



Las Cruces Public Schools Board of Education
Training
Thursday, June 1, 2017 • 9:00 a.m.
Las Cruces Public Schools Administration, Conference Room A

I. Introduction

A. *Call to Order*

President Maria Flores called the meeting to order at 9:08 a.m.

B. *Roll Call*

Those present were:

- Sra. Maria A. Flores, President
- Mr. Ed Frank, Vice President
- Mr. Ray Jaramillo, Secretary
- Mrs. Terrie Dallman, Member

Absent:

- Mr. Maury Castro, Member

Dr. Gregory Ewing, Superintendent, was also in attendance, as was the Board's legal counsel, Elena Gallegos.

C. *Approval of Agenda*

Mr. Frank made a motion to approve the agenda; it was seconded by Mr. Jaramillo. The motion was unanimously approved.

President Flores asked the Board members to return Dr. Ewing's evaluations by Tuesday, June 6, 2017. Sra. Flores and Ms. Gallegos will then collate the comments. Potentially, a vote will be taken that day and the results can be given to Dr. Ewing. The next step will be consideration of his contract.

II. Training

Elena Gallegos, legal counsel from Walsh Gallegos, is conducting today's training. She encouraged interaction. Comments could possibly lead to changes in Board policy.

A. *What Board Members Need to Know About Public Participation at Board Meetings (with Board Review and Discussion of Policy BEDH: Public Participation at Board Meetings)*

Legally, the Board does not have to provide time for public comment. Yet, the public has a right to be in attendance and has the "right of information." If there is public comment by policy or practice, that portion of the meeting is considered a "limited public forum" for public speech. The Board manages the time of that portion of the meeting. There were suggestions on how the Board could address those making comments and how to let them know that their time has ended.

Ms. Gallegos reviewed several issues including restrictions on speech during Board meetings when related to personnel; comments about the Superintendent may not be restricted, whether negative or positive; and granting extra time during public comment. Ms. Gallegos suggested that a phrase is needed to be consistent when someone asks for extra time.

Personal attacks in comments have to be allowed, but not personal threats (an intent to harm). There was further discussion on Policy BEDH and potential changes.

B. *What Board Members Need to Know About Board Powers under H.B. 212 (2003) (with Board Review and Discussion of Policy GBK: Staff Concerns/Complaints/Grievances)*

Ms. Gallegos suggested there should be review of the policy on employee grievances and whether the policy and the regulation are in agreement. There was also discussion on HB 212 and its implications for both the Board and the Superintendent, and on school visits by Board members.

Policy and Regulation GBK are not in sync, which is important in relation to grievances brought forward by employees who are not covered by the Collective Bargaining Agreements. There was also a question of whether there should be something in place for grievances brought by administrators. There was discussion about adjusting Policy AC to accommodate a situation when there is alleged discrimination against the superintendent.

Mrs. Dallman requested that all Board members receive a notebook with all Policies, including a timeline for review and updates.

The whistleblower policy was discussed and the fact that it bypasses local Board investigations when the issue involves the Superintendent or when the Board wants the investigation to be local. Does the policy also address issues that are beyond financial matters?

C. *What Board Members Need to Know About the Role of Legal Counsel (with Board review and discussion of LCPS Board Policy BDG: Legal Services)*

The training focused on what is considered privileged information and why it should not be divulged. There are certain criteria in order for communications to be considered privileged. There was further discussion regarding the Board's counsel and when communication from legal counsel should be shared with the Board (Policy BDG). There was also discussion about the Board's finance and audit committees.

Ed Ellison, of the Finance Department, will construct a chart of the Budget, Finance and Audit committees, outlining who's on them, whether their meetings are open to the public, and the duties for each.

D. *Practical Open Meetings Act (OMA) Tips for Board Members During Board Meetings*

There was discussion on board meeting agendas, which shall give specificity to the public on what actions the Board will take. They also discussed what constitutes an emergency when adding an agenda item within 72 hours of the meeting; disclosing

which items were never discussed in executive meetings; rolling polls; not revealing communications with the Board’s legal counsel; not taking action in closed sessions; among other items.

E. *What Board Members Need to Know About the Inspection of Public Records Act (IPRA)*

Dr. Ewing would like web links to the Open Meetings Act and the Inspection of Public Records Act sent to all Board members. The Board also discussed emails on phones and whether business emails on private phones need to be disclosed in the event of an IPRA; whether records have to be created; and IPRA lawsuits are not covered by NMSPIA.

III. Adjournment

Board members thanked Elena Gallegos and commented on the benefit of the meaningful training and that they liked it being held locally. Mrs. Dallman made a motion to adjourn the meeting; it was seconded by Mr. Frank. The motion was approved unanimously. The meeting ended at 2:42 p.m.

Board President

Board Secretary

—Minutes taken by Jo Galván