

## Frequently Asked Questions

### Governance

#### **How many members can there be on the governing body of a charter school?**

There is no limit on the number of members on the governing body of a charter school. However there must be at least five members at all times. No member of a governing body for a charter school shall serve on the governing body of another charter school.

#### **Can the head administrator and teachers serve on the governing body of the charter school where they are employed?**

No, Section 22-21-1 A NMSA 1978, prohibits such persons from serving on the governing body with which the person is associated or employed.

#### **Does the governing body of a charter school have the right to hire and fire administrators and teachers?**

The governing body of a charter school has the right to hire and fire only **one** employee, the head administrator. Section 22-8B10 NMSA 1978 provides that the head administrator of the charter school shall employ, fix the salaries of, assign, terminate and discharge **all** employees of the charter school.

The head administrator of a charter school 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, brother, brother-in-law, sister or sister-in-law of a member of the governing body or the head administrator. The governing body may waive the nepotism rule for family members of a head administrator. The nepotism rule cannot be waived for family members of members of the governing body.

#### **Can the governing body of a charter school hire a head administrator who does not have an administrative license?**

No, Section 22-10A-3 NMSA 1978, the School Personnel Act (which is a part of the Public School Code) requires that, "*any person administering in a public school . . . shall hold a valid license or certificate from the department authorizing the person to perform that function*". PED rule provides that, "Head administrator" means the **duly licensed** school administrator who is the chief executive officer of the charter school, (6.80.4.7 K NMAC).

**Can the governing body of a charter school obtain a waiver of the requirement that the head administrator have an administrative license?**

No, there are no provisions in the Public School Code to waive the requirement that the head administrator have an administrative license. However, when a shortage of qualified school principals exists the governing body of a charter school can apply to the PED professional licensure bureau to obtain a provisional license for the Principal or Assistant Principal (head administrator) NMAC 6.62.2.9.