



**COLORADO SPRINGS SCHOOL DISTRICT 11  
BOARD OF EDUCATION  
OPERATING AND PROCEDURES MANUAL**

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*Colorado Springs School District 11 is subject to the following laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates. District 11 also provides equal access to the Boy Scouts and other designated youth groups. Any harassment/discrimination of students and/or staff, based on the aforementioned protected areas, is prohibited and must be brought to the immediate attention of the school principal, the District 11 administrator/supervisor, or the District 11 nondiscrimination compliance/grievance coordinator. The following person has been designated to handle inquiries regarding D11's non-discrimination policies: The District 11 Non-Discrimination Compliance Coordinator, Alvin N. Brown, Jr., JD, 711 East San Rafael St, Colorado Springs, CO 80903, [browna@d11.org](mailto:browna@d11.org), phone: (719) 520-2271, fax: (719) 520-2442.*

# **Colorado Springs School District 11 Board of Education**

## **Operating and Procedures Manual**

The Colorado Springs School District 11 Board of Education hereby adopts the “Colorado Springs School District 11 Board of Education Operating and Procedures Manual” (hereinafter referred to as the Manual) dated August 14, 2013. The policies, procedures and guidelines set forth in the Manual are intended to have the same force and effect as Colorado Springs School District 11 Board (hereinafter referred to as the Board) policies, and the Manual is intended to remain in effect indefinitely until subsequently modified by the Board. However, in all cases of potential conflict between the Manual and Board policy, Board policies and regulations shall take precedence. The Manual is primarily intended to address the internal workings of the Board and the relationship between each individual Board member and Colorado Springs School District 11 (hereinafter referred to as the District).

This Manual is the document that provides support and guidelines and regulates the day to day processes and operations of the District with regard to the implementation of, and compliance with, District Board policies and District regulations.

This Manual carries legal authority and is directive in nature as to the requirements for compliance by administrators, staff, faculty, other employees and students.

### **I. Board Authority, Powers, Mission, Responsibilities, and Functions**

#### **A. SCHOOL BOARD LEGAL STATUS**

The Constitution of Colorado assigns to locally elected boards of education control of instruction in the public schools of their respective districts. As charged by the constitution, the General Assembly has provided for the organization of school districts, including the composition of district boards and the election of school directors.

##### **Legal Status**

Legally, then, local school boards are political subdivisions of the state and derive their power from the state constitution and acts of the General Assembly. They also have responsibilities to the local citizenry they serve and by whom they are elected.

The Legal name of the school district is Colorado Springs School District 11 in the County of El Paso, in the State of Colorado. It is a corporate body under the laws of the State of Colorado. The District is organized as a first class district and is governed by the laws of the State of Colorado relating to such districts and by the policies adopted by the Board in pursuance to such state laws, and in accordance with instructions of the State Commissioner of Education.

In no event will such policies and procedures by, or be construed to have been, adopted by reference to legislative or judicial pronouncements or to statements contained in applications for membership or policy positions of organizations in which the District has been, is, or will become a member.

## Governance

A Board consisting of seven directors elected at large from within District boundaries will govern the District. The Board will possess powers delegated and required by law. The Board will also be governed by both written bylaws and policies consistent with the directions and regulations of the State Board of Education.

### B. SCHOOL BOARD OF EDUCATION POWERS, DUTIES, AND RESPONSIBILITIES

The Board is committed to the belief that the responsibilities and duties outlined in this section and Board policies are its priority and will strive to remain in alignment with current Board goals. The Board is an elected body representing the people of the District. The primary role of the Board is strategic. Strategic planning with a focus on leadership, systems analysis, customer satisfaction, human resources, efficient and effective management, and results is the primary responsibility of the Board. The Board is a legislative body which formulates and adopts policy, and selects a superintendent to implement those policies and evaluate results. It must formulate policies that best serve the educational interest of each student and carry out its function openly, while seeking the involvement and contributions of the public, students and staff in its decision-making process. Powers and mandatory duties of the Board are defined in state statutes.

In accordance with these principles, this Board considers that its most important functions fall into the following categories:

1. **Legislative or policymaking.** The Board is responsible for the development of policy and for the employment of a Superintendent who, with sufficient and adequate guidelines, will carry out its policies. The Board has final authority within the provision of the statutes for the operation of the schools. Policies will be put in written form and continually reevaluated in terms of their effectiveness and of the changing needs and functions of public education. Any revision in Board policy is subject to Board approval.
2. **Educational planning and appraisal.** The Board is responsible for acquiring reliable information from responsible sources, which will enable it to make the best possible decisions about the scope and nature of the educational program. The Board is responsible for requiring appraisal of the results of the educational program.
3. **Staffing and appraisal.** The Board is responsible for employing the staff necessary for carrying out the instructional program and establishing salaries and salary schedules and other terms and conditions of employment, as well as for personnel policies District wide in application. The Board is responsible for appraising the effectiveness of the Superintendent in performing the administrative duties delegated to him/her, holding him/her accountable for the proper and efficient administration of the schools.
4. **Financial resources.** The Board is responsible for adopting a budget that will provide the financial basis for buildings, staff, materials and equipment, which will enable the District to carry out the educational program. The Board is responsible for exercising control over the finances of the District to ensure proper use of, and accounting for, all District funds.
5. **School facilities.** The Board is responsible for determining school housing needs, for communicating these needs to the community, for purchasing sites, and for approving building plans that will support and enhance the educational program.

6. **Communication with the public.** The Board is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself informed about the wishes, attitudes, opinions, and ideas of the public
7. **Judicial.** The Board is responsible for acting as a court of appeal for school staff members, students and the public when issues involve Board policies and their fair implementation.
8. **Safe Schools.** The Board is responsible for working in consultation with the District Accountability Committee, parents/guardians, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, to adopt and implement a safe school plan, or review, if necessary, any existing plans or policies already in effect.
9. **Accreditation.** The Board is responsible for the District's compliance with the Accreditation contract with the State Board of Education.
10. **Operational Action.** The Board is responsible for the process of conducting Board business such as adopting a procedural form for meetings, electing of Board officers, and providing the enforcement of state laws and directives for the Colorado Department of Education.

The Board may exercise the above powers and duties only when convened in a legally constituted meeting.

#### **C. SCHOOL BOARD OF EDUCATION PROCEDURES FOR ANNUAL BUDGET MODIFICATION AND ADOPTION**

Procedures for the adoption of yearly budgets are necessary to support effective decision-making by the Board of Education and to facilitate accurate and timely data provided by staff. Each year, the proposed budget for the next fiscal year will serve as the base or foundation upon which modifications are considered. The administration will provide a supplemental schedule of revenue and expenditure changes to the current fiscal year budget for the Board to consider. No budget change item may be discussed unless a motion to that effect has been placed on the table and been seconded by another Board member. Any motions to change the proposed budget, if passed by a majority of the Board present, shall be a tentative change subject to final Board action at the last regular Board meeting of the current fiscal year. Periodically during the process, the Superintendent or designee will check with the Chief Financial Officer to coordinate running totals, as to whether or not the budget is balanced. Should the Board, near the end of the process, find the operating budget out of balance by \$50,000 or less, the Board will direct the Superintendent to balance the budget, rather than making small adjustments that might not be effective. Any modifications must be in accordance with state law.

#### **D. BOARD OF EDUCATION MEMBER ACCESS TO INFORMATION, RECORDS, MATERIALS AND PROPERTY**

It is understood that the members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any action or statement on the part of any individual Board member except when such statement or action is in pursuance of specific instructions from the Board. The Board does, however, have the authority and responsibility to enforce all policies adopted by the Board, including access to information, records and materials by Board members and others over whom the Board is deemed to have authority.

Except as otherwise provided by law, each Board member is entitled to have access to all District records. The intent of this process is to outline a procedure by which Board members request information, records, and materials, and the administration responds to such requests. This procedure

is not intended in any way to restrict or limit any legal rights of Board members to access information, records, and materials.

### **Administrative Information, Records, and Materials**

Except as provided below, all formal requests for information, records, and materials by Board members should be directed to the Custodian of Records. The Custodian of Records will send a copy of the request to all Board members, the Superintendent, and Division Heads when it is received. The following process should be used to comply with requests.

- If the requested information, records, or materials already exist in documents that have been prepared and are considered readily accessible, the Custodian of Records will provide the information, records, or materials within three business days to the Superintendent. Unless prohibited by law, the Superintendent will forward the information, records, or materials to all Board members.
- If the information, records, or materials requested are not in a document that has been prepared, but are nevertheless available within the District in either electronic or paper form, the Custodian of Records will work with the department head to determine the staff required and the amount of time needed to provide the requested information, records, or materials. When the time required will be more than three business days, the Custodian of Records will notify the Superintendent as to when the information, records, or materials will be available.
- If the information, records, or materials requested are not in a document that has been prepared and are not available within the District, the Custodian of Records will notify the Superintendent within three business days.

### **Education Records and Personally Identifiable Information Regarding Students**

“Education records” refers to records that are directly related to a student and maintained by the District.

“Personally identifiable information” refers to:

- The name of the student, his/her parent/guardian or other family member;
- The address of the student or his/her family;
- A personal identifier such as the student’s Social Security number or student number; or
- A list of personal characteristics, or other information which would make the student’s identity easily traceable or which would make it possible to identify the student with reasonable certainty.

Personally identifiable information also includes records or information regarding a student received from a source outside of the District where the recipient of such information knows or should know that the same information is maintained by the District as part of the education record of a student.

Unless disclosure is otherwise expressly authorized by applicable law (as determined by the Superintendent), education records or personally identifiable information will be released to individual

Board members when it is determined by a majority of the Board that the Board member has “legitimate educational interests,” including the educational interest of the student at issue.

All formal requests made by a Board member based on a legitimate educational interest for education records or personally identifiable information regarding students must be directed to the Superintendent in writing and signed by the Board member.

1. The formal request will contain:
  - The reason the Board member believes he/she has a legitimate educational interest in obtaining such education records or personally identifiable information;
  - The intended use of the education records or personally identifiable information; and
  - The date on which the education records or personally identifiable information will be returned to the Superintendent for destruction.
  
2. The formal request will also contain a statement from the Board member stating that he/she understands that the education records or the personally identifiable information may:
  - Not be disclosed by the Board member in any way to any individual or organization not legally authorized to have access to such records or information;
  - Only be used for the purpose described in the request; and
  - If printed, be destroyed by the Superintendent after they are returned.

The Superintendent will forward a copy of the request to the Board President, after which time the request will be submitted to the Board for consideration.

Under no circumstances, may the Superintendent release, or a majority of the Board authorize, the release of education records or personally identifiable information when the Superintendent or majority of the Board knows or should know that the Board member to whom the records or personally identifiable information is to be released is likely to violate the provisions of this Manual, the Family Educational Rights and Privacy Act (“FERPA”), the Individuals with Disabilities Education Act (“IDEA”) and/or other applicable confidentiality laws.

If an individual Board member discloses education records or personally identifiable information regarding students to any individual or organization not legally authorized to have access thereto, to the extent permitted by law, either the Board or the Superintendent (on behalf of the Board and the District), may take appropriate legal or other action to restrain and/or remedy the violation and/or to prevent further violations. Such action may include, but is not limited to, an action for a temporary restraining order, injunctive relief or monetary damages, or any other action permitted by law.

It is understood that certain informal lines of communication exist between the staff and Board members; this prohibition is not meant to interfere with these lines of communications, unless such informal communications relate to education records or personally identifiable information.

Board members will only use this information in the performance of their official duties.

No Board member by virtue of his/her office shall exercise any administrative responsibility and/or authority with respect to the schools or as an individual command the services of any school employee.



## **Return of District Property**

Any items provided to support the work of Board of Education remain the property of District 11. At which time that a Board Member is no longer in service (at end of term or by resignation), all identification/security access cards and electronic property issued by the District will be returned promptly, in good condition.

## **E. BOARD SELF-EVALUATION**

The Board is an important leadership component of the District leadership system. The Board assesses its capacity for providing the leadership to support the District system and alignment of the strategic plan. The Board will complete an annual self-evaluation.

## **F. DISTRICT 11/ATTORNEY/LEGAL SERVICES**

The Board recognizes that the increasing complexities of District operations frequently require professional legal services. Therefore, it shall retain a competent attorney or legal firm to systematically provide such services. The appointment shall be for one year on a fee basis with reappointment subject to a vote of the Board.

The school attorney shall be the chief legal advisor for the District. His/her responsibilities shall include:

1. Being present as requested at meetings of the Board and its committees
2. Advising the Board and its officials when requested on legal matters
3. Advising the Board and Superintendent on points of law where the rights and liabilities of the District may be affected
4. Preparing and/or reviewing all contracts, agreements and legal instruments required in the ordinary course of District affairs
5. Prosecuting legal actions brought by the Board and defending legal actions brought against the Board
6. The Board will evaluate the legal services contract and cost on an annual basis and shall request bids for legal services no less than every five years.

A decision to seek legal advice or assistance from such attorney shall originate from the Board, the Superintendent or persons specifically authorized by the Board or Superintendent. Individual Board member requests for information, beyond a short response question must be coordinated with the Board president in advance. The Superintendent shall inform the Board prior to requesting unusual types or amounts of legal services.

## **G. CONFERMENT OF DIPLOMAS**

The Board is responsible for conferring diplomas for graduates, at which time the Director accepting graduates on behalf of the Board may make a few remarks. The following guidelines should be used for such comments at a graduation ceremony:

- The comments should be three (3) minutes or less;
- All comments should be non-partisan, non-sectarian, and non-commercial;
- Board members will abstain from using offensive or questionable language or labeling that may offend Directors, the administration, or the audience;
- Following remarks, the director must state:

"On behalf of the District 11 Board of Education, I am pleased to accept the Class of (year) for the conferring of diplomas", and announce "You graduated".

## **II. Board Members and Board Actions**

### **A. BOARD MEMBER OATH OF OFFICE**

Each new or reelected member of the Board, no later than ten days after the District receives the official abstract of votes, shall take an oath of office to faithfully perform the duties of the office as required by law and will support the Constitution of the United States, the Constitution of Colorado and laws made pursuant thereto.

The oath shall be filed with the designated election official, who shall maintain the oath in the Board Office. The oath shall be administered by the President of the Board, or by an officer/designee authorized to administer oaths as determined by the Board.

In the event a Board member fails to take the oath within the required period, the office shall, in accordance with law, be deemed vacant, and such vacancy shall be filled in the same manner as other vacancies in the office of a Board member.

### **B. NEW BOARD MEMBER ORIENTATION**

The President of the Board is responsible for the following to occur:

1. When a candidate for the Board picks up either a petition to be on the ballot or an application to be appointed to the Board, he or she should also receive information which includes but is not limited to the following:
  - a. Board bylaws
  - b. Board future meeting dates already set
  - c. Estimate of time commitment
  - d. Date of Board retreat to be held shortly after (within 1 month of election/appointment)
2. Retreat should include but not be limited to presentation of:
  - a. Guidelines for Board Efficiency & Effectiveness (see Exhibit 1)
  - b. How to handle complaints and concerns from constituents and staff
  - c. How to attempt to make changes
  - d. How to deal with the reading
  - e. Plans for orientation from the Administration for business of the District
  - f. The Board Operating and Procedures Manual and review of the B Section in the Policy Manual

3. At least one other Board member should meet with the new Board member within two weeks after election/appointment.
4. Materials every new Board member should receive or be able to access:
  - a. Accountability Committee and School Profiles reports for the previous school year
  - b. Advisory Committee list
  - c. Board's vision and mission statement
  - d. Budget for current year plus any proposed budget
  - e. CASB's latest manuals for Board members, e.g. Leadership Essentials and School Boards Can!
  - f. Current District Capital Plan
  - g. Colorado School Laws (latest version of CDE publication)
  - h. Deputy Superintendents' Contracts
  - i. District Calendar
  - j. Current District Organizational Charts
  - k. Guidelines for Board Efficiency & Effectiveness (see Exhibit 1)
  - l. Information on individual Board Budget
  - m. Master Agreement CSEA
  - n. Meet and Confer Agreement ESP
  - o. Meet and Confer Agreement CSASE/CSPA
  - p. Business Plan
  - q. Student Conduct, Discipline and Attendance Handbook
  - r. Superintendent's Contract
  - s. Unified District Improvement Plan (UDIP)
  - t. Policy Manual
  - u. Robert's Rules of Order
  - v. Minutes and related meeting materials from regular and special Board meetings for current school year plus the previous year

### **C. BOARD MEMBER CODE OF ETHICS**

According to Colorado Revised Statute §24-18-105, the following ethical principles for school board members "are intended as guides to conduct and do not constitute violations as such of the public trust of office...."

1. A Board member "should not acquire or hold an interest in any business or undertaking which he has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he/she has substantive authority."
2. A Board member "should not, within six months following the termination of his/her office, obtain employment in which he/she will take direct advantage, unavailable to others, of matters with which he/she was directly involved during his/her term of [office]. These matters include rules, other than rules of general application, which he/she actively helped to formulate, and applications, claims or contested cases in the consideration of which he/she was an active participant."
3. A Board member "should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he/she has a substantial financial interest in a competing firm or undertaking."

4. A board member is discouraged “from assisting or enabling members of [the board member’s] immediate family in obtaining employment, a gift of substantial value, or an economic benefit tantamount to a gift of substantial value from a person whom [the board member] is in a position to reward with official action or has rewarded with official action in the past.”

Public office is a trust created by the confidence, which the public places in the integrity of its public officers. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards.

### **DIRECT BENEFIT / CONFLICT**

In carrying out his/her fiduciary duties, a Board member shall not:

1. Disclose or use confidential information acquired in the course of his/her official duties to further substantially his/her personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the Board member’s public duties or which the member knows it is known or should be known is primarily for the purpose of a reward for official action taken.
3. Engage in a substantial financial transaction for his/her private business purposes with a person whom he/she supervises in the course of his/her official duties.
4. Perform an official act which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

### **INDIRECT BENEFIT / CONFLICT**

It shall not be considered a breach of conduct for a Board member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

*NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value of such services; and 3. Goods or services for the Board member’s personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104 (2). However, state law permits a Board member to receive such goods or services if the “totality of the circumstances” attendant to the acceptance of the goods or service indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the Board member does not receive any substantial benefit resulting from the Board member’s status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).*

*NOTE 2: State law lists the type of items that are not considered “gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value” and are therefore permissible for a Board member to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act (C.R.S. 1-45-108); an unsolicited item of trivial value (i.e. currently less than \$59), “such as a pen, calendar, plant, book, notepad or similar item;” and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.*

*NOTE 3: The amount of the gift limit (\$59) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2019. Colo. Const. Art. XXIX, Section 3 (6).*

#### **D. BOARD MEMBER CONDUCT**

**The following conduct is expected of all Board members:**

- A Board member’s first and greatest concern must be the educational welfare and safety of all students.
- Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings.
- Endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- Render all decisions based on the available facts and your independent judgment and refuse to surrender that judgment to individuals or special interest groups.
- Encourage the free expression of opinion by all Board members and seek systemic communications between the board and students, staff and all elements of the community.
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the superintendent.
- Communicate to other Board members and the superintendent expressions of public reactions to Board policies and school programs.
- Stay informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by state and national school board associations.
- Support the employment of those people best qualified to serve as school staff and insist on a regular and impartial evaluation of all staff.
- Avoid being placed in a position of conflict of interest and refrain from using your Board position for personal or partisan gain.
- Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law.

#### **Individual Board Member Conduct in Public**

- Board members will explain and support verbally and non-verbally the majority decisions of the Board.

- When a Board member has cast the dissenting vote they may explain their position on the issue as an individual.
- Board members will take responsibility for making sure they have complete and accurate information before relaying facts via any forum.
- Board members will abstain from using offensive or questionable language or labeling that may offend Directors or the administration or the audience.
- If a Board member misspeaks by fact or implication, he/she will correct mistakes.
- Board members will report other Board members' positions and actions as accurately as possible.
- Executive sessions are confidential meetings. Board members will not disclose discussions.
- Board members will reflect Board and District values at all times.
- Board members will notify the Office of Communication and Community Services concerning media contact on district issues. The Office of Communication and Community Services will notify the Board of Education of media updates and contacts received by the District.

### **Reporting Requirements to the Secretary of State**

Board members are required by law to disclose certain items received in connection with serving on the Board. If Board members receive such items, they must file a report with the Secretary of State on forms prescribed by the Secretary of State (see Board Policy exhibit BCB-E-2). Such report must be filed on or before January 15, April 15, July 15 and October 15 of each year, and shall cover the period since the last report. The report must contain the name of the person from whom the reportable item was received, its value and the date of receipt. Board members who do not receive any items that must be reported are not required to file a report. To avoid misunderstandings about the value of an item, the donor must furnish the Board member with a written statement of the dollar value of the item when it is given. Items which must be reported include the following:

- a. Any money received, including a loan, pledge, advance, guarantee of a loan or any forbearance or forgiveness of indebtedness from any person with a value greater than \$59.
- b. Any gift of any item of real or personal property other than money with a value greater than \$59.
- c. Any loan of real or personal property if the value of the loan is greater than \$59. "Value of the loan" means the cost saved or avoided by the Board member by not borrowing, leasing or purchasing comparable property from a source available to the general public.
- d. Any payment for a speech, appearance or publication.
- e. Tickets to a sporting, recreational, educational or cultural event with a value greater than \$59 for any single event.
- f. Payment of, or reimbursement for, actual and necessary expenses for travel and lodging for attendance at a convention, fact-finding mission or trip, or other meeting if the Board member is scheduled to deliver a speech, make a presentation, participate on a panel or represent the school district unless the payment for such expenditures is made from public funds or from the funds of any association of public officials or public entities such as the Colorado Association of School Boards (CASB).
- g. Any gift of a meal to a fundraising event of a political party.

## **E. IMPROPER CONDUCT OF BOARD MEMBERS**

### **Scope**

Board members are expected to conduct themselves in an appropriate manner which efficiently and effectively advances the mission and goals of the District and which is in compliance with applicable laws, rules, regulations, policies, rules and guidelines. Individual Board members should review their own conduct against this standard, and may offer voluntary apologies to the full Board, the District, and the community when necessary to correct inappropriate conduct. In rare circumstances when individual Board members exhibit a pattern of misconduct or engage in blatant misconduct, other Board members may attempt to counsel the individual Board member in private, including when appropriate in executive session of a Board meeting.

A Board member's conduct which may be the subject of a reprimand shall include without limitation blatant violations or a pattern of continuing violations of applicable laws, regulations, rules, the Board's policies, regulations, rules or guidelines, or conduct that is otherwise materially injurious to the best interests of the District. Reprimand should not be used for circumstances in which other Board members merely disagree with the lawful substance of a Board member's positions or statements, if such substance is expressed in an appropriate manner.

### **Motion to Reprimand**

If an individual Board member engages in blatant misconduct or in a pattern of misconduct and other Board members do not believe that more private counseling will be effective to stop such misconduct, the Board may consider a motion to reprimand against the Board Member (the "Charged Board Member").

### **Reprimand Procedures**

The following procedures shall apply to a formal reprimand (unless modified as expressly permitted herein):

1. The matter of reprimanding a Board member in accordance with this Manual shall first be added to a Board agenda as a non-action item in accordance with normal Board procedure for adding items to an agenda. When merely adding the item to the agenda, it is not necessary to name the Board member to be reprimanded or to share the Charge Document, but such information may be shared in the discretion of the Board member making the motion to add the item to the agenda.
2. The First Board Meeting - At the time for the matter to be discussed on the non-action agenda.
  - a. One or more Board members shall distribute to all Board members a written statement of one or more charges (the "Charge Document") forming the basis of a proposed reprimand. The Charge Document should expressly indicate that the charges are allegations only, and the full extent of the truth of the allegations is not known. Because the Charge Document represents only allegations of improper conduct, the Board shall maintain it as confidential, unless the Charged Board Member consents to public release.
  - b. The Board President (or in the case of a proposed reprimand of the Board

President, such other Board member as may be presiding over that portion of the meeting) shall outline the procedures for considering the reprimand, which procedures shall be the procedures set forth in this Manual, with such reasonable additions, modifications, and clarifications as may be established by the Board President (in exercise of the President's discretion of deciding procedural matters relating to Board meetings and as the Board President may determine to be desirable to address the peculiarities of each individual circumstance), provided that:

- (i) any such modifications which conflict with the procedure outlined in this Manual require the vote of two-thirds of the entire Board for approval, and
- (ii) other additions and clarifications may be overruled by the vote of a majority of a quorum of the Board in the normal manner for appealing a procedural ruling of the Board President.

- c. Unless the applicable procedure does not call for the appointment of a subcommittee, the Board President shall propose the appointment of a limited purpose "Reprimand Subcommittee" to take action with respect to the Charge Document. The Board shall take action in the non-action portion of the agenda to appoint any Reprimand Subcommittee, which shall consist of two named Board members. In appointing members of the Reprimand Subcommittee, Board members should take into consideration the desirability of appointing individual Board members who can fairly and objectively collect the relevant facts, regardless of personal opinions regarding the proposed reprimand. The motion appointing the subcommittee may, but shall not be required to, take the following form: "Motion, that a committee of Board members X and Y be appointed to investigate allegations regarding the actions of our member A, which, if true, suggest the possible appropriateness of the Board reprimand of such actions, and that the committee shall investigate such actions and report its findings, and any accompanying recommendations, to the full Board."

- 3. Reprimand Subcommittee - During the period between the first meeting and the meeting at which the Board takes action on the reprimand proposal (the "final meeting"), the Reprimand Subcommittee will conduct the following activities:

- a. The Subcommittee will conduct an investigation of the allegations made in the Charge Document(s). The nature of the investigation would be determined in the judgment of the Subcommittee, taking into consideration the following:
  - (i) the investigation might include requests for written information from, and/or an interview of, any parties or witnesses to the matters stated in the Charge Document.
  - (ii) the Charged Board Member shall be given a reasonable opportunity to receive information on the Charge Document(s), and a reasonable opportunity to present the Charged Board Member's side of the issue to the Reprimand Subcommittee, either orally, in writing, or both. Oral interviews/communications with the Charged Board Member should be conducted with just one member of the Reprimand Subcommittee at a



time to avoid violation of the Open Meetings Laws however with mutual agreement either party may have another person present. These interviews may be taped with mutual agreement of both parties.

- b. At the end of the investigation process, the Reprimand Subcommittee shall produce a written report indicating its findings of fact regarding the allegations, as well as any resulting recommendations to the full Board. If the Subcommittee members are unable to agree upon any aspect of the report, then the individual committee members may present separate, or part-joint, part-separate, reports. To facilitate Board consideration of the proposed reprimand, the Reprimand Subcommittee report shall include at least two proposed forms of motion; one approving a reprimand, and one that would not reprimand the Board Member.
  - c. The Reprimand Subcommittee shall take appropriate steps to protect the confidentiality rights of any District employee, student, or other person in connection with such report. *(It should be understood that much of this report will likely be a document open to the public once presented to the full Board for discussion at its meeting).*
4. The final meeting. At the time the Board takes action:
- a. Action on the proposed reprimand shall be placed on the action portion of the agenda in the normal manner for placing items on the agenda.
  - b. At the appropriate time for consideration of such agenda item, the Reprimand Subcommittee will present its report on the findings and recommendations to the Board. In the discretion of the Subcommittee, this presentation may be limited to the delivery of the written report, or may be accompanied by such summarizing or explanatory statements as the Subcommittee chooses to make. The written report shall be delivered to the Charged Board Member at least 5 business days prior to the delivery of the report to the full Board. The Charged Board Member may submit a written rebuttal to the Reprimand Subcommittee to be included with their report. The report may be delivered to all Board members in advance of the meeting to facilitate a careful review of the report. Board members shall have the right to ask questions of the Reprimand Subcommittee only to the extent necessary to clarify the information in the report(s).
  - c. Individual Board members (including the Subcommittee members) may make statements regarding or otherwise discuss the proposed reprimand, provided that each Board member other than the Charged Board Member shall be limited to a total of three minutes, and the Charged Board Member shall be limited to a total of five minutes. The Charged Board Member may designate a representative to speak on such Board member's behalf, provided that such representative observes all rules applicable to the Charged Board Member. As with any item of Board business, all statements and discussion shall be limited to matters germane to the Charge Document and the Reprimand Subcommittee report.

## Resources Supporting Reprimand Process

Board members shall be entitled to assistance from District staff and District legal counsel in understanding the application of this Manual and to assure compliance with this Manual. Except as expressly otherwise authorized by a majority of a quorum of the Board, Board members should not ask District staff or District legal counsel to assist directly with the development of the Charge Document or in advocating for or against a reprimand. The Reprimand Subcommittee may seek assistance of District staff and legal counsel in investigating the Charge Document and preparing the Subcommittee's written report and recommendation, provided that the Subcommittee should give due consideration to the extent to which engagement of outside consultants will more likely lead to a perception of a fairer process and avoid injuring important relationships with Board members. Board members may incur certain reasonable out-of-pocket expenses in connection with a proposed reprimand for investigative assistance, legal or other consulting, travel, meals, and similar costs. The following provisions shall apply to reimbursement of such expenses, and any reimbursements authorized under this Manual shall be in addition to any other reimbursements authorized under any other policy of the District.

- a. One or more Board members may incur expenses relating to the development of the Charge Document. Such expenses up to an aggregate maximum of \$2,000 for a particular Charge Document shall be reimbursed only upon the occurrence of the first of the following:
  - (i) the Board expressly approves such reimbursement by majority vote of a quorum, or
  - (ii) the Board votes to reprimand a Board member based at least in part on the Charge Document, unless the Board votes by a majority of a quorum to expressly deny such reimbursement. A Board member may seek express approval of such reimbursement at any time, whether before, at or after the first meeting at which the Charge Document is introduced.
- b. The Reprimand Subcommittee may incur expenses on behalf of the District relating to the investigation of the charges, the development and preparation of the Subcommittee's report, or other activities consistent with the duties assigned to the Subcommittee. Unless otherwise approved by a majority of the quorum of the Board, such expenses shall not exceed \$5,000.
- c. The Charged Board Member may incur expenses relating to defending the reprimand, provided that the reimbursement for such expenses shall not exceed \$5000. For this purpose, the activities of defending the reprimand shall be limited to contesting or clarifying the facts forming the basis of the reprimand, presenting written and oral information to the Subcommittee regarding the facts or the merits of the Charge Document, and presenting relevant information to the Board at the final meeting. Expenses related to other activities, e.g. lawsuits against the District relating to the reprimand, shall not be subject to reimbursement.

Unless otherwise determined by a majority of the entire Board, the procedures set forth in the Manual shall apply to any motion to reprimand and shall take precedence; to the extent they are inconsistent, with any other procedures or policies of the Board. Nothing in this Manual shall be interpreted to limit

Board action to address improper conduct at a Board meeting in accordance with other applicable procedural rules.

If the Board votes to reprimand a Board member, such motion shall merely express the sentiment of a majority of the Board regarding the conduct of the Board member. The passage of a reprimand motion shall not automatically result in the deprivation of any right of the Charged Board Member, but also shall not prevent the Board from taking any other lawful action to address the issues that are the subject of the reprimand.

#### **F. BOARD OF EDUCATION MEMBERSHIPS, CONFERENCES, CONVENTIONS AND WORKSHOPS**

In keeping with the need for continuous quality improvement, inservice training, and development for its members, the Board of Education encourages the participation of all members at appropriate school Board of Education conferences, workshops and conventions. However, in order to control both the investment of time and funds, the Board of Education establishes the following principles and procedures for guidance:

1. When a conference, convention or workshop is not attended by the full Board of Education, those who do participate shall be requested to share information, recommendations and materials acquired at the meeting.
2. Board of Education members should consider their term limitations when applying to conferences.

Membership in Associations and Organizations shall be determined annually. The Board in maintaining such membership in no way abdicates its authority over and responsibility for the schools of the community as outlined in law and Board policy.

Board members are expected to notify the President and the Board Assistant Secretary if they are unable to attend a function, in order to provide for a replacement to attend. Unless due to an emergency, if a Board member does not attend a function for which the member was registered, the Board member will be required to reimburse the District from their individual Board account for costs incurred by the District. If a Board member chooses to appeal the decision, the appeal will be heard by the entire Board.

### **III. Board Bylaws**

#### **A. ORGANIZATION OF THE BOARD OF EDUCATION**

Within 15 days after the regular biennial election, the Board shall meet in an organizational session at a regular or special meeting for the purpose of selecting officers.

The incumbent President of the Board shall preside until a successor is elected, whereupon the successor will assume the chair.

Following the swearing in of the newly-elected Board member or members, the following officers, in order, shall be elected: President and Vice President.

Nominations for President and Vice President shall be made from the floor and voting shall be by secret ballot. Should no nominee receive a majority vote of Board members, the election shall be declared null and void, further nominations may be made and the secret ballot vote shall be retaken. This process shall be repeated until one member has received a majority vote of the entire Board.

The President and Vice President shall serve two-year terms and shall hold office until their successors are elected. However, the term of the President or Vice President shall be terminated at such earlier time as either the Board member holding such office is terminated as a Board member or the officer resigns the position as officer by delivering written notice of resignation to all Board members (see Section E below).

Following election of the President and Vice President the Board shall then elect a Secretary and Treasurer who may or may not be members of the Board. Should no nominee receive a majority vote of the Board, the elections shall be declared null and void, further nominations may be made and vote shall be retaken until one nominee receives a majority vote of the entire Board.

Following election of the other officers, the Board may appoint staff members to serve as appointed Assistant Board Secretary and appointed Assistant Treasurer.

The Secretary, Treasurer and their appointed Assistants shall hold their offices for a term of two years and until their successors are elected or until a vacancy occurs in this position. The Secretary, Treasurer and their appointed Assistants serve at the pleasure of the Board, and may be removed at any time by a majority vote of the entire Board in a regular or special meeting of the Board. The Secretary, Treasurer and their appointed Assistants shall be bonded in accordance with state law and District policy.

The President, Vice President, Secretary, and Treasurer shall receive no direct compensation for their services in such capacities.

Following the elections and appointments, the Board shall then proceed with the agenda.

### **Officer Resignation**

Any officer may resign at any time by giving written notice to the Board. An officer's resignation shall take effect at the time specified in the notice. Acceptance of the resignation shall not be necessary to make it effective unless specified in the notice.

All Board offices shall become vacant if the position of the director holding the office becomes vacant, or if the officer is removed from office.

Should one or more officers of the Board resign or leave office, the Board shall select another member or members to fill the vacant office or offices as provided by law, using the procedures described above.

A newly-selected officer shall assume his/her duties immediately upon selection.

## **B. BOARD ELECTIONS**

Registered voters of the District elect directors to the Board at regular school elections held in November in each odd-numbered year. At every other biennial election, three directors are elected; at the other biennial election four directors are elected.

The County Clerk and Recorder is responsible for conducting the regular biennial school election when a coordinated election is being conducted in the county. The election shall be conducted pursuant to an intergovernmental agreement between the District and the county clerk and recorder and applicable law. The agreement shall allocate responsibilities between the county clerk and the District for the preparation and conduct of the election and shall be signed no less than 60 days prior to the election. The Board shall designate a school election official to whom some election responsibilities may be delegated pursuant to the agreement.

If 25 days before the election, there is only one candidate for each position to be filled, the Board by resolution may instruct the designated election official to cancel the election and declare the candidates elected, pursuant to state law.

### **C. BOARD OF EDUCATION OFFICERS**

Each officer of the Board who also is a director shall continue to have all usual powers of a director including without limitation the right of discussion and voting. The duties for the Secretary and Treasurer apply regardless of whether the Secretary and/or Treasurer are members of the Board or outside individuals.

#### **President and Vice President**

The Board President shall:

1. Be charged with the ordinary duties pertaining to the office under applicable law and any duties which may be conferred upon him/her by the Board.
2. Preside at all meetings of the Board unless delegated in the line of succession.
3. Be responsible for orderly conduct of Board meetings.
4. Call Special meetings of the Board.
5. Sign all written contracts to which the District may be party that have been authorized by the Board, except as otherwise delegated by the Board or the President and permitted by applicable law.
6. Sign all official reports of the District except as otherwise delegated by the Board or the President and permitted by applicable law.
7. Appoint special committees subject to the approval of the Board.

In the absence of the President, the Vice President shall have the power of the President and perform his/her duties.

#### **Secretary**

The Board Secretary shall perform, or cause to be performed, the following duties:

1. Ensure that a record is kept of all business transacted by the Board at either regular or special meetings.
2. Copies of the minutes of the previous regular or special meetings to be distributed.
3. Notice to be given to each Board member, of all special meetings of the Board in accordance with applicable law and policy.
4. Be custodian of the seal of the District.
5. Notices of all school elections to be published and posted in accordance with statute. Perform such other duties in the conduct of school elections as required by law.
6. As requested by the President or the Board, attest any written contract to which the District may be a party and affix the District seal thereto.
7. Initiate prompt response to constituent queries, with copy to the Assistant Board Secretary and Superintendent for information/action as needed. All Board members shall also be copied.
8. Perform such other duties as may be assigned by the Board.

#### **Treasurer**

The Board Treasurer shall perform or cause to be performed the following duties:

1. Account for all moneys belonging to the District, or coming into its possession.
2. Report to the Board on all expenditures and budget transactions of the District Board accounts quarterly.
3. Report to the Board as required for all moneys of the District.
4. Sign either by written signature or facsimile all warrants or orders drawn on the County Treasurer or checks drawn on a District depository. The Board may require the countersignature of another person.
5. Cause the deposit and credit of the District moneys withdrawn from the custody of the County Treasurer and all other moneys belonging to the District in one or more depositories designated by the Board.
6. Serve as a non-voting member on the Audit Committee.
7. Perform such other duties as may be assigned by the Board.

In the absence of the Treasurer, the Assistant Treasurer shall perform the duties of the Treasurer.

#### **D. BOARD MEMBER RESIGNATION/REMOVAL FROM OFFICE**

Vacancies may occur on the Board because of a member's resignation, death, his/her moving outside of the District or other reasons provided by law. Or a member may be recalled or removed from office for such reasons as specified in law.

A Board Director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office. In the case of such an event, the vacancy shall be filled in the same manner as other vacancies in the office of a Director:

1. If for any reason a school director is not elected to a school director office by the eligible electors as may be required at a regular biennial school election;
2. If the person who was duly elected or appointed fails, neglects, or refuses to subscribe to an oath of office as provided in this Manual no later than ten days after the District receives the official abstract of votes(C.R.S. 22-31-104, 22-31-125 and 22-31-129);
3. If the person who was duly elected or appointed submits a written resignation to the Board and such resignation has been duly accepted by the Board; the resignation shall take effect at the time specified in the notice and upon acceptance by the Board;
4. If the person who was duly elected or appointed is or becomes during the term of office a nonresident of the District in which the person was elected or, in the event the District has a director district plan of representation or a combined director district and at-large plan of representation, if the director is or becomes during the term of office a nonresident of the director district which the director represents unless the director has been elected at the time of or prior to the adoption of a director district plan of representation or a combined director district and at-large plan of representation by the electors or prior to a revision and re-designation of director district boundaries;
5. If the person who was duly elected or appointed is found guilty of a felony;
6. If a court of competent jurisdiction voids the officer's election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his right to appeal has been waived or otherwise exhausted;
7. If a court of competent jurisdiction determines that the person duly elected or appointed is insane or otherwise mentally incompetent, but only after the right to appeal has been waived or otherwise exhausted, and a court enters, pursuant to part 3 or part 4 of article 14 of title 15 or C.R.S. 27-65-101 et seq., an order specifically finding that the insanity or mental incompetence is of such a degree that the person is incapable of serving as a school director;
8. If the person who was duly elected or appointed does not attend three consecutive regular meetings of the Board, unless the Board by resolution shall approve any additional absences or unless the absences are due to a temporary mental or physical disability or illness. (Note: the resolution shall be considered approved unless 2/3 of the entire Board votes to disapprove. Nothing in this language is intended to prevent

the Board from approving up to three additional multiple meeting absences for good cause shown.)

9. If the person who was duly elected or appointed dies during the term of office

#### **E. UNEXPIRED TERM, FULFILLMENT/VACANCIES**

When a vacancy occurs on the Board, the Board is required by law to appoint a person to fill the vacancy within 60 days. Should the Board not act, the president of the Board of Education makes the appointment.

At its first regular meeting following the occurrence of a vacancy, the Board shall adopt a resolution declaring a director's office vacant.

The Board shall fill the vacancy by an affirmative vote of a majority of a quorum of the remaining directors or by the affirmative vote of two directors if there are only two directors remaining or by the affirmative vote of the sole remaining director.

Each appointment shall be evidenced by an appropriate entry in the minutes and the delivery of a certificate of appointment to the person so appointed with a copy of the certificate forwarded to the Colorado Department of Education.

Whether the appointee serves for the remainder of the unexpired term or until the next, or the next succeeding, election depends on the number of days until the next regular biennial election and the number of years left in the unexpired term.

1. If the vacancy occurs more than 90 days prior to the next regular biennial school election and the unexpired term is for more than two years, the term of appointment is until the next election, when a successor for the remainder of the term is elected.
2. If the vacancy occurs within the 90 day period prior to a regular biennial school election and the unexpired term is for more than two years, the term of appointment is until the next *succeeding* election.

#### **F. APPOINTED BOARD OFFICIALS**

##### **Appointment of the Assistant Board Secretary**

The Board appoints, unless otherwise designated, a member of the staff as Assistant Board Secretary. The Superintendent/Board Secretary or designee will serve as the appointed Assistant Board Secretary. A second member of the staff also may be appointed as an additional Assistant Board Secretary. The Secretary may delegate the Secretary's duties and/or responsibilities to the Assistant Board Secretary, but the Secretary shall be accountable to the Board. The Assistant Board Secretary shall carry out the functions of the position including the power to sign all documents as delegated by the Secretary. The Superintendent (or his/her designee) shall act as supervisor of the Board duties of the Assistant Board Secretary.



## **Appointment of the Assistant Board Treasurer**

The Board appoints, unless otherwise designated a member of the staff as Assistant Board Treasurer. The Deputy Superintendent/CFO or designee will serve as the Appointed Assistant Board Treasurer. The Treasurer may delegate his/her duties and/or responsibilities to the Assistant Board Treasurer or designee, but the Treasurer shall be accountable to the Board. The Assistant Board Treasurer or designee shall carry out the functions of the position including the power to sign all documents as delegated by the Treasurer. The Superintendent (or his/her designee) shall act as supervisor of the Board duties of the appointed Assistant Board Treasurer.

## **G. EXECUTIVE SESSIONS/OPEN MEETING**

All regular and special meetings of the Board shall be open to the public except that at any regular or special meeting the sitting Board may proceed into executive session upon a majority vote of two-thirds of the quorum present.

The Board shall not make final policy decisions nor shall any resolution, policy, position, rule or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session that is in contravention of the Colorado Open Meetings Law, C.R.S. 24-6-401, et. seq.

The Board may hold an executive session for the sole purpose of considering any of the following matters:

1. Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction.
2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session shall not necessarily be sufficient to satisfy this requirement.
3. Matters required to be kept confidential by federal or state law or regulations. An announcement will be made indicating the specific citation to state or federal law which is the basis for such confidentiality.
4. Specialized details of security arrangements or investigations.
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators (with the exception of negotiations relating to collective bargaining or discussions of employment contracts).
6. Personnel matters except if an employee who is the subject of an executive session requests an open meeting. If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters personal to particular employees concerning a member of the Board, any elected official or the appointment of a Board member, are not considered personnel matters for purposes of this Manual.

The provisions of the Colorado Teacher Employment, Compensation and Dismissal Act shall govern with respect to whether or not teacher dismissal hearings will be open to the public. (It provides that a dismissal hearing shall be open to the public unless either the administration or employee requests the hearing be closed.)

7. Consideration of any document protected under the mandatory nondisclosure provisions of the Open Records Act, (the "Act"), except the consideration of work product documents, as defined in the Act, and documents subject to the governmental or deliberative process privilege as set forth in the Act, shall occur in a public meeting, unless an executive session is otherwise allowed.
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved.

Prior to convening in executive session, the Board president shall announce the general topic of the executive session which shall be reflected in the minutes of the public meeting. The Board shall include the specific citation to statute authorizing it to meet in executive session when it announces the session and identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. The minutes of the meeting must include the amount of time each topic was discussed while the Board was in executive session. The minutes, along with the timestamp record, must be posted publicly not later than ten (10) business days following the meeting at which the minutes are approved by the Board.

Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

The Board shall cause an electronic (audio tape) record to be made of the executive session which shall be retained by the Board for 90 days after the date of the executive session. No written minutes of the session will be taken. The electronic record must include the specific statutory citation to the executive session law that allows the Board to meet in executive session.

No record shall be required to be kept for any part of the executive session that constitutes a privileged attorney-client communication. The electronic record shall reflect that no further record was kept of the discussion based on the opinion of the attorney representing the District, as stated for the record during the executive session, that the discussion constitutes a privileged attorney-client communication.

No record shall be made of executive session discussions of an individual student.

No portion of the record of an executive session of the Board shall be open for inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of two thirds of the sitting members of the Board or by order of the court in accordance with applicable law.

The District's legal counsel shall house electronic records of executive sessions. The Board president shall cause such electronic records to be delivered in a secure manner for safekeeping and destruction upon the expiration of the 90-day retention period.

## **H. SCHOOL BOARD MEETINGS/REGULAR MEETINGS/SPECIAL MEETINGS/WORK SESSIONS**

All meetings of three or more Directors of the Board of Education (the "Board"), at which any public business may be discussed or any formal action taken shall be open to the public at all times except for periods in which the Board is in executive session.

The Board may meet in regular meetings, special meetings, and work sessions as described below. However, the Board President, the Superintendent, and each Board Director shall each use their best efforts to address issues at the regular meetings and to minimize additional special meetings and work sessions, except to the extent absolutely necessary for employee bargaining or other extenuating circumstances.

All meetings and work sessions of the Board shall be held in District facilities unless extenuating circumstances prohibit their use.

Recognizing the significance of the decisions made by the Board on behalf of citizens of the District for both the students enrolled in the schools and the entire Colorado Springs community, the Board will incorporate a moment of silence into all of its meetings. This moment of silence is intended to allow time for meditation, or any other suitable reflection that will help focus on the solemnity of the actions taken and decisions made during the meeting.

All Board meetings must be recorded by at least an audio recording. Recordings of Board meetings must be retained for a minimum of ninety days.

### **Regular Meetings**

Regular meetings of the Board shall be held in the Board Room of the Administration Building, 1115 N. El Paso St., unless changed by the Board President and/or the Superintendent with advance notice of at least 24 hours (except in the case of emergencies) to the Board Directors and the public. The tentative agenda shall be distributed to Board Directors and the Superintendent on the Friday prior to each regular meeting, and where possible shall be accompanied by meeting materials and the minutes of the prior regular meeting.

### **Special Meetings**

Special meetings of the Board may be called by the Board President at any time and shall be called by him/her upon the written request of a majority of the Directors.

The Secretary of the Board shall be responsible for causing an e-mail and/or confirming telephone notice to be provided to all Board Directors at least 24 hours in advance of the meeting followed by written confirmation. If e-mail or telephone is not used, written notice of any special meeting will be sent each Board Director at least 72 hours in advance of the meeting if mailed, and at least 24 hours in advance if hand-delivered personally or faxed to the Director. The notice must contain the time, place and purpose of the meeting and the names of any Board Directors requesting the meeting if the meeting is being called at their request.

Any Director may waive notice of any Board meeting at any time before, during or after such meeting, and attendance at such meeting shall be deemed to be a waiver.

No business other than that stated in the notice of the meeting shall be transacted unless all Directors are present and agree to consider and transact other business.

### **Work Sessions**

The Board may from time to time meet in a work session for the purpose of studying and discussing specific topics or issues so long as no formal action is taken at the work session.

The Board President may call a work session at the request of a Board Director or the Superintendent. The time and place of the meeting shall be established by the Board President in consultation with other Board Directors and the Superintendent. Notice of work sessions shall be given to Board Directors in the same manner as for special meetings if the work session is not scheduled for a regular Wednesday meeting.

### **Attendance**

As elected public servants, Board directors have an obligation to attend Board meetings in order to be fully informed and available to vote on issues affecting the District.

## **I. PUBLIC NOTIFICATION OF BOARD MEETINGS**

The Board shall give full and timely notice to the public of any regular meeting, special meeting, or work session at which the adoption of any proposed policy or formal action shall occur or at which three members of the Board are expected to attend.

Dates of regular meetings of the board shall be provided in annual announcements and made available in printed form to the news media and public. At its first regular meeting of the calendar year, the Board shall designate the public place in the administration building at which notice of all Board meetings shall be posted.

At a minimum, the Board shall cause notice of regular and special meetings and work sessions to be posted at the designated public place no less than 24 hours prior to the meeting. This notice shall include the purpose of the meeting and, where possible, specific agenda information.

## **J. AGENDA**

### **Preparation**

To expedite the Board's proceedings and provide a framework for the orderly conduct of business, the Superintendent, in cooperation with the Board President, shall prepare an agenda outlining the matters to be brought to Board attention at meetings. The Superintendent will have available for reference the Board's Calendar, and the Future Agenda Items/Task List. For regular meetings an agenda will be electronically sent to all Board Directors the Friday before the scheduled meeting. Any Director from time to time may review the agenda with the President or Vice President. For work sessions, the President and/or the Superintendent or designee, in coordination with the Board, shall prepare agendas.

Each regular or special meeting of the Board is for the purpose of conducting business and shall be transacted in accordance with the adopted agenda, and work sessions shall be transacted in accordance with the agreed upon agenda. It is the responsibility of each Board Director to read all issued materials and be prepared at each meeting. The Administration will make every effort to meet the preparation deadlines to ensure the Board information is complete. Materials sent to Board Directors off-schedule, or under separate cover will be kept to a minimum.

### **Procedure for Agenda Items**

During the Future Agenda Items/Tasks portion of a Board meeting, Board Directors may be recognized by the President to speak on topics they wish to have placed on a future agenda for discussion, non-action, or action, and to make requests for information reports from the Administration. Items may be added with agreement of three Board Directors indicated by head nods.

Any citizen may request to have an item placed on the agenda by contacting the Superintendent or any Board Director. The topic may then be brought up during Future Agenda Items/Tasks and may be added with agreement of three Board Directors indicated by head nods.

### **Procedure for Speaking During Board Meetings**

Any citizen may request the opportunity to speak regarding any issue and must, at the appropriate time, be recognized by the Board President to speak on that issue.

Citizens are encouraged to sign in upon arrival at the Board Meeting. This will assist the Board President in recognizing them.

The procedure to be followed for a presentation will be governed by the procedure for agenda items set forth above.

There are three 20-minute time periods designated for Citizens' to speak to the Board. They are listed on the agenda as Citizen's Comments:

- i) During the Preliminaries section of the agenda, as the last item before the start of the Special Reports/Board Reports, for the purpose of addressing other concerns that are not Action or Non-Action items on the agenda,
- ii) At the beginning of Action for the purpose of addressing action items only, and
- iii) At the beginning of Non-Action for the purpose of addressing Non-Action items only.

Except when otherwise specified by the Board President, comments by individual citizens in a given time period shall be limited to three minutes with a 30-second warning on the time limit.

The business of Regular and Special Meetings of the Board is kept on permanent record. Therefore it is necessary for every person who wishes to address the Board to state his/her name and the subject about which he/she wishes to speak.

These procedures are not designed to restrict the scheduled appearance of citizens who have regular business with the Board and whose presentations are provided for in the agenda.

Participation by citizens who are present as witnesses in any hearing or by vendors or other business representatives who are present for the consideration of bid awards is guided by regulations affecting these special procedures.

Participation in Board Meetings by employees and their representatives is guided by personnel policies and regulations except that all employees have the right to attend Board Meetings in the same manner as all other citizens.

The Board will not hear oral complaints regarding school personnel except in the manner provided for elsewhere in policies and regulations.

Applause for speaker comment is not acceptable.

Exhibit 2 to this Manual also contains information regarding the process for citizens to give comments to the Board.

### **Description of Agenda Items for Regular Meetings**

#### **A.3. Moment of Silence (standing agenda item)**

Recognizing the significance of the decisions made by the Board on behalf of citizens of the District for both students enrolled in the schools and the entire Colorado Springs Community, the Board will incorporate a moment of silence into all of its meetings. This moment of silence is intended to allow time for meditation or any other suitable reflection that will help focus and solemnify the actions taken and the decisions made during the meeting.

#### **A.4. Approval of Agenda as Presented or Amended (standing agenda item)**

The agenda presented to the Board will be considered for approval at this time. A Board Director or the Superintendent may request to, add, delete or table an item, i.e., an emergency school closure approval action that is in accordance with policies. Board Directors shall make a separate motion for each item they seek to have added, deleted, or tabled. Reordering items on the agenda requires approval of a single motion with a majority vote of the quorum present.

A Board Director's request that a non-emergency item be added to the agenda, as action shall require for approval a two-thirds majority of the entire Board. The Director making the request shall provide a copy of the motion and materials to all Board Directors.

A Board Director's request that a non-emergency item be added to the agenda, as non-action shall require for approval a majority of the quorum present. The Director making the request shall provide a copy of the motion and materials to all Board Directors.

#### **A.5. Executive Session (standing agenda item)**

The Board may, under state statute, go into Executive Session to discuss matters pertaining to:

1. property transactions [per C.R.S. §24-6-402(4)(a)] [particular matter];
2. legal advice [per C.R.S. §24-6-402(4)(b)] [particular matter];
3. security arrangements or investigations [per C.R.S. §24-6-402(4)(d)] [particular matter];
4. negotiations [per C.R.S. §24-6-402(4)(e)] [particular matter];
5. personnel [per C.R.S. §24-6-402(4)(f)] [particular matter: employee complaint(s)];
6. individual student(s) [per C.R.S. §24-6-402(4)(h)] [particular matter];
7. documents that may not be disclosed under the Colorado Open Records Act [per C.R.S. §24-6-402(4)(g)] [particular matter]; and
8. matters required to be kept confidential by state or federal law [per C.R.S. §24-6-402(4)(c)][specific legal citation].

A.6. Pledge of Allegiance (standing agenda item)

The Board invites the public in attendance to stand and recite the Pledge of Allegiance to the United States of America.

A.7. “Good Things in the District”

From time to time, the Superintendent or a Board Director may place on the agenda during preliminaries “Good Things in the District.” This is for special recognition of accomplishments of students, staff, schools, or departments.

A.8 Modification of the Agenda (standing agenda item)

A Board Director, by a motion, or the Superintendent (via a recommendation for a motion), may cause the modification of the previously approved agenda only for the following reason:

Required action following discussion in Executive Session

A.9. Board Committee Reports and Other Discussion

Board Committee Reports

This agenda item is reserved for questions and discussions on subcommittee reports that have been given to Board Directors for information only in their packets. The Board liaison to each subcommittee is responsible for preparing and providing the Board office with the report to be included in the Board packets.

Other Discussion Items

This agenda item is reserved for items that have been requested by a Board Director to be placed for discussion only during The Future Agenda Items/Tasks Review portion of a previous Regular or Special Board Meeting. From here, items may then be requested to go on the Future Agenda/Task list as non-action.

Citizens’ Comments - Action, Non-Action, or Other (standing agenda item)

The Board as a representative body of the District wishes to provide an avenue for any citizen to express his/her interest and concerns for the schools. Accordingly, the public is cordially invited to attend Board meetings. Meetings of the Board are conducted for the purposes of carrying on the business of the Board and are closed to the public only during executive sessions. There are three 20-minute time periods designated for Citizens' Comments:

1. During the Preliminaries section of the agenda, as the last item before the start of the Consent Items for the purpose of addressing other concerns that are not Action or Non-Action items on the agenda,
2. At the beginning of Action for the purpose of addressing action items only, and
3. At the beginning of Non-Action for the purpose of addressing Non-Action items only.

Except when otherwise specified by the Board President, comments by individual citizens in a given time period shall be limited to three minutes with a 30-second warning on the time limit.

In order that the Board may fairly and adequately discharge its overall responsibilities, citizens who wish to make requests, representations or proposals to the Board are requested to direct these to the Superintendent, who will deal with them according to the regulations approved by the Board.

#### Special Reports (if utilized)

##### Superintendent/Administrative/ Reports

This agenda item is reserved for presentations, status reports, and announcements to the Board by the Superintendent and the Administration that have not been provided as information only, in advance. Unless otherwise directed by the Board, annual and standing reports not requiring Board action are to be provided in hard copy for information only, as needed.

#### Consent Items (standing agenda item)

Items appearing on the agenda as consent action items shall be deemed to be approved by the Board upon approval of all consent items. Prior to approval of the agenda, any Director may require that a consensus action item be moved to action and treated as a regular action item.

##### Personnel Recommendations (standing agenda item)

The Division of Human Resources provides for consideration a list of Personnel Recommendations. The Board may remove an individual personnel recommendation, for separate consideration, by amending the original motion to approve the recommendation list.

#### Action Items (standing agenda item)



No item shall appear on the action agenda without previously appearing on the non-action agenda, except for (1) personnel actions, (2) employee group (meet and confer) resolutions, (3) ceremonial resolutions honoring individuals, groups, special days and celebrations, (4) bargaining unit, employee, charter school, and other District service contracts, (5) contract awards, budget transfers, appropriations, and/or FTE approvals, (6) items expressly authorized by another Board policy to appear on the action agenda without previously appearing on the non-action (e.g. policy DBJ, budget transfers), and (7) such other items as may be approved for action by a two-thirds majority of the entire Board.

#### Non-Action (standing agenda item)

These are agenda items being considered for potential action. Each item must include a brief explanation and a recommended motion for Board consideration. The Administrator or Board Director sponsoring the item may give short presentations on the background and expected outcomes. Board Directors may ask for clarification, make comments, discuss and give further direction at this time. Unless otherwise directed these items will be on the next regular Board meeting agenda as action.

#### Future Agenda Items/Task List Review and Discussion for Additional Future Items (standing agenda item)

This agenda item is reserved for Board Directors to be recognized by the President and to speak on topics they wish to have placed on a future agenda for discussion, non-action, or action, and to make requests for information reports from the Administration.

Task requests from Board directors for information/ analysis within specified timelines should primarily be tasking for information/analysis and should not be for the scheduling of future agenda items. A recommendation should be included with the task for the purpose indicating as whether or not it needs to be included on the Calendar. Items may be added with the agreement of four Board Directors as indicated by head nods.

Items may be placed on the Future Agenda Items/Tasks List and may eventually be placed on the Calendar. Items may be added to the Future Agenda Item list with the agreement of three Board Directors indicated by head nods.

#### Calendar review (standing agenda item)

The Board's Calendar will be reviewed and updated during this time. Items may be added to the Calendar with the agreement of four Board Directors as indicated by head nods.

#### Adjourn

### **K. QUORUM**

Except as otherwise may be required by law or Board policy, a majority of members of the Board shall constitute a quorum necessary for the transaction of any business.

If less than a majority of Board members are present at a Board regular or special meeting, a majority of those who are present may adjourn the meeting until such time as a quorum is present without further notice other than an announcement at the meeting.

## **L. RULES OF ORDER**

Except as otherwise specified by state law or Board policies pertaining to its own operating procedures, the Board shall operate by the rules prescribed in *Robert's Rules of Order, Newly Revised*.

## **M. VOTING METHOD**

All voting shall be by roll call with each Board member present voting "Aye" or "No" except as otherwise provided by applicable law or policy.

Except in potential cases of Board member conflict of interest (recusal) Board members when present must vote on all items.

A Board member who has a conflict of interest as defined by state law or Board policy/administrative regulation in any matter proposed or pending before the Board shall disclose such interest to the Board, shall not vote thereon and shall refrain from attempting to influence other Board members in voting on the matter. Notwithstanding the above, a Board member may vote if his/her participation is necessary to obtain a quorum or otherwise enable the Board to act. Under such circumstances, the Board member shall comply with the voluntary disclosure requirements set out in state law.

To pass, any motion must be approved by a majority of the quorum present except as state law or policies of this Board may require otherwise. A majority or other proportion of a quorum shall mean such proportion of the number of members present and voting (excluding abstentions) provided that a quorum is present.

A Board member may vote only if he or she is physically present at a regular or special meeting in which voting will take place. No member may vote or act by proxy, by power of attorney, or by telephone or similar means at any regular or special meeting of the Board.

## **N. MINUTES**

Minutes of any Board meeting at which the adoption of any policy or formal action occurs or could occur shall be taken and promptly recorded. An electronic recording of the entire meeting shall be considered part of the complete record of the meeting. Such records shall be open to public inspection.

Minutes of the meetings of the Board constitute the permanent records of all proceedings of the Board. Therefore, the recorded minutes shall include at a minimum:

1. The nature of the meeting, whether regular or special; time and place; members present; approval of the minutes of the preceding meeting or meetings.
2. A record that an executive session was held and the general topics of discussion, and the names of those present.
3. A record of all actions taken by the Board, the motion, the name of the member making the motion and seconding it; the record of the vote, with the vote of each member recorded. Reports and documents related to a formal motion should be included with the minutes package unless referenced and clearly available from a controlled District archive.

4. A record of all business that comes before the Board through reports of the superintendent and others and through communications from the staff and the public.
5. The names of all persons who speak before the Board and the topic of their remarks.
6. The record of adjournment.

Following their approval by the Board, they shall be considered official minutes. The permanent official minutes and the supporting electronic recordings shall be in the custody of the Records Management Center and available to the public upon request during normal business hours. The original supporting electronic recordings will be kept for ten years, and destroyed in accordance with Records Management Center policies and procedures. Electronic access to the minutes shall be maintained on the Board web page via the District’s web site for a minimum of four years. All requests for review and/or copies shall be made in accordance with Records Management Center policies and procedures. All written requests are to be kept on file. The cost of copying will be borne by the person requesting such copy.

**O. BROADCASTING/TAPING OF BOARD MEETINGS**

The Board directs the Superintendent or designee to cause electronic recordings to be made of all regular, special and work session meetings of the Board.

The following are guidelines for electronic recording and dissemination of Board meetings:

- a. The electronic recordings, both audio and/or video, of all regular and special meetings, will be made available to the public via the District’s public information TV channels, as well as on the District’s website.
- b. The electronic audio recordings of all work sessions will be made available to the public via the District’s website.
- c. The original electronic recordings will be kept for ten years, and destroyed in accordance with Records Management Center policies and procedures.
- d. The originals of the electronic recordings will be maintained and housed in the Records Management Center and available to the public upon request during normal business hours. All requests for review and/or copies shall be made in accordance with Records Management Center policies and procedures.

Adopted August 14, 2013  
 Revised November 20, 2013  
 Revised October 28, 2015  
 Revised June 8, 2016  
 Revised October 11, 2017

<b>As revised from previous Board Policies</b>	<b>Former Citation</b>
School Board Legal Status	BB
School Board of Education Powers, Duties and Responsibilities	BBA & BA
School Board of Education Procedures for Annual Budget Modification and Adoption	BA

Board of Education Member Access to Information, Records and Materials	BBAA
Board Self-Evaluation	BAA
District 11/Attorney/Legal Services	BOG
Board Member Oath of Office	BBBB
New Board Member Orientation	BIA
Board Member Code of Ethics	BCA & BC
Board Member Conduct	
Improper Conduct of Board Members	BCC
Board of Education Memberships, Conferences, Conventions and Workshops	BIBA & BK
Organization of the Board of Education	BDA
Board Elections	BBBG
Elections – Canvass of Votes and Certification	BBBG-R
Board of Education Officers	BDB
Board Member Resignation/Removal from Office	BBBC
Unexpired Term, Fulfillment/Vacancies	BBBE
Appointed Board Officials	BDC
Executive Sessions/Open Meeting	BEC
School Board Meetings/Regular Meetings/Special Meetings/Work Sessions	current = BE
Public Notification of Board Meetings	BEDA
Agenda	BEDB & BEDH
Quorum	BEDC
Rules of Order	BEDD
Voting Method	BEDF
Minutes	BEDG
Broadcasting/Taping of Board Meetings	BEDJ
Exhibit 1, Guidelines for Board of Education Efficiency and Effectiveness	BE/BEA/BBEB/BF-E
Exhibit 2, Process for Citizens to Give Comments to the Board of Education	BEBE-E-1

## Exhibit 1

### GUIDELINES FOR BOARD OF EDUCATION EFFICIENCY AND EFFECTIVENESS

#### Agenda Development

- Limit items added to the agenda off-schedule or “under separate cover.”
- Date all information and agendas to track updates.
- Meet agenda deadline to assure complete agendas as early as possible on Fridays.
- Discuss emergency additions to the agenda during the Approval of Agenda portion of the Board meeting.
- Board Directors take responsibility for contacting the Superintendent or staff point of contact before the Board meeting, preferably on Monday, to identify any questions or clarification regarding any agenda items.
- Superintendent and staff share questions asked by individual Board Directors, if germane, with the entire Board at the Board meeting.

#### Citizen Input at Board of Education Meetings

- Procedures for citizen input to agendas and citizen’s comments at Board meetings are outlined in section J of the Manual. The Board of Education meeting procedures are available at the entrance to the meeting which explain the meeting and tell how to get more information.
- Board Directors usually don’t comment but do take comments seriously and will consider them at future decision-making and agenda setting times. The administration often seeks to talk with speakers privately if matter brought up could possibly be dealt with administratively.

#### Board Meeting Process

- Board Directors will be committed to evidencing self-managed and self-disciplined behavior to focus their participation at the meetings, stay on time, avoid grandstanding on issues and playing to audience representatives.
- Board Directors will provide proposed amendments or recommendations to a motion in writing, with supporting rationale.
- Board Directors are to submit committee reports/updates in writing when possible.
- Administrative staff will submit information only reports in writing whenever possible.
- Adhere to time limits as much as possible, especially for formal presentations.

#### Role of the President

##### Meetings

- Do not allow people to talk out of turn. Conduct efficient and focused executive sessions.
- State the motion before asking people to move and second.
- Enforce the rules for public participation that will include a 30-second warning before cut-off at three minutes.

##### General

- Foster an environment that promotes open communication and continuous improvement towards meeting the Board of Education’s role in support of the District’s goals.
- Share all Board of Education correspondence including that which is received by and that which is sent on behalf of the Board.

- Represent the Board, and present in a manner that is representative of the majority of the Board of Education.

#### **Board Meeting Setting**

- Meet at each cluster's high school from time to time especially for "town meeting" information gathering sessions on key issues.
- Consistently meeting in Board Room is best for public access and "right to know" purposes.

#### **Meeting Timelines**

- Adhere to set timelines without deviation – start meetings on time.
- For regular Board meetings, break at 6:20 before the public meeting to allow for interaction.

#### **Superintendent**

- Superintendent will provide options on issues that are especially significant.
- Superintendent will provide an executive summary sheet on major issues outlining: history; related committee reports; options; recommendations; budget implications.

#### **Board Communications with the Public**

- Have user-friendly Board bulletin board for meeting notices, agendas, minutes, etc.
- Have Board Meeting explanation brochure and input sheet available at each meeting.
- Have Board Meeting agendas available on the District's Web site.

## Exhibit 2

### **PROCESS FOR CITIZENS TO GIVE COMMENTS TO THE BOARD OF EDUCATION**

Categories of Citizens' Comments the Board will hear:

- A general topic not on today's agenda
- An action item on today's agenda
- A non-action item on today's agenda

Please complete the next available form on the pad for the category about which you wish to speak to the Board. There is a different pad of forms for each category of Citizens' Comments. Do not tear off the form; please leave the pad intact.

- During the Preliminaries portion of this Board of Education meeting, you will be recognized by the Board President to speak on the general topic not on today's agenda for which you completed the form.
- During the Action portion of this Board meeting, you will be recognized by the Board President to speak on the action item on today's agenda for which you completed the form.
- During the Non-Action portion of this Board meeting, you will be recognized by the Board President to speak on the non- action item on today's agenda for which you completed the form.
- Come to the podium when your name is called by the Board President.
- The business of meetings of the Board is kept on permanent record. Therefore it is necessary for every person who addresses the Board to state his/her name and the subject about which he/she wishes to speak.
- You will have 3 minutes to speak to the Board with a 30-second warning.
- Members of a group wishing to speak on the same topic should select one member of the group who will have only a 3-minute time period with a 30-second warning.
- The Board will not hear oral complaints regarding school personnel except in the manner provided for elsewhere in policies and regulations. If this is the nature of the topic about which you wish to speak to the Board, please indicate on the front of the form that you want to be contacted. The matter will be directed to the appropriate individual, and you will be contacted.
- In order that the Board may fairly and adequately discharge its overall responsibilities, citizens who wish to make requests, representations, and proposals to the Board as an agenda item are requested to direct these to the Superintendent's Office.
- Applause for a speaker is not acceptable.
- No citizen shall be allowed to approach the dais during the official meeting.