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# Council Operations

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HPREC Policy Manual

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**High Plains Regional Education Cooperative Polices**

300 Council Operations

Adopted: November 2, 2001

Reviewed and/or Revised: February 19, 2008

**300 COUNCIL OPERATIONS****301 Introduction**

High Plains Regional Education Cooperative #3 (HPREC) is organized in compliance with the New Mexico State Plan FY 1991-93: Part B – Education of the Handicapped Act [Public Law 94-142] as authorized by Public Law 98-199 Individuals with Disabilities Education Act - Part B (IDEA-B) and Public Law 105-17.<sup>1</sup>

**302 Purpose**

HPREC is specifically organized to facilitate the ability of member districts and institutions to:

1. Assist member districts in their child find efforts;
2. Conduct professional development and information dissemination activities;
3. Assist member districts in providing a free appropriate public education to all school age children with disabilities within the cooperative area;
4. Assist member districts in providing a full education opportunity for school age children with disabilities including those enrolled in private schools;
5. Provide ongoing professional development, support, and technical assistance educators;
6. Provide related services on a fee for services basis;
- 7.
8. Develop other cooperative support programs and services, as deemed necessary for participating districts and/or institutions;

**303 General Goals**

The HPREC will:

1. Gather and disseminate information on issues and trends that support providing quality educational services for students.
2. Provide technical and fiscal support in the program areas.
3. Develop interagency collaboration between and among the member districts, community, and other social service agencies.
4. Seek funding opportunities that will enhance educational services and opportunities for students and staff in the member districts.
5. Assist districts with state and federal compliance issues.
6. Promote the HPREC in a professional and positive manner.

**304 General Organization**

High Plains REC shall be governed by a Regional Education Coordinating Council, hereafter designated as the HPREC Council. Composed of the superintendents of each participating entity, the Council functions only when in official session. As prescribed by statute, only superintendents of each participating body may serve on the Council; no substitute

<sup>1</sup> Legal Reference: PL 94-142; PL 98-199, IDEA-B, PL 105-17.

representation shall be allowed. Termination of council membership shall occur when the agency represented no longer participates in the cooperative.<sup>2</sup>

### **305 Legal Status**

Control of the HPREC is placed in the hands of the High Plains Council by the Fiscal Agents Agreement signed by all district's superintendents within the cooperative.

The districts and institution, in accordance with and pursuant to the Joint Powers Agreement Act, Sections 11-1-1 through 11-1-7, NMSA 1978, agree to submit a consolidated application to the Public Education Department for certain funds granted to the State of New Mexico pursuant to IDEA-B,<sup>3</sup> and other state and federal programs.

They further agree to establish and maintain a cooperative program of special education services funded by participating districts' and institution's available federal entitlement, discretionary and preschool allocations. The Council will annually determine during the grant application process, upon the advise of the Executive Director, a percent of total discretionary allocations which will be used for cooperative regional projects and the percent of the discretionary allocation which will be allocated to local bodies for district and institution use. Entitlement and preschool allocations are budgeted for use directly to the districts/institution.

They further agree to establish and maintain a cooperative program of special education related services programs funded by New Mexico appropriations. (Districts agree to budget a percentage--currently 90%--of their state appropriation for related service providers provided by HPREC for cooperative purchase of such services; districts shall be billed quarterly for such services; any excess funds beyond that which is necessary to pay for all ancillary services provided to the members shall be credited against the next school year's billing on a pro-rata basis.)

They further agree to establish and maintain a cooperative program of non-special education programs funded by federal, state, local, foundational, or other funding sources.

### **306 Council Membership**

The membership of the HPREC Council will be the superintendent of each member school district/institution: Cimarron, Clayton, Des Moines, Maxwell, Mosquero, Raton, Roy, and Springer. Each member of the council shall have one vote and only superintendents may exercise the voting privilege.

#### **3061 Officers**

Officers and duties of the office shall include:

- A. **Chair.** Shall preside at meetings, appoint committees, sign contracts and other documents on behalf of the Council, offer resolutions, discuss questions and vote.

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<sup>2</sup> Legal Reference: 22-2B-1 to 22-2B-5, NMSA, 1978

<sup>3</sup> Legal Reference: 11-1-1 to 11-1-7, NMSA, 1978

- B. **Vice-Chair.** Perform the duties of the council chair in case of resignation, absence, or disability of the chair and any other duties as assigned by the council chair.
- C. **Secretary.** Assist the council chair with preparations and dissemination of agenda for all meetings in accordance with council policy, and be responsible for official minutes of each meeting in accordance with council policy.

### **3062 Terms of Office**

Terms of office shall be one fiscal year in length. Reorganization of the Council shall occur at the last meeting of each fiscal year. The current vice-chair shall progress to chair and the current secretary shall progress to vice-chair; if individuals decline the position or if there is a change in district assignment, the Council may choose to hold a new election for the chair and vice-chair. Election of a new secretary shall be by nomination and majority vote. Duties of the office will be assumed upon adjournment of the meeting at which the election takes place.

### **307 Meetings**

Meetings of the Council shall be held at the call of the chairperson, subject to the Council's Open Meetings Resolution and the Open Meetings Act [Section 10-15-1 through 10-15-4 NMSA 1978].<sup>4</sup> The Council shall annually adopt an Open Meetings Resolution for publication which shall include a schedule of regular meetings, times, and places for the following fiscal year. The council chair may call special meetings as necessary following procedures outlined in the annual Open Meetings Resolution.

#### Place of Meetings

The regular meeting place of the Council will be at High Plains REC administrative office. Regular meetings may also be held at any of the member districts/institution. Location of all regular meetings will be specified in the Open Meetings Resolution and/or posted as per that Resolution. Special meeting places will be specified by the chairman or Executive Director.

#### Time of Meetings

Regular meetings will be at 9:00 a.m., unless otherwise indicated. Times will be specified at the calling of special meetings.

### **308 Rules of Procedure**

- A. The chairman (or vice-chairman in the absence of the chairman) will conduct all meetings. In the absence of both the chairman and the vice-chairman, the members present shall elect a chairman elect pro tempore, who will serve only for that meeting, or the part of the meeting in which the chairman and vice-chairman are absent.
- B. A complete agenda, including supporting data, will be prepared by the director in consultation with the chairman of the Council, and delivered to each Council member at least three (3) working days before the date of the regular Council meeting. This requirement will be waived only for emergency meetings. Any individual or group wishing to address the Council must request placement on the agenda. Requests are to be made to the

<sup>4</sup> Legal Reference: Open Meetings Act 10-15-1 to 10-15-4, NMSA, 1978

Executive Director at least seven (7) business days prior to the meeting. If Council action is anticipated on any agenda item that item will be clearly marked. Agenda items requiring Council action must be posted a minimum of 24 hours prior to the opening of the meeting.

- C. The regular order of business shall be:
  - 1. Call to Order
  - 2. Roll Call
  - 3. Approval of Agenda
  - 4. Approval and Signature of Minutes
  - 5. Executive Director's Report
  - 6. Director of Program's Report
  - 7. Financial Report
  - 8. Personnel (if needed)
  - 9. Executive Session (if needed)
  - 10. Issues from Participants
  - 11. Adjournment
  
- D. All members of the Council may make motions, second motions, and vote. Members not voting will be recorded as abstaining. A meeting of a majority of the members of the Council constitutes a quorum for the purpose of conducting business. **A majority of members present and voting will constitute official action of the Council.** A Council member may participate in a meeting by means of a conference telephone or other 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 member of the Council who speaks during the meeting.
  
- E. A member of the Council who cannot be physically present at a meeting and who cannot participate by conference telephone but who wishes to vote on a proposed action item may file a confidential written proxy vote with the Chairman **prior** to the opening of the meeting at which the vote will be called.
  
- F. Any member of the Council who wishes to make a motion, second a motion, or discuss pending business will first secure recognition of the Chairman of the Council.
  
- G. The Chairman will present each agenda item for discussion, or designate the Executive Director or other member who will present the agenda item.
  
- H. All formal actions of the Council will be taken by ordinary motions, unless a formal resolution is legally required.
  
- I. It will not be necessary for a motion to be before the Council in order to discuss any agenda item, which has been presented by the Chairman for consideration. In the ordinary course of events, the Council will discuss all matters other than routine procedural questions prior to the making of a motion, in order that the reaching of a consensus may be facilitated.
  
- J. The following motions will be in order:

1. To adopt the agenda
  2. To recess
  3. To take action
  4. To amend a motion made to take action
  5. To set aside the rules
  6. To defer action
  7. To adjourn, either finally, or to a specific time, date and place.
- K. Minutes of the previous meeting will be sent to each Council member within seven (7) business days prior to the subsequent meeting. Upon Council approval of minutes, they shall become official. Official minutes will be maintained at the HPREC office.
- L. Reasonable efforts shall be made to accommodate the use of audio and video recording devices. Any one who wishes to record Council meetings shall file a written request to record the meeting with the Executive Director at least twenty-four (24) hours prior to the designated meeting.
- M. Policies, bylaws, or rules of procedure of the Council may be amended by a majority vote of the Council.

### **309 Powers and Responsibilities of the Council**

- A. **Powers of the Council.** The powers, duties and responsibilities of the Council are outlined in the Regional Cooperative Education Act [22-2B-1 to 22-2B-6 NMSA 1978], SBE Regulation 93-23, and the Fiscal Agents Agreement approved by each governing body.<sup>5</sup>
- B. **Responsibilities of the Council.** The Council shall:
1. Hire an Executive Director and necessary additional staff and, subject to the provisions of law, approve the salaries of all employees. The administrative and supervisory functions of the Council shall be delegated to the Executive Director.
  2. Authorize or affirm disbursements based on the presentation and recommendation of the Business Manager, Director of Programs, and Executive Director.
  3. Maintain personnel, education, programmatic and financial records in accordance with federal and state statute and state board regulation.
  4. Permit authorized representatives of regulatory agencies to inspect and audit all records relating to the cooperative.
  5. Subject to any applicable requirements of state or federal laws and regulations, take action on any other matters, which the Council considers necessary or desirable in furtherance of the High Plains RECs programs, operations or interests.

### **310 Action in Absence of Policy**

In cases where action must be taken within the cooperative and the Council has provided no guidelines for administrative action, the Executive Director shall have the power to act. The decisions shall be subject to review by the Council at its regular meeting. It shall be the duty of the Executive Director to inform the Council promptly of such action and of the need for policy.

<sup>5</sup> Legal Reference: 22-2B-1 to 22-1B-6, NMSA, 1978  
SBE Regulation 93-23  
Fiscal Agents Agreement

### 311 Complaint Policy and Procedure

- A. **Policy.** High Plains REC Council and administration will afford parents, consumers, and districts the opportunity to resolve complaints and grievances in both an informal and formal manner. Complainants are to utilize informal procedures prior to initiating formal procedures. Nothing in this policy will in any way limit or restrict parent rights under due process but are in addition to such rights.
- B. **Informal Procedure.** When the complainant or aggrieved party feels the need to resolve an issue relating to program, services and/or program administration, the use of an informal conference is encouraged. The complainant may contact a district superintendent or the Executive Director for assistance in organizing a conference between the complainant and the appropriate other party. The contacted superintendent or the Executive Director will schedule the conference and provide to both parties a written summary of the issue and agreed upon resolution. Both parties will agree that any informally agreed upon resolution will not be used as part of formal procedures without the written consent of both parties.
- C. **Formal Procedures.** The complainant or aggrieved party will provide, in writing, the specific program, service and/or program administration issue in question. The written complaint will be sent directly to the HPREC Council in care of the HPREC office. At the next council meeting, the Council will name a hearing officer to hear the issue. The hearing officer will, within five (5) working days, provide a copy of the written complaint to all other individuals directly involved in the issue and schedule a hearing within ten (10) working days of receipt of the formal complaint. The agreed upon resolution or, in cases where agreement is lacking, the resolution decision of the hearing officer will be reduced to writing and signed within five (5) working days of the hearing. An agreed upon resolution will be signed by the hearing officer and all parties directly involved. The hearing officer alone will sign the resolution decision when consensus is not reached. When consensus is reached, the agreement is binding on all parties. When consensus is not reached, the decision of the hearing officer is binding on all parties providing there is no appeal.
- D. **Appeal.** Within ten (10) working days of receipt of the hearing officer's decision, any party directly involved in the complaint may appeal the decision of the hearing officer. To appeal the hearing officer's decision, a letter requesting a hearing before the High Plains REC Council must be sent directly to the Council chairperson in care of the High Plains REC office. The Council chairperson will obtain copies of the hearing officer's decision. The chairperson will determine whether to schedule a review of the complaint or grievance with parties directly involved at the next regular meeting of the Council or call a special meeting of the council within thirty (30) working days of receipt of the request for appeal. The decision of the Council will be considered final and binding on all parties pending remedies available under other regulations.

### 312 Nepotism

The Council shall not initially employ or approve the initial employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, of any member of the Council.

**313 Records Available**

All public records shall be available to citizens for inspection at the REC administrative offices according to the Inspection of Public Records Act<sup>6</sup>. A written request for access to desired records shall be given to the Executive Director as custodian of the REC's records.

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<sup>6</sup> Legal Reference: 14-2-1 to 14-2-12 NMSA, 1978 Comp.