

New Mexico
Military Children Education Compact State Council
Bylaws

Article 1
Name, Purpose, Function and By-laws

Section 1. Name

The name of the group shall be the New Mexico Military Children Education Compact Council, hereinafter referred to as the “Military Children Education Council” or “Council”.

Section 2. Purpose

Pursuant to the terms of the Interstate Compact on Education Opportunity for Military Children, (the “Compact”), the New Mexico Military Children Education Compact Council is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that eases the state-to-state transition of military personnel, their spouses and primarily their children as these children transfer from one state to another and from once school system to another as a direct result of the military parent’s frequent reassignments.

Section 3. Functions

In pursuit of the fundamental objectives set forth in the Compact, the Council shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it pursuant to N.M. Stat § 11-8B-1, *et seq.*, The Council’s activities shall include, but are not limited to, the following:

- provide for the coordination among its agencies of government, local education agencies and military installations concerning the state’s participation in and compliance with the Compact and interstate commission activities;
- the promulgation of binding rules and operation procedures;
- enforcement of commission rules, operating procedures and Bylaws;
- collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Council to be warranted by, and consistent with, the objectives and provisions of the Compact.

Section 4. Annual Report

By June 30 of each year, the Council shall issue an annual report.

Article 2 Membership

Section 1. Council Membership Requirements

The NM Military Children Education Compact Council shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, with recommendation from the Council. Membership is to be composed of individuals involved in, or concerned with the education of military children, which shall include:

1. The New Mexico Secretary of Education,
2. Superintendent of a school district with a high concentration of military children,
3. One installation-level uniformed representative from one of the state's military installations (appointed by the Department of Defense),
4. One representative from the executive branch,
5. Representatives from other offices and stakeholder groups the Council deems appropriate.

The council recommends the appointment of a representative from the following groups to be appointed to the council. These groups are all involved in, or concerned with the education of military children. While the Council will meet statutory requirements without representatives from these group, every effort should be made for their appointment. These groups include:

1. The Adjutant General of the state of New Mexico or his or her designee,
2. The Department of Defense civilian School Liaison Specialist/Officer assigned to the same installation as the uniformed representative (the Council's subject matter expert),
3. One administrator of student academic programs, one administrator of special education programs, one administrator of student support programs, one mental health school counselor, one academic school counselor, and one classroom teacher from a school district with a high concentration of military children,
4. A public charter school leader from a brick and mortar school with military children enrolled,
5. A public charter school leader from a virtual school with military children enrolled,
6. One School Liaison Specialist/Officer, or designee, from each Military Installation in New Mexico,
7. Superintendent from each school district with a high concentration of military children,
8. One representative from the NM Public Education Department Special Education Bureau,
9. One parent of a military child as defined in the Compact,
10. One representative from the NM Reserve Force,
11. One representative from the New Mexico House of Representatives, either the Chairperson of the House Education Committee or the Chair/Vice Chair of the Legislative Education Study Committee
12. One representative from the New Mexico Senate, Chairperson of the Senate Education Committee or the Chair/Vice Chair of the Legislative Education Study Committee

13. The Director of New Mexico Military Base and Planning Support Office

Section 2. Ex-officio Members

The Council may designate representatives from other offices and stakeholder groups who are involved in, or concerned with the education of military children but not directly impacted by the Interstate Compact as Ex-officio nonvoting members of the Council, i.e., a representative from the NM Activities Association, the NM Department of Veterans Services, from the New Mexico Military Base Planning Commission, the state PTA/PTO group, a state level association of school administrators/principals/leaders, the NM Higher Education Department, a private school with military children enrolled, and a public member involved in, or concerned with, the education of military children.

Section 3. Terms

Elected members (i.e., political representatives) serve terms coterminous with their terms of office. All citizen members of the Council, except the ex-officio members, are appointed by the Governor of New Mexico or any other official authorized under State law to make such appointments. Members, appointed by the governor or any other official authorized under State law to make such appointments, shall be appointed to three-year terms with terms staggered such that the terms of approximately one-third of the appointed members expire each year. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, must be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Members, whose terms have expired, shall be considered bona fide voting members until such time as they are re-appointed or replaced by the Governor or any other official authorized under State law to make such appointments.

Section 4. Military Family Education Liaison

The Council shall designate a military family education liaison to assist military families and the state in facilitating the implementation of the Compact. The military family education liaison shall serve as an ex-officio nonvoting member of the Council, unless the person designated as the military family education liaison is already a voting member of the Council.

Section 5. Compact Commissioner

The governor shall appoint a compact commissioner to administer the Compact in New Mexico and to represent the state on the interstate commission. The compact commissioner shall serve as an ex-officio nonvoting member of the Council, unless the person appointed as the compact commissioner is already a voting member of the Council.

Section 6. Council Procedures

Members of the Council shall not receive per diem and mileage or other compensation, perquisite or allowance.

Article 3 Officers

Section 1. Election

The officers of the Council shall include a chairperson, vice chairperson, secretary and the past chair. The officers shall be duly appointed Council Members. Officers shall be elected annually by the Council at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Council. The Vice Chairperson shall automatically succeed to the office of Chairperson at the end of that person's term as Vice Chairperson. The officers so elected shall serve without compensation or remuneration.

Section 2. Succession

Should a vacancy occur for any reason during the term of office of the Vice Chairperson or the Secretary of the Council, a successor shall be elected at the next regular meeting to serve the remainder of the term. Should a vacancy occur for any reason during the term of office of the Chairperson, the Council shall determine whether the past chairperson or the current Vice Chairperson shall serve as the Chairperson for the remainder of the term, If the Vice Chairperson serves the remainder of the Chairperson's term, they will continue as Chairperson for the next year (their elected year as Chairperson).

Section 3. Executive Committee

All officers shall be members of the Executive Committee.

Section 4. Duties

The officers shall perform all duties of their respective offices as provided by the Compact and these by-laws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The chairperson shall call and preside at all meetings of the Council and in conjunction with the Executive Committee, shall prepare agendas for such meetings, and shall make appointments to all committees of the Council, and coordinate completion of the Council Annual Report due by June 30 each year.
- b. *Vice Chairperson.* The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until the Council determines who will assume the chairperson position.
- c. *Secretary.* The secretary shall coordinate with the N.M. Public Education Department responsible for recording minutes of all Council meetings, shall take notes during each Council meeting specifically regarding action and suggested agenda items for use by the Executive Committee between meetings, and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Council.
- d. *Past Chair.* The past chair is the most recent previous chair who is still serving as a Council member and shall perform such duties as may be requested by the Council.

Article 4 Meetings of the Council

Section 1. Meetings and Notice.

The Council shall meet at least quarterly, typically the second Tuesday of January, April, July and October. Meetings may be held at different locations with high populations of military children throughout the state to ensure state-wide participation and may be held by virtual meeting. At least one meeting per year shall be held face-to-face. Additional meetings may be scheduled at the discretion of the chairperson or upon the request of a majority of Council Members. All Council Members shall be given written notice of council meetings at least thirty (30) days prior to their scheduled dates. All Council meetings shall be open to the public. Prior public notice shall be provided in compliance with the Open Meetings Act.

All meetings of the Council will take place in a facility that is architecturally accessible for persons with disabilities. As necessary to accommodate Council meeting attendees, an interpreter for deaf persons and alternative format materials for blind persons, will be provided. Other assistance will also be provided as needed for Council members or for other scheduled participants in Council meetings.

Section 2. Agenda.

Council meeting Agendas shall be set by the Chairperson. All meeting agendas shall be subject to approval and adoption by the Council. The Council shall reserve the right to alter the order and/or delete items at the meeting. The draft meeting agenda shall be posted and provided to all Council Members seventy-two (72) hours in advance of a Council meeting. Action may only be taken on items that have been officially posted on the final agenda thirty-six (36) hours prior to the meeting, in compliance with the Open Meetings Act.

Section 3. Quorum.

Council Members representing a majority of the Council Members shall constitute a quorum for the transaction of business. Members may attend and participate in meetings in person or by telephone or other means of telecommunication or electronic communication through which all members can be heard. Participation in such fashion shall constitute presence in person for determining a quorum. The presence of a quorum must be established before any vote of the Council can be taken.

Section 4. Voting.

Each Council Member present is entitled to one vote. Members may participate in meetings by telephone or other means of telecommunication or electronic communication through which all members can be heard. Except as otherwise required by the Compact or these by-laws, any question submitted to a vote of the Council shall be determined by a simple majority.

Section 5. Procedure.

Matters of parliamentary procedure not covered by these by-laws shall be governed by the current edition of Robert's Rules of Order. The Chairperson may appoint a parliamentarian from within the membership of the Council or may request that then Secretary of Education appoint a parliamentarian.

Section 6. Public Participation.

Each meeting shall afford reasonable opportunity for members of the public to provide comment. The Chairperson shall specify reasonable parameters with respect to time, place, and manner, as well as to limit comments to subject matter that is within the jurisdiction of the Council. The Council may also adopt additional reasonable procedures to help assure that members of the public are afforded a reasonable opportunity to provide comment.

Section 7. Minutes

Official minutes shall be made of all Military Children Education Compact Council meetings, and shall be retained and made available to the public as required by applicable law, including the New Mexico Inspection of Public Records Act. Minutes shall include, but not be limited to:

1. the date, time, and place of the meeting;
2. the members of the public body recorded as either present or absent;
3. the substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken; and
4. any other information that any member of the public body requests to be included or reflected in the minutes.

The minutes of each meeting shall be taken by the staff of the N.M. Public Education Department and reviewed by the Council Chairperson. Draft minutes will be sent to the Council Members within two weeks of a meeting. Council members should send change request to the Chairperson within four weeks of receipt. The Chair will incorporate approved change requests and publish the minutes as administratively approved. The Council may amend the minutes prior to the final approval at the next open meeting, if needed.

Section 8. Attendance

An unexcused absence from a full Council meeting is an absence without advance notice and/or without provision of a reasonable explanation of the absence within 7 days of the meeting that was missed.

The Council shall take action to request the removal and replacement of a Council member who is appointed by the Governor, any other official authorized under State law to make such appointments or an Agency Designee when the Council member/Designee has two (2) consecutive unexcused absences from Council meetings or has excessive unexcused absences that are not consecutive during his or her term of appointment. After the first unexcused absence, the Council member/Designee will receive a warning from the Council Chairperson that a further unexcused absence will result in a request to the Governor or any other official authorized under State law to make such appointments to remove the member and appoint a new member to the Council or a

request to the State Agency Secretary to identify a new Designee. The Secretary shall be responsible for tracking and reporting members' absences, as set forth below.

If a Council member is absent from a Council meeting, the following process shall occur to track and report such absence:

1. The absentee member shall have seven (7) days from the date of the Council meeting to notify the Council Chairperson of the reason(s) for such absence;
2. The Council Chairperson shall forward this information to the Executive Committee for consideration.
3. As soon as possible after the seven-day time period has elapsed, the Executive Committee will discuss the absence and any reason(s) submitted by the absentee member. The Executive Committee shall determine if circumstances exist to grant the absentee member an approved, excused absence from the Council meeting.
4. The Executive Committee will make recommendations to the Chairperson regarding warning letters and requests for replacement of members with unexcused absences.

Article 5 Committees

Section 1. Executive Committee

The Executive Committee shall consist of the Chairperson, The Vice Chairperson, the Secretary, the Past Chair, the Compact Commissioner and the DoD civilian School Liaison Specialist designated subject matter expert. Between the regular and special meetings, the Executive Committee shall have the power to act on any matter delegated to it by the Council. The Executive Committee is responsible for the Council's annual report.

Section 2. Standing Committees

The Council will establish three standing committees; a Training Committee, a Communications and Outreach Committee, and a Compliance Committee, whose work will convene at most Council meetings. Standing Committee Chairpersons shall be elected annually by the Committee at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Committee. Committees will document progress or result on the Council's Strategic Action Plan document. Committees will submit year end summary to Council Secretary to be included in the Council's annual summary.

Section 3. Other Committees

The Council may establish such other committees as it deems necessary to carry out its objectives. The composition, procedures, duties and tenure shall be determined by the Council and may be composed of Council Members as well as other individuals from across the State.

Article 6 By-laws

Section 1. By-laws

These by-laws shall govern the management and operations of the Council. As adopted and subsequently amended, these by-laws shall remain at all times subject to, and limited by, the terms of the Compact.

Section 2. Amendments,

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Council Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-thirds (2/3rds) majority vote of the Members shall be required for such action.

Section 3. Annual Review

These by-laws will be reviewed annually by the full Council at the first meeting of the year.