's immediate family, or where the Governing Council's participation will or may compromise the confidential nature of the discussion. Failure to voluntarily remove themselves from such conflicts of interest may result in a vote to remove the member from the Governing Council.

B. Conflict-of-Interest Disclosure

A conflict of interest occurs whenever a Governing Council member permits the prospect of direct or indirect personal gain (or gain to a relative or related party) to influence judgment or actions regarding school business. Members should immediately disclose any conflict-of-interest. Each Governing Council member shall complete an "Annual Disclosure Statement," in which any known conflict-of-interest is disclosed.

C. Application of Conflict-of-Interest Policy

Members of the Governing Council shall not knowingly engage in any activities or transactions which are in material conflict with their duties and obligations to LADE. In addition, Governing Council members shall not conduct private business in a manner which places them at a special advantage because of their position with LADE. The Governing Council and staff of LADE shall follow the laws of New Mexico, the New Mexico Procurement Act, and the New Mexico Governmental Conduct Act, as well as the policies and procedures of the school.

D. Related Party

For purposes of these Bylaws, a "Related Party" is an individual, business enterprise, nonprofit organization or other entity with respect to which such Governing Council member, or a relative of such a Governing Council member (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.

E. Undue influence

A Governing Council member shall not use his or her position at LADE to attempt to influence the decision of any school 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". Every Governing Council member and every LADE employee who is a parent or ward of a student who attends the school should inform their child that they are required to follow all rules, policies and procedures applicable to LADE students and that they are not entitled to special treatment by virtue of the relationship with a Governing Council member or employee.

ARTICLE XVI ETHICAL OBLIGATIONS AND DUTIES

A. Misuse of Position

A Governing Council member shall not use his or her position at LADE to attempt to influence the decision of any LADE 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 the Council's Conflict of Interest Policy. Every Governing Council member and every LADE employee who is a parent or ward of a LADE student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to LADE students, that he or she is not entitled to special treatment by virtue of the relationship with a Governing Council member or employee.

B. Commitment to Collaboration

All Governing Council members shall work collaboratively with each other, with the sole goal of achieving LADE's educational mission. The Governing 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 their opinion, in a professional manner, about matters before the Council. Governing Council members shall refrain from non-constructive or personality-based comments that do not advance LADE's mission. Because the Governing 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.

ARTICLE XVII AMENDMENTS

Any section or subsection of the Governing Council Bylaws may be altered, suspended or revoked by a majority vote of the Governing Council.

EXHIBIT A: GOVERNING COUNCIL RESOLUTION

Open Meetings Act School Year

WHEREAS, La Academia de Esperanza (LADE) Governing Council met in regular session on _____, 20__ (via zoom) as required by law; and

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all time, and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public, and

WHEREAS, Section 10-15-1 (D) of the open Meetings Act required the LADE Governing Council to determine annually what constitutes reasonable notice of its public meetings,

NOW, THEREFORE, BE IT RESOLVED by LADE Governing Council that:

1. All meetings shall be held via zoom at 4:00pm or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the third Thursday of the month. The agenda will be available at least seventy-two (72) hours prior to the meeting. The agenda will be posted at La Academia de Esperanza Charter School located at 7311 Glenrio Rd NW, Albuquerque, New Mexico 87121 and on the school's website at <https://www.ladecharter.org/>.
3. Notice of regular meetings other than those described in Paragraph 2 will posted at least seventy-two (72) hours in advance of the meeting date. The agenda will be posted at La Academia de Esperanza Charter School located at 7311 Glenrio Rd NW, Albuquerque, New Mexico 87121 and on the school's website at <https://www.ladecharter.org/>.
4. Special meetings may be called by the President or a majority of the members upon three (3) days notice. The notice for a special meeting shall include an agenda for the meeting. The agenda shall be available at least seventy-two (72) hours before any special meeting. The agenda will be posted at La Academia de Esperanza Charter School located at 7311 Glenrio Rd NW, Albuquerque, New Mexico 87121 and on the school's website at <https://www.ladecharter.org/>.
5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The LADE Governing Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the President or a majority of the members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy or the agenda. Within five (5) days of taking action on an emergency matter, LADE Governing Council shall report to the Attorney General's Office the action taken and the circumstances creating the emergency.

6. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda are on the school's website and posted at the following location: La Academia de Esperanza, 7311 Glenrio Rd NW, Albuquerque, New Mexico 87121.
7. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda are provided on the school website and posted at the following location: La Academia de Esperanza, 7311 Glenrio Rd NW, Albuquerque New Mexico 87121.
8. In addition to the information specified above, all notices shall include the following language: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the school administration at (505) 764-5500 if a summary or other type of accessible format is needed.
9. The LADE Governing Council may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the open Meetings Act.
 - a. If any meeting is closed during an open meeting, such closure shall be approved by majority vote of a quorum of the LADE Governing Council taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - b. If a closed meeting is conducted when the LADE Governing Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public.
 - c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - d. Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the LADE Governing Council in an open public meeting.

Passed and approved by the La Academia de Esperanza Governing Council this __ day of ____ 20__.