

REGION 9 EDUCATION COOPERATIVE

COORDINATING COUNCIL POLICY MANUAL

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100 LEGAL AUTHORITY AND HISTORY

101 Legal Authority

A Regional Education Cooperative (REC) may be authorized by the New Mexico Public Education Department (PED) pursuant to the Regional Cooperative Education Act, NMSA 1978, § 22-2B-1 et. seq. and rules adopted by the Public Education Department (6.23.3 NMAC – Regional Education Cooperatives). Upon authorization, local school boards and other state-supported educational institutions may join an REC for the purpose of providing education-

related services. The Act also provides for the creation of a Regional Education Coordinating Council (Council) to serve as the local governing body of a duly authorized REC.

Each REC is an individual state agency that is administratively attached to the Public Education Department. Pursuant to rules of the PED, an REC may own, and have control and management over, buildings and land independent of the facilities management division of the General Services Department (GSD). Unlike most state agencies, an REC does not submit a budget to the Department of Finance and Administration. Instead, each REC must submit a budget to the PED.

The PED is required to adopt rules relating to REC budgets and expenditures. These rules are to be based on the provisions of the Public School Finance Act, NMSA 1978, § 22-8-1 et. seq. The PED secretary may, after considering the factors specified in NMSA 1978, § 22-8-38, designate a local Council to serve as a board of finance with which all funds appropriated or distributed to it shall be deposited. If such a designation is not made or if such a designation is suspended by the PED secretary, the money appropriated or to be distributed to a cooperative must be deposited with the state treasurer.

With Council approval, an REC may provide revenue-generating education-related services to nonmembers, so long as those services do not detract from the REC's ability to fulfill its responsibilities to its members. An REC is also authorized, subject to Council approval, to apply for and receive public and private grants as well as gifts, donations, bequests and devises and use them to further the purposes and goals of the cooperative. Unexpended or unencumbered balances in the account of an REC shall not revert.

Pursuant to the Act, an REC is exempt from the provisions of the New Mexico State Personnel Act, NMSA 1978, § 10-9-1 et. seq. However, an REC is defined as a "state agency" under NMSA 1978, § 22-10A-2 (C) and is subject to the provisions of the New Mexico School Personnel Act, NMAS 1978, § 22-10A-1 et. seq.

102 History

In 1984, the New Mexico State Board of Education (SBE) established ten Regional Center Cooperatives (RCCs) under SBE Regulation No. 84-6 (Regional Center Cooperatives). The purpose of the RCC's was to provide services for local education agencies and eligible state supported schools under Public Law 94-142, the Education for All Handicapped Children Act (EHA). EHA was enacted by the United State Congress in 1975 and was an amendment to Part B of the Education of the Handicapped Act of 1966. This law is currently enacted as the Individuals with Disabilities Education Act (IDEA), as amended in 1997. SBE Regulation No. 84-6, first filed in August 1984 and then amended in August 1990, permitted districts to submit a consolidated application for certain entitlement and discretionary funds under EHA-B.

In 1993, during the 41st Legislative Session, the Regional Cooperative Education Act was passed and signed into law by then Governor Bruce King. The Act authorized the establishment of Regional Education Cooperatives (RECs) and Coordinating Councils that could be their own board of finance that eliminated the requirement to have a member school district serve as the fiscal agent. Following the adoption of the Act, the State Board of Education adopted SBE Regulation No. 93-23 (Regional Education Cooperatives), which established the minimum criteria for the

establishment, operation and oversight of REC's. SBE Regulation No. 93-23 was renumbered in 2001 to 6.23.3 NMAC by the Commission of Public Records – State Records and Archives.

With the creation of the Public Education Department in 2004, the secretary of public education being duly authorized to promulgate rules to carry out the duties of the department and its divisions, NMSA 1978, § 9-24-8 (D) (2004), repealed SBE Regulation No. 84-6 and amended 6.23.3 NMAC in November 2009.

Since 1984, RCC's and more recently RECs have established essence cooperative programs of education services with funding sources such as the Drug Free School and Communities Act of 1986, Title II funds for leadership and professional development, the Carl D. Perkins Vocational and Technical Education Act of 1884 and 1998, School-based Medicaid programs and other federal and state funding sources.

103 Establishment

200 STATUTORY REQUIREMENTS

201 Authority of the Governing Body

The REC is governed by a Regional Education Coordinating Council (Council). The Council is composed of the superintendents or chief administrative officers of each local school district or state-supported educational institution participating in the REC. NMSA 1978, § 22-2B-4 (A)

A Council member is a public officer, but has no power or authority individually. State law, NMSA 1978, 22-2B-4 (C), vests power in the Council, and not in the members, either individually or otherwise. The Council shall not be bound in any way by the action or statement on the part of an individual Council member except when such a statement or action is in pursuance of specific instructions from the Council.

202 Organization of the Council

The members of the Council shall elect a Chair from its members and reserves the right to reorganize any time the Council votes in a majority to do so.
NMSA 1978, § 22-2B-4; 6.23.3.9 NMAC

203 By Laws and Policy Requirements

Pursuant to the rules of the Public Education Department, 6.23.3.9 (A) NMAC, the Council shall adopt by-laws for the purpose of the governance of the REC. At a minimum, the by-laws must include the following provisions:

- a) Procedures for electing a Council Chair;
- b) The term of office for the Council Chair;
- c) Procedures to establish any committees that Council may deem necessary or desirable;
and
- d) Procedures to amend the policies as the Council deems necessary or desirable.

The Council shall also oversee the operation of the REC and develop a manual of policies and procedures governing the operation of the REC. However, the administrative and supervisory functions of the Council shall be delegated to the Executive Director.

The manual of policies and procedures must include the following policies relating to employees:

- a) the salary schedule(s) for all employees of the REC;
- b) policies related to the accrual and utilization of leave by employees; and
- c) policies relating to performance evaluations of employees.

Policies and procedures must be reviewed and updated annually.

204 Council Duties and Responsibilities

The Council is responsible for providing:

- a) education-related services for members of the REC;
- b) technical assistance and staff development opportunities for members of the REC;
- c) cooperative purchasing capabilities and fiscal management opportunities for members of the REC;
- d) such additional services for members of the REC as may be determined by the Council to be appropriate; and
- e) revenue-generating education-related services to nonmembers when the Council determines that the provision of such services will not interfere with the REC's ability to fulfill its responsibilities to its members.

Pursuant to PED rules the Council shall

- a) adopt an annual budget as necessary to carry out the purposes of the REC; and
- b) hire an executive director and necessary additional staff.

The council is responsible for ensuring the following:

- a) all employees meet the applicable certification or licensure requirements; and
- b) all applicable provisions of the School Personnel Act, Chapter 22, Article 10A NMSA 1978 are adhered to and reflected in its policies and procedures.

The Council shall have other powers and duties as are reasonably necessary to carry out the purpose of the Regional Cooperative Education Act and which are not inconsistent with the provisions of applicable state or federal statutes, rules and regulations. NMSA 1978, § 22-2B-5; 6.23.3.9 NMAC

205 Joint Powers Agreement

Each Council is subject to a Joint Powers Agreement that is executed between the members of the REC. This agreement provides, at a minimum:

- a) a mechanism whereby members of the REC electing to cooperatively participate in programs funded by monies other than IDEA-Part B shall notify the Council and the Public Education Department; and
- b) a provision requiring members desiring to participate in cooperative programs funded by monies other than IDEA-Part B to execute a memorandum of understanding in

accordance with requirements established by the Public Education Department. 6.23.3.8
NMAC

300 COUNCIL BY-LAWS AND GOVERNANCE

301 Introduction

Regional Education Cooperative 9 is authorized in compliance with the Regional Cooperative Education Act and rules adopted by the Public Education Department under Title 6, Chapter 23, Part 3 of the New Mexico Administrative Code.

302 Purpose, Vision, Mission and Goals

The Purpose of the REC is to administer and deliver those services deemed critical to the ongoing success of general and special education programs provided by members of the REC.

Vision...A Community Member • Educating • Supporting • Serving

Mission...Region 9 • Your innovative Regional education Cooperative providing exceptional services to children, families, and communities in New Mexico.

Motto...Serving Kids • Priority One

303 Council Membership and Voting Privileges

The membership of the Council shall include superintendents or chief administrative officers of each member school district or state-supported educational institution.

Each member shall have one vote and only superintendents may exercise voting privileges. Termination of Council membership and voting privileges shall terminate when the member school district or state-supported educational institution withdraws membership from the REC.

The Executive Director or designee, shall poll Council members prior to a meeting to determine whether there will be a quorum. In the event the poll indicates less than a quorum will attend the meeting, the meeting shall be re-scheduled by the Council Chair or designee.

NMSA 1978, § 22-2B-4

304 Council Officers, Procedures for Electing Council Officers and Terms of Office

Council officers and duties of each office shall include:

- a) Chair: The Chair shall preside at meetings, appoint committees, sign contracts and other documents on behalf of the Council and other duties prescribed by the Council. The Chair shall have the right, as other members of the Council, to offer resolutions, discuss items on the agenda and vote on items on the agenda.
- b) Vice-Chair: The Vice-chair shall perform the duties of the Chair in case of absence, disability or resignation.
- c) Secretary: The Secretary may also serve as the Vice-Chair and may assist the Council Chair with preparation and dissemination of the agenda for all meetings in accordance with Council policy and the Open Meetings Act, NMSA 1978, § 10-15-1 et. seq. and may

be responsible for official minutes of each meeting in accordance with Council policy and the Open Meetings Act.

Reorganization of the Council shall occur at the first meeting of each fiscal year. The election procedure shall be nomination and majority vote.

Terms of office shall be one fiscal year in length. Officers may serve unlimited additional terms upon agreement of the Council and the Officer in question. Duties of the office will be assumed upon adjournment of the meeting at which the election takes place.

305 Amending Council By-Laws, Policies and Procedure

The Council delegates the Executive Director the responsibility for drafting, amending and repealing by-laws and policies as is necessary or desirable. Such by-law and policy drafts, amendments or repeals shall be presented to the Council for consideration at a meeting properly noticed under the Open Meetings Act. All such changes to by-laws and policy may be approved by a majority vote of the Council.

The Executive Director is delegated authority to adopt REC administrative procedure that are necessary to implement the by-laws and policies of the Council. Such administrative procedures shall be consistent with Council by-laws and policy and any applicable federal and state laws.

The Executive Director shall ensure that Council by-laws, policies and REC administrative procedures are accessible to employees, contractors and other individuals with a need to know.

If any section, paragraph, clause or provision of Council by-laws, policy or REC administrative procedures 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 such by-law, policy or administrative procedure or its application to other situations.

The Executive Director shall have the authority to make decisions in the absence of policy if failure to make a decision would compromise the effectiveness of the REC. The decision shall then be subject to review by the Council at its next regular meeting. It shall be the duty of the Executive Director to promptly inform the Council Chair of such action for inclusion on the meeting agenda and to recommend policy to the Council to avoid such contingencies in the future.

306 Confidential Information

The 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, personnel, students, litigation, security, and/or confidential financial donations to the REC.

The Council further recognizes that public disclosure of such information may result in injury to individuals, or potential harm and possible liability to the REC, and that Council members are bound legally and by the Council's policy related to the Council Code of Ethics to 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 REC business and only with individuals with a legitimate right or need to know.

It is the Council's expectation that a Council member will voluntarily excuse him/herself from discussions of confidential information and abstain from voting on matters in which the Council member has a personal or financial interest, including an interest by a member of the Council member's family, or where the Council member's participation will or may compromise the confidential nature of the discussion.

Where a Council member fails or refuses to voluntarily excuse him/herself from such discussions and confidential information is disclosed; as a result, the Council may enforce this policy by:

- a) Requiring the Council member to excuse him/herself from future discussion of the same or similar matters and abstain from voting; or
- b) By other remedies available under applicable law.

307 Council Meetings, Annual Open Meetings Resolution and Creation of Committees

Meetings of the Council shall be held at the call of the Chair, or designee, subject to the Council's open meetings policy and the Open Meetings Act. NMSA 1978, § 10-15-1 et. seq.; Paragraph (5) of Subsection A of 6.23.3.9 NMAC

A meeting of a majority of the members of the Council constitutes a quorum for the purpose of conduction business. NMSA 1978, § 22-2B-4 (C); Paragraph (6) of Subsection A of 6.23.3.9 NMAC

During the first regularly scheduled meeting in June, the Council shall establish an annual calendar of meetings and approve an Open Meetings Resolution which shall define reasonable notice for public meetings. The resolution shall include the times and places for meeting during the following fiscal year and will be published on the REC website. The Council Chair may also call special meetings as necessary following the procedures outlined in the annual Open Meetings Resolution.

Reasonable efforts shall be made to accommodate the use of audio and video recording devices. Anyone who wishes to record a Council meeting shall file a written request with the Executive Director at least twenty-four (24) hours prior to the designated meeting.

The Chair has authority to form committees. The function of any Council committee will be fact-finding and advisory rather than legislative or administrative. Ultimate authority to make decisions shall reside with the Council and the Executive Director as designated by the Council. Committee meetings must adhere to the Open Meetings Act. NMSA 1978, § 10-15-1 (B)

308 Meeting Agendas and Minutes

The Executive Director, in coordination with the Council Chair or designee, shall prepare an agenda of business to come before the Council. A complete agenda, including supporting data, must be finalized and made available to Council members at least three (3) working days prior to

the meeting. The agenda shall also be available to the public at least seventy-two (72) hours prior to the meeting and must be posted on the Council's website, if one is maintained.

NMSA 1978, § 10-15-1 (F)

Any individual or group wishing to address the Council must request placement on the agenda. Such requests must be made to the 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.

The Regular order of business shall be:

- Call to Order
- Roll Call/Establish a quorum
- Approval of Agenda
- Approval of Minutes
- Presentation of Financial Records
- Executive Session (if needed)
- Business Items
- Information Reports
- Audience Participation
- Adjournment

The minutes of the meetings of the Council shall include:

- a) The date, place and classification of the meeting (regular, special or emergency);
- b) The call of order stating the time and the name and office of the person presiding;
- c) The record of the roll call of Council members;
- d) A notation of the absence of members;
- e) A record of any changes to the published agenda (i.e. reorganization of topics);
- f) A record of any corrections to the minutes of any previous meetings and the action approving them;
- g) A record of any communications or reports presented to the Council;
- h) A record of each motion placed before the Council, specifically:
 1. The member making the motion and the member seconding, if any;
 2. The declaration of the person presiding that the motion passed or failed; and
 3. The name of each person voting in the affirmative or the negative, unless the vote is unanimous.

All reports, resolutions, agreements and other written documents which require Council action will be made part of the minutes by reference only, but shall be kept on file as part of the permanent record. Draft minutes must be prepared within ten working days after the meeting and must be approved, amended or disapproved at the next meeting where a quorum is present.

Minutes are not official until approved by the Council. NMSA 1978, § 10-15-1 (G)

Minutes of a previous meeting will be sent to each Council member at least seven (7) days prior to the meeting at which they will be considered for approval.

The minutes, after approval by the Council, shall be filed and maintained at the REC office in accordance with the records retention rules. 1.21.1 NMAC

309 Parliamentary Procedures

- a) The Chair, or Vice-Chair in the absence of the Chair, will conduct all meetings. In the absence of both the Chair and the Vice-chair the Secretary shall conduct the meeting; if all officers are absent and there remains a quorum, the members present shall elect a Chair-pro tempore who will serve only for that meeting, or the part of the meeting in which the officers are absent.
- b) All members of the Council may make motions, second motions and vote. Members not voting will be recorded as abstaining. If a member has an actual conflict or perceived conflict of interest, the member will state the conflict and remove themselves from participation in the discussion and decision. In this instance. The member will be recorded as recused. A majority of members present and voting will constitute official action of the Council.
- c) A Council member may participate in a meeting by means of a conference telephone or other similar communication 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. NMSA 1978, § 10-15-1 (C)
- d) Any member of the Council who wishes to make a motion, second a motion or discuss pending business will first secure recognition of the Council Chair.
- e) The Chair will present each agenda item for discussion, or designate the Executive Director or another member to present the agenda item.
- f) All formal actions of the Council will be taken by ordinary motions unless a formal resolution is required by law. The following motions will be in order:
 - I. To adopt the agenda
 - II. To recess, either temporarily or to a specific time, date and place
 - III. To approve, reject or table an item
 - IV. To amend a motion made to approve, reject or table an item
 - V. To set aside the rules
 - VI. To defer action
 - VII. To adjourn
- g) The Council may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recession, the Council specifies the date, time and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

310 Council Members Attendance

A member of the Council who will be unable to attend a meeting will notify the Chair of the Council or the Executive Director at least twenty-four (24) hours in advance of the meeting.

311 Council Code of Ethics

The Council hereby adopts Licensure Requirements, Code of Ethical Responsibility of the Education Profession, Public Education Department. 6.60.9 NMAC (as amended), as the standards of conduct by which they Council and all REC employees and contractors are required to conduct themselves.

400 ADMINISTRATION

401 Coordinating Council

The Council has the legal authority to carry out the purpose of the Regional Cooperative Education Act. The Council shall be the policy forming and evaluative body of the REC, and shall perform the following functions:

- Select and hire an executive director and establish a salary in accordance with the REC Executive Director Salary Calculation process;
- Ensure all employees meet all applicable certification or licensure requirements;
- Ensure all applicable provisions of the School Personnel Act are adhered to and reflected in its policies and procedures;
- Delegate the administrative and supervisory functions to the Executive Director (*See 203 By Laws and Policy Requirements*);
- Approve or disapprove the initial employment, termination, or discharge of all employees of the REC upon a recommendation by the executive director, (any employment, termination, or discharge without the prior recommendation of the executive director is void);
- Assure compliance with the provisions of the Procurement Code;
- Assure compliance with all applicable department of finance and administration regulations;
- Review and approve the annual budget for the REC; and
- Review the annual evaluation data of the REC activities

Legal References 6.23.3 NMAC – Regional Education Cooperatives
Procurement Code, Sections NMSA 1978, § 13-1-28 et seq.
School Personnel Act, NMSA 1978, § 22-10A-1 et seq.

402 Executive Director

402.1 Qualifications:

It is preferred that the Executive Director have or be able to apply for administrative licensure issued by the New Mexico Public Education Department; shall have specialized training in the leadership and business administration of public schools and/or related organizations with a minimum qualification of a Bachelor's degree and a preferred qualification of Master's degree from an accredited Institution of higher learning; and shall have demonstrated by suitable experience the capability of leading a staff and educational community in a continuous program of improvement.

402.2 Term of Appointment:

Pursuant to NMSA 1978, § 22-10A-21, the Executive Director shall be issued a contract in writing for a period of one school year to include the terms of service and other provisions required by the Public Education Department rules for licensed administrator contracts. Contracts not to exceed three years are permitted, upon approval of the Coordinating Council, for licensed school administrators who are engaged in administrative functions for more than one-half of their employment. A licensed school administrator is exempt from Sections 22-10A-22, 22-10A-23, 22-10A-24 and 22-10A-25 of the School Personnel Act. The Executive Director shall be employed on a 236-day contract to begin on July 1 and end on June 30, unless hired after the start of the fiscal year. Renewal of the contract or issuance of a new contract is at the full discretion of the Coordinating Council.

402.3 Responsibilities:

The Executive Director shall:

- Exercise all administrative and supervisory functions delegated by the Council;
- Provide effective professional leadership and technical advice to the Council on matters pertaining to all programs adopted by the Council;
- Initiate and guide the development of policies for the Council's consideration and ensure that all policies of the Council and legal duties of the Council are implemented;
- Interpret Council policies for staff as well as all state and federal laws relevant to the operation of the REC;
- Administer the development and maintenance of programs designed to provide maximum utilization of funds within the Cooperative;
- Be accountable for accurate distribution of individual district monies and for accurate monthly, quarterly and end-of-year reports by working with the REC business manager, assure sound fiscal management and compliance with state and federal audit requirements;
- Maintain records required by the Council and state and federal laws;
- Provide member districts with technical assistance in the interpretation of special education laws;
- Prepare the agenda for each Council meeting, notify Council members in advance of items to be discussed and coordinate dates, times and locations of meeting pursuant to the Open Meetings Act;
- Attend all Council meetings, prepare and provide a report of monthly activities for the Council and other information as necessary or requested;
- Serve as the official representative of the Council in relations with the Public Education Department and other applicable agencies in matters pertaining to programs adopted by the Council;
- Conduct studies and appraisals, as directed by the Council, of the development and needs of member districts and make recommendations to the Council;
- Encourage innovation and active participation in the development of programs among REC personnel;
- Develop objectives to address relevant educational issues facing local educators, administrators, teachers, educational assistants, staff, parents and community;
- Arrange and coordinate in-service training for each member district as needed;

- Assist member districts directly and indirectly with training and technology needs to facilitate success for all individuals involved with educating students;
- Assist the business manager with the coordination of the financial arrangements of all workshops and in-services through the REC;
- Strive to enhance cooperation between member districts, communities, state and federal agencies;
- Provide member districts with technical assistance for state and federal monitoring activities;
- Define job requirements and responsibilities for REC personnel;
- Coordinate and implement a process for evaluations of all REC personnel and office staff, assist with the development of professional development plans as applicable;
- Recommend to the Council initial employment, termination or discharge of all employees and licensed personnel;
- Coordinate and assist with employee recruitment for the REC; and
- Perform other duties as assigned by the REC Council.

402.4 Separation of Employment:

The Executive Director may be separated from employment with the REC upon a majority vote of the full Council and in conformance with the School Personnel Act.

402.5 Resignation:

The Executive Director may resign upon providing the Council with 30-day's notice of the intent to resign. Such notice shall be in conformance with contractual and statutory provisions. The 30-day requirement may only be waived by the Council at a meeting subject to the Open Meetings Act.

402.6 Compensation and Benefits:

The Executive Director's compensation and benefits shall be established by the Council and may be renegotiated at the issuance of a contract or upon Council approval of an annual compensation schedule. Regular leave benefits shall be approved by the Council and shall be the same as provided for other employees of equal contract length. Additional annual leave benefits may be established in an employment contract.

402.7 Retirement:

The Executive Director shall be subject to retirement benefits as provided by the New Mexico Educational Retirement Act.

402.8 Evaluation:

The Council will annually evaluate the Executive Director in terms of efficiency of operation and accomplishments of the REC. The evaluation tool shall be approved by the Council and provided to the Executive Director prior to the beginning of the fiscal year.

403 Coordinating Council – Executive Director Relations

403.1 Annual Reports:

Ongoing reports, verbal and/or written, describing the progress of the REC in terms of goals achieved, objectives reached and standards responded to shall be made to the Council, along with recommendations for improvement.

403.2 Administration in Absence of Policy:

The Executive Director shall have the authority to make decisions in the absence of policy if failure to make a decision would compromise the effectiveness of the REC. The decision shall then be subject to review by the Council at its next regular meeting. It shall be the duty of the Executive Director to promptly inform the Council Chair of such action for inclusion on the meeting agenda and to recommend policy to the Council to avoid such contingencies in the future. (*See Amending Council By-Laws, Policies and Procedure*).

403.3 Delegation of Authority for Certain Employment Actions:

The Coordinating Council acknowledges the following:

- 1) Under the provision of 6.23.3.9 (D) (5) NMAC, the Council must approve the initial employment, termination or discharge of all personnel upon recommendation of the Executive Director;
- 2) Under the provisions of 6.23.3.9 (D) (4) NMAC, the Council has authority to delegate the administrative and supervisory functions of the REC to the Executive Director; and
- 3) In the course of supervising and administering the daily operations of the REC, circumstances may arise in which the Executive Director is called upon to take action with regard to employees within the REC.

The Coordinating Council therefore delegates to the Executive Director the authority to act as hearing officer or hearing authority for the purpose of hearing or reviewing facts, deciding appropriate disciplinary action, or reviewing disciplinary actions of other designated administrators, consistent with the School Personnel Act, the Public School Code, Council policy and other relevant laws. Instances in which the Executive Director may exercise such authority includes, but is not limited to. The following circumstances:

- 1) In effecting the immediate and temporary suspension with pay of employees, whether licensed or unlicensed, where alleged misconduct of the employee is so severe or extreme that the Executive Director in his or her sole discretion determines such immediate action to be necessary to preserve the health, safety or welfare of others or to assure the continued efficient operation of the REC. No appeal to the Council from such action may be had unless the Executive Director also recommends Council action to terminate or discharge such employee and the employee requests a hearing before the Council pursuant to NMSA 1978, §§ 22-10A-24 or 22-10A-27.
- 2) In offering initial employment to prospective employees in the interim between Council meetings where such offer is necessary to obtain qualified staff, so long as all such offers are expressly conditional on the subsequent recommendation to and approval of the Council, to the extent permitted by the School Personnel Act.
- 3) In reviewing complaint or grievance resolution proceedings as set forth in Council policy and in determining whether particular issues are subject to such grievance procedures.

The delegation of authority provided herein may not be used in a manner contrary to state or federal laws or to deny an employee rights to which they may otherwise be entitled. The Council

may expand the delegation prescribed herein in appropriate circumstances. The enumeration of delegated authority to the Executive Director shall not be construed to limit the authority of the Executive Director to take such actions as may be necessary to administer programs or to execute Council policy, unless such authority is reserved to the Council by law, contract or other applicable written agreements.

403.4 Delegation of Authority as Procurement/Purchasing Officer:

The Coordinating Council delegate to the Executive Director or their designee the authority to serve as procurement/purchasing officer for the REC within federal and state laws and Council policies. All such purchases and procurements are subject to the New Mexico Procurement Code and to Council review and/or approval as specified in Council policy.

403.5 Community Relations Complaint Procedure:

As used in this policy “complaint” includes the terms “dispute” or “concern.” “Business days” means any day the REC administrative offices are open and “stakeholder” is limited to the parents or legal guardians of children who are receiving direct services from the REC. This procedure is not applicable to REC employees, employees of member Districts or the parents or legal guardians of children who are enrolled in member Districts. Complaints received from employees of member Districts or the parents or legal guardians of children who are enrolled in member Districts shall be referred to the appropriate Superintendent of the member District.

The Council encourages stakeholders to discuss their concerns through informal conferences with the appropriate staff or administrator, where possible. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible level.

Where informal resolution of a complaint is not possible, this policy permits stakeholders to address their complaint, without fear of retaliation. This policy shall not be construed to create new or additional rights beyond those granted in other laws or policies. All levels of review will be informal. Nothing in this policy shall be construed to apply to complaints regarding non-REC matters including but not limited to custody matters, parenting plans, or other similar disputes.

A complaint may be voluntarily withdrawn at any time in the process. Once a complaint is withdrawn it cannot be re-opened. If at any time during the complaint process the REC grants the remedy requested, the complaint will be terminated at that time and may not be further appealed.

If Council members are contacted by a stakeholder regarding a complaint such members shall direct the stakeholder to follow the appropriate complaint process. If Council members are contacted by an individual that is not a stakeholder as defined above, the Council member may suggest the individual contact their supervisor or the appropriate administrator where their child is enrolled.

The Executive Director, or designee, has the authority to promulgate procedures in supplement to this policy, as needed.

Any documents related to the complaint should be included with the Formal Complaint form. In addition, the Executive Director, or designee, has the authority to designate shorter timelines

and/or abbreviated processes for this complaint process where, in the Executive Director's discretion, a lengthy process may result in substantial disruption to the educational environment. In such circumstances, the Executive Director will make reasonable efforts to advise the complainant of the need for the adjustment so that interested parties are provided a fair opportunity to be heard.

Formal Complaint

If an informal conference does not result in a satisfactory resolution of a concern, a stakeholder may initiate the formal complaint process described below by timely submitting a completed REC complaint form (available at administrative offices) and any supporting material to the Executive Director within ten (10) business days of the date the stakeholder first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint. The date of receipt will be based on a date-stamp on the document indicating receipt by the Executive Director. A complaint that is not filed within this timeline may be dismissed, in writing, at any point during the complaint process.

Upon receipt of the formal complaint, the Executive Director will, within ten (10) business days, review the complaint and mail or hand-deliver a written response. This response will list the basis for the decision.

Appeal to the Coordinating Council

If the stakeholder is not satisfied with the decision or if the Executive Director has not responded by the response date, the stakeholder may appeal, in writing, to the Coordinating Council. The appeal must be filed within ten (10) business days of the date of the Formal Complaint response, or if no response was issued, within ten (10) business days of the response deadline. A copy of the response, if available, must be included with the appeal.

The Council will review the appeal at a regularly convened Council meeting, in open session, unless the subject matter should be reviewed in closed session pursuant to the Open Meetings Act. If the Council declines to consider the complaint, the Executive Directors decision shall be considered upheld and final. The Council will issue the complainant a written notice of its decision within five (5) business days of the date of the Council meeting wherein the complaint was considered. The decision of the Council is final.

500 FISCAL ACCOUNTABILITY

501 Fiscal Agent

The REC serves as its own fiscal agent and shall employ such personnel as necessary to provide required fiscal administration and accountability.

502 Fiscal Responsibilities

Fiscal accountability at a minimum includes the following:

- Compliance with the requirements of an applicable Joint Powers Agreement and/or Interagency Governmental Agreement(s), pursuant to NMSA 1978, § 11-1-4, regarding fund accountability;

- Compliance with all applicable Public Education Manual of Procedures (PSAB) and the Regional Educational Center (REC) Budgeting/Financial Procedures Manual;
- Compliance with the Procurement Code, NMSA 1978, § 13-1-28 through 13-1-199 and Procurement Code Regulations, 1.4.1 NMAC.
- Disbursement of funds in accordance with the annual budget approved by the Council and in compliance with grant contractual agreements and federal/state laws, rules and regulations;
- Retention of records pursuant to the State Records Act, the Joint Powers Agreement and the Commission of Public Records retention and disposition rules;
- Compliance with programmatic and financial audit requirements;
- Maintenance of required fixed asset inventory controls;
- Compliance with the Mileage and Per Diem Act and the Governmental Conduct Act;
- Preparation of required financial and programmatic reports for the Public Education Department, the Department of Finance and Administration, and the State Auditor's office;
- Compliance with all state and federal rules and regulations related to the processing of Medicaid claims and the disbursement of Medicaid funds to participating districts; and
- Documentation and transparent accounting for all REC financial activities using a centralized and standard accounting system with clearly defined checks and balances, keyed to and correlated with revenue and expenditure classifications in the budget, consistent with State and Federal laws, rules and regulations and approved by the Council.

503 Medicaid in Schools

A proposed Medicaid in the School budget will be based on the previous year's revenues and projections of any increases in numbers of Medicaid eligible children.

The REC will assist districts in obtaining Medicaid Direct Services and Administrative Time Study reimbursements. The Executive Director and Business Manager will administer the Medicaid budget and be accountable for accurate distribution of individual district monies; they will assure that all expenditures are in compliance with Medicaid policies and the regional collaborative plan prior to reimbursement to districts.

The Executive Director or designee will keep the Council informed of any changes or new developments regarding Medicaid; will provide technical advice to the Council and will serve as the official representative at Medicaid meetings with all applicable agencies, including but not limited to the NM Department of Health.

504 Annual Operating Budget Development

The REC will use the PED/LEA Chart of Accounts and Manual of Procedures in the development and submission of budgets. The REC will submit individual program budgets as well as a combined total budget for all funds to be expended.

The budget will reflect an estimate of total anticipated revenue for the ensuring year and will include expenditures itemized in detail according to individual programs and categories of expenditures.

505 Budget Review and Approval

Each operating budget will be reviewed and approved by the Council prior to submission to the PED. A copy of the operating budget will be entered into the official Council minutes and available for public inspection.

The REC budget will be submitted in accordance with state law and the Department of Finance and Administration (DFA) timeline for state agencies in order to be submitted with the PED budget.

The PED will review and provide final approval of the budget.

506 Budget Adjustment Requests (BAR)

The Council may adjust the budget if it is deemed necessary to meet unforeseen contingencies. Each amendment shall be recorded in official Council meeting minutes.

The Council may authorize a budget adjustment within the operational budget if the adjustment is within the same budget series.

The Council may delegate BAR approval to the Executive Director for designated periods of no Council activity. Any BAR approved by the Executive Director will be summarized at the next regularly scheduled meeting to the Council.

All budget adjustments between series must be submitted to the PED as a Budget Adjustment Request (BAR) and approved by the PED, following Council approval.

All budget adjustments shall be made in compliance with state law and PED rules and procedures.

A budget increase may be required upon receipt of additional revenue related to a special project or program. A budget decrease may be required if projected revenue is not realized. Both increases and decreases require Council approval and may require PED approval prior to incorporation into the REC budget.

507 Procurement Requirements

The REC shall adhere to all applicable requirements of the Procurement Code, NMSA 1978, 13-1-1 through 13-1-99, in all purchasing transactions. The REC is excluded from the requirements of procurement through the state purchasing agent. Pursuant to Council policy, specifically 403.4, the Executive Director or designee shall serve as the Chief Procurement Officer and register with the General Services Department (GSD) as the REC purchasing agent. Such registration requires certification as specified by the GSD state purchasing agent and must be renewed every two years.

The REC Chief Procurement Officer may do the following:

- (1) make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;
- (2) issue purchase orders and authorize purchases pursuant to the Procurement Code; and
- (3) approve procurement pursuant to the Procurement Code.

Purchasing using grant funding shall comply with the requirements of the grant and the Procurement Code.

The Executive Director is authorized to enter into and administer contracts.

508 REC Purchasing

All purchase procedures shall be made pursuant to the Procurement Code and the PED Manual of Procedures PSAB Supplement 13 – Purchasing.

The Executive Director is delegated authority to approve and execute employment contracts, contracts with school districts, higher education institutions and independent contractors for the procurement of professional services. The Executive Director shall assure that contracts utilizing funds subject to non-supplanting requirements are adhering to such legal requirements and personnel contracts adhere to the School Personnel Act.

Contracts for the professional services of independent contractors shall also adhere to the Governmental Conduct Act and shall meet the definitions for independent contractor status under federal laws applicable to independent contractors and regulations adopted by the Internal Revenue Service (IRS) applicable to independent contractors.

A purchase order is required for all purchases other than employee contracts for employment and benefits. A blanket purchase order may be used for items purchased on a recurring basis from the same vendor within a specified time frame including purchases under State Price Agreements and GSA agreements.

It is unlawful to divide purchases into two (2) or more orders to circumvent the limits of the Procurement Code and procedural requirements stated above.

513 Cash Disbursement and Signatory Authority

Cash disbursements shall be for the following transactions:

- Invoices for goods and services received;
- Employment of casual or other labor not under the School Personnel Act;
- Contracts for professional services;
- Payroll disbursements; and
- Requests for reimbursements.

Approval of Vouchers. In order to assure timely payment of REC financial obligations and in fairness to REC vendors, the Executive Director is authorized to approve vouchers for payment

prior to a Council meeting. A summary listing of such vouchers shall be presented to the Council at its next regular meeting for ratification and entry in the Council minutes.

Cash Reconciliation. All REC bank accounts shall be reconciled monthly by the REC business manager or their designee.

Separation of Duties. The Executive Director shall establish procedures to assure required segregation of duties between A/P processing and payroll processing and other internal controls as required by the PED PSAB2.

Security of Checks and Checkwriter. All warrants shall be stored in a fireproof locking vault or cabinet.

The Council delegates signatory authority for all checks for the REC to the Executive Director, or an appointed designee. The Executive Director, or designee, are prohibited from being issued blank checks for their own discretion.

The ability to print a signature when processing checks shall be controlled by a password. Access to such password shall be limited to the Executive Director, the business manager and the accounts payable manager.

514 Payroll

Payroll period shall be in accordance with the annually adopted State of New Mexico payroll schedule.

515 Fixed Assets Inventory

The Executive Director or designee shall maintain a fixed assets inventory of all items over \$1,000 in a format that meets state laws and audit requirements. Additional inventory information required for purchases made using federal grant funding shall also be maintained.

A separate inventory of all supply assets valued under \$1,000 shall be maintained for accountability purposes.

Such inventories shall remain current and will be available at all times. The Executive Director shall provide member districts an annual summary of such inventory.

515.1 Salvageable Materials

The REC's procedures for the accumulation and disposition of salvageable materials shall be in accordance with federal law and NMSA 1978, §§ 13-6-1 and 13-6-2.

For purpose of this policy, the term "salvageable materials" shall mean materials, equipment, or items of tangible personal property owned by the REC which have a current resale value of any amount and which are worn out, unusable or obsolete to the extent that the item(s) is no longer economical or safe for continued use by the REC. The term shall include materials or equipment from construction or renovation projects which have resale or salvage value and which have not been contracted for salvage or disposition to private entities.

Council approval by resolution and affidavit is required for the disposition of salvageable materials with a current resale value of five thousand dollars (\$5,000) or more.

The Council designates the Executive Director, the Business Manager and the Procurement Coordinator as committee members who shall approve and oversee such disposition and assure compliance with the procedural and approval requirements of NMSA 1978, § 13-6-1 and NMSA 1978, § 13-6-2. All dispositions of salvageable materials require the written approval of committee, who shall assure that reporting of such dispositions is made in accordance with federal and state statutes, rules and regulations.

All cash or other consideration received from the disposition of salvageable materials shall be handled directly by or be delivered immediately upon receipt to the Business Manager or designee, who shall account for such as required by federal and state statutes, rules and regulations.

Legal Reference: 34 C.F.R. §80.32
NMSA 1978, §§ 13-6-1 (2013), 13-6-2 (2007)
PSAB Supplement 12

516 Asset Insurance

The Executive Director shall assure that adequate insurance purchased and maintained on REC property to protect the investment and interests of the Council and REC.

517 Financial and Compliance Audits

The New Mexico State Auditor requires that all state agencies maintain adequate accounting records, prepare financial statements in accordance with Generally Accepted Accounting Principles (GAAP), and cooperate with an approved Independent Public Accountant (IPA) by providing to the IPA in a timely manner the information the IPA requires to express an opinion on the REC's financial statements.

The REC shall annually contract with an IPA to perform a financial compliance audit as required by the State Auditor. The audit report will be formally accepted by the Council at a regular meeting and a copy of the approved audit shall be forwarded to the PED by the date specified in the current rules adopted by the State Auditor.

The Executive Director shall present a statement of financial condition at each regular meeting of the Council, or at the discretion of the Executive Director or upon the request of the Council.

518 Charge Backs

The REC shall adhere to the PED PSAB Supplement 7 regarding Cash Controls. The Executive Director shall be responsible for ensuring a procedure is developed and implemented for creating an allowance for charge backs/bad debt, creation of an Insufficient Funds Subsidiary ledger and to remove such debt from accounts receivable.

The Executive Director shall assure a monthly review of accounts receivable and assure any receivable that is 30-days past due is sent a reminder. Any account over \$1,000 that is considered delinquent shall be presented to the Council for consideration of further action.

519 Purchasing Card

The purpose of this Purchasing Card Policy is to set forth the requirements for accountability and compliance for all expenditures related to the procurement of goods and services related to the use of an REC Purchasing Card. This Policy sets forth the minimum requirements and in no way limits the authority of the Executive Director in establishing internal controls and procedures which exceed these minimum standards.

The REC Purchasing Card may only be used as follows:

- For official purchases in compliance with all state laws and Council policy, and where applicable federal laws and regulations;
- To purchase non-restricted commodities directly from vendors; and
- When a vendor will not accept an REC issued purchase order;

The Purchasing Card is not intended to circumvent the REC designated purchasing, approval or payment process.

A Purchasing Card shall be issued in the Executive Director's name, or designees approved by the Executive Director, and the "Region Education Cooperative" clearly indicated on the card.

The Cardholder must use the Purchasing Card for REC business purposes only. The Purchasing Card may not be used for unauthorized or prohibited purchases and services, or personal purchases of any kind. Monthly recurring charges are not allowed on the Purchasing Card. Misuse of the card will subject Cardholder to disciplinary action in accordance with REC Policies and the School Personnel Act.

The Executive Director shall develop internal controls and procedures to establish the following:

- Cardholder responsibilities;
- Purchasing Card Administrator Responsibilities;
- Acceptable Purchasing Card Purchases;
- Unacceptable Purchasing Card Purchases;
- Purchasing Card Termination;
- Lost, Misplaced or Stolen Purchasing Cards;
- Disputes and Billing Errors;
- Security and Storage of Purchasing Card; and
- Card Holder Liability.

520 Records Retention and Disposition

The REC is subject to the State Records Act and the rules adopted by the Commission for Public Records. The Executive Director is responsible for ensuring REC staff adheres to all applicable rules related to the records created and received by the REC. The Executive Director shall ensure all financial records and appropriate programmatic documents are protected from fire and theft.

Records shall be retained as directed by applicable federal and state laws and relevant rules and regulations. Disposition of records shall only be in accordance with the Public Records Act and the rules adopted by the Commission of Public Records.