



Colorado Association  
of School Boards

2025 85th Annual CASB Convention | December 11-13 | The Broadmoor

#CASBEvents

# Goals..

Explore the Colorado Open Meetings Law to ensure compliance

Gain a deeper understanding of public participation at meetings

Learn about the different types of board meetings and the required notice, minutes, and recordings



# TYPES OF MEETINGS

## BOARD RETREAT

Also called a Work Session

A type of regular or special meeting for the purpose of receiving information or discussing a topic in depth

*No action may be taken*

24 hour notice is required

## REGULAR MEETING

The Board will establish a regular schedule for their meetings--usually one to two times a month

This type of meeting is where the Board will do the majority of its business

*Action may be taken*

24 hour notice is required

## SPECIAL MEETING

Called by the Board President (or a majority of the Board) for a **specific purpose**

Must stick to the business specified in the agenda

*Action may be taken*

72 hour notice required if mailed;  
24 hour notice required if delivered



# RECORDING AND MINUTES

## RECORDING

Board meetings where action may be taken must be recorded

Recordings are not required for Work Sessions

Record all executive sessions, unless the topic is (1) individual student matters, or (2) attorney-client privileged communication

Retain recordings for 90 days

## MINUTES

Minutes are required at any meeting at which formal action MAY be taken

Executive Sessions must have minutes that specify amount of time spent on each topic

Minutes must be published ten business days after approved



## Checklist for Clerks:

- Record all meetings
- Determine if executive session should be recorded (most need to be)
- Take minutes for all meetings, including time spent on each topic in Executive Session
- Ensure recordings are stored for at least 90 days
- Help to publish meeting minutes within 10 business days after the board approves



# AGENDA

## BASICS

Information on the time, place, and content of the meeting.

The law requires that the notice must include “specific agenda information” where possible—generally, this means that information available to the board at the time of publishing (24 hours in advance) should be included in the agenda.

## AMENDING

The agenda can be amended at a regular or special board meeting BUT requires a vote:

Regular Meeting = Majority Vote  
Special Meeting = Unanimous Vote



# EXECUTIVE SESSIONS

## BASICS

An Executive Session is a closed, private portion of a meeting for the purpose of discussing a specific topic.

There are nine legal purposes for an Executive Session.

The law specifies the procedures for entering into the session, which includes that a 2/3 majority must agree to hold the session.

### Checklist for Clerks:

- If the board plans to hold an executive session, ensure it is listed on the agenda.
- Ensure board president announces the executive session's specific legal citation and topic
- Ensure a  $\frac{2}{3}$  vote is held
- Ensure board members have previously signed confidentiality affidavits (typically done in Board Organizational Meeting), or sign them before the executive session starts.



# REASONS FOR AN EXECUTIVE SESSION

PURCHASE OR LEASE OF REAL PROPERTY	CONFERENCE WITH AN ATTORNEY TO OBTAIN LEGAL ADVISE	MATTERS REQUIRED TO BE KEPT CONFIDENTIAL
MATTERS SUBJECT TO NEGOTIATION	PERSONNEL MATTERS	INDIVIDUAL STUDENT MATTERS
CONSIDERATION OF DOCUMENTS PROTECTED BY CORA	SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS	NEGOTIATIONS REGARDING SUPERINTENDENT CONTRACT

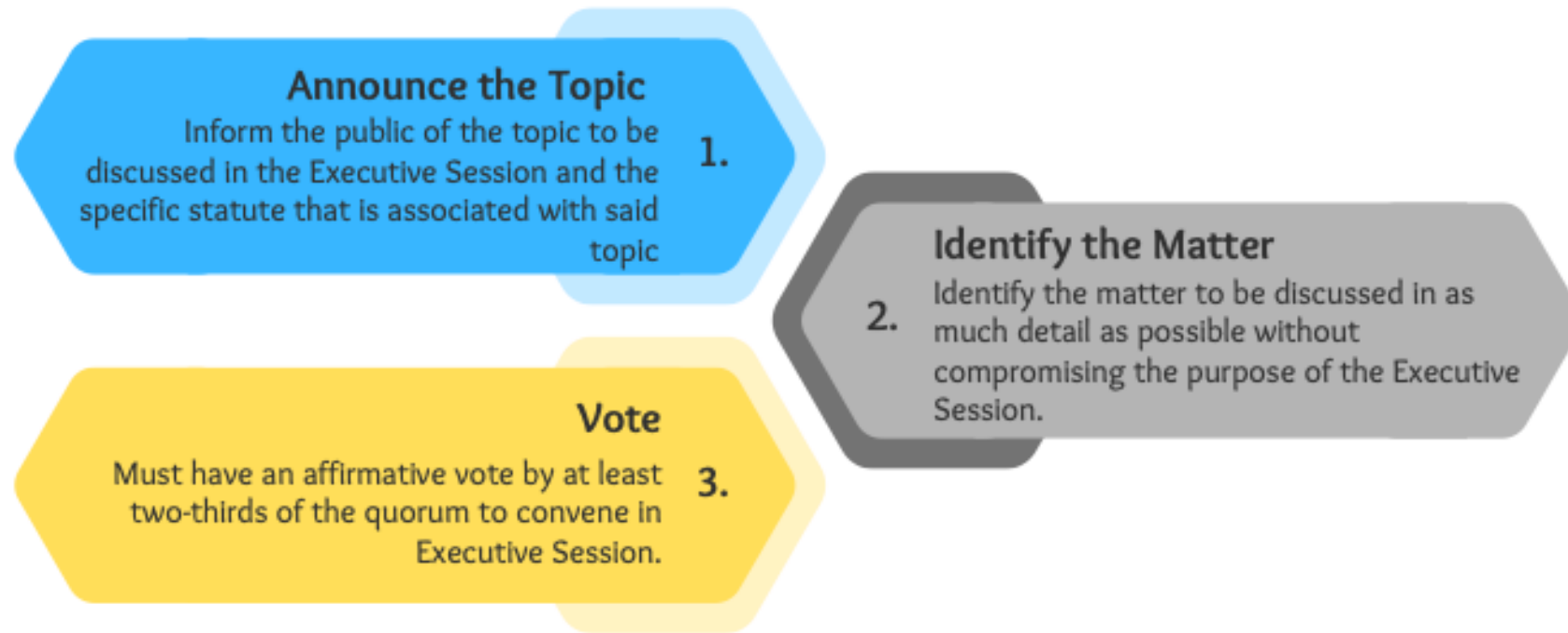
C.R.S.24-6-402(4)





### 3 STEPS

## To Enter an Executive Session



# ACTIVITY

## SAMPLE MINUTES

- (1) Upon motion by Ms. Smith, seconded by Mr. Jones, the Board of Education voted to move into Executive Session Pursuant to C.R.S. 24-6-402(4)(F)(I) to discuss a personnel matter related to the Superintendent's evaluation.
- (2) The Board of Education voted to convene in Executive Session pursuant to C.R.S. 24-6-402(4)(d) for the purpose of discussing specialized details of security arrangements.



Now  
you  
try!



# PUBLIC PARTICIPATION IN MEETINGS



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# PUBLIC PARTICIPATION AT MEETINGS

## LAW

There is no absolute right to speak at public meetings

In a designated public forum (like a school board meeting) NO content-based restrictions

Can impose content-neutral, reasonable guidelines on a public comment period BUT must be applied to everyone

C.R.S. 24-6-401

## POLICY

CASB Sample Policy--

BEDH Public Participation at School Board Meetings

\*Highly Recommended



# COLORADO OPEN RECORDS ACT

## BASICS

The Colorado Open Records Act (CORA) is the law that gives members of the public the right to inspect “public records” held by state and local government agencies for the purpose of transparency and accountability. This law makes governmental actions, spending, official communications and other documentation accessible to citizens.

## PROCEDURE

- (1) A person must submit a written request directly to the custodian;
- (2) Agencies must generally respond within 3 working days, however an extensive request may warrant more time;
- (3) If the request would take more than one hour, the school district may charge for the additional hours.
  - (1) First hour: No Charge
  - (2) Additional Time: \$41.87 per hour.



# CORA EXCEPTIONS

There are specific legal exceptions to CORA, meaning certain items are not available for inspection. The two most important exceptions are:

- (1) Personnel Files are confidential, including:
  - (1) Home addresses and telephone numbers;
  - (2) Personal financial information;
  - (3) Reference letters;
  - (4) Medical, mental health, sociological, and scholastic data;
  - (5) Evaluation reports/documents for licensed staff;
  - (6) Records submitted by/on behalf of non-finalist applicants for superintendent position;
  - (7) Sexual harassment complaints and investigation materials;
  - (8) Other information maintained because of the employment relationship.
- (2) When disclosure is contrary to State or Federal law/regulation or to a court order.
  - (1) This means student records are protected because of the Family Education Rights Privacy Act (FERPA)
  - (2) FERPA protects student education records maintained by a district from being disclosed, except to parents or eligible students.



## Checklist for Clerks:

- Determine if Requestable (see previous slides)
- Retrieve documents and redact privileged information
- Send documents within three working days or less
  - ◆ Can be extended another seven working days if “extenuating circumstances exist.”
- Charge fee, if permitted by policy
  - ◆ Per-page fees, research and retrieval fees, manipulation and transmission fees
  - ◆ Per page fee should be established in policy/reg and can't exceed .25 per page
  - ◆ Maximum hourly fee is \$41.37
  - ◆ Research fees only allowed if in policy
  - ◆ No per-page fees for digital documents



# CASB Resources

Special Policy Updates

Legal Resources

CASB Brief

Trainings

Frequently Asked  
Question Memos

Reach out to staff





# QUESTIONS?

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