



Colorado Association
of School Boards

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

#CASBEvents

CASB Boardsmanship

Legal Basics for School Board Governance



Goals..

Explore the Colorado Open Meetings Law to ensure compliance

Learn about the Board's responsibilities regarding key state and federal laws

Gain a deeper understanding of conflicts of interest for Board Members.



INTRO TO LEARN.CASB



Colorado Association
of School Boards

My Dashboard

Hilary D



Colorado Association of School Boards

Can be accessed through the
Colorado Association of School
Boards website (casb.org)

Five courses that form the basics of
Board of Education service



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IMPORTANT FEDERAL AND STATE LAWS

STATE

- Colorado Open Meetings Laws
 - OML or “Sunshine” Laws
- Colorado Open Records Act
 - CORA

FEDERAL

- Title IX
- FERPA
- IDEA
- Section 504



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
C.R.S. 22-32-108(5)(b)

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



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

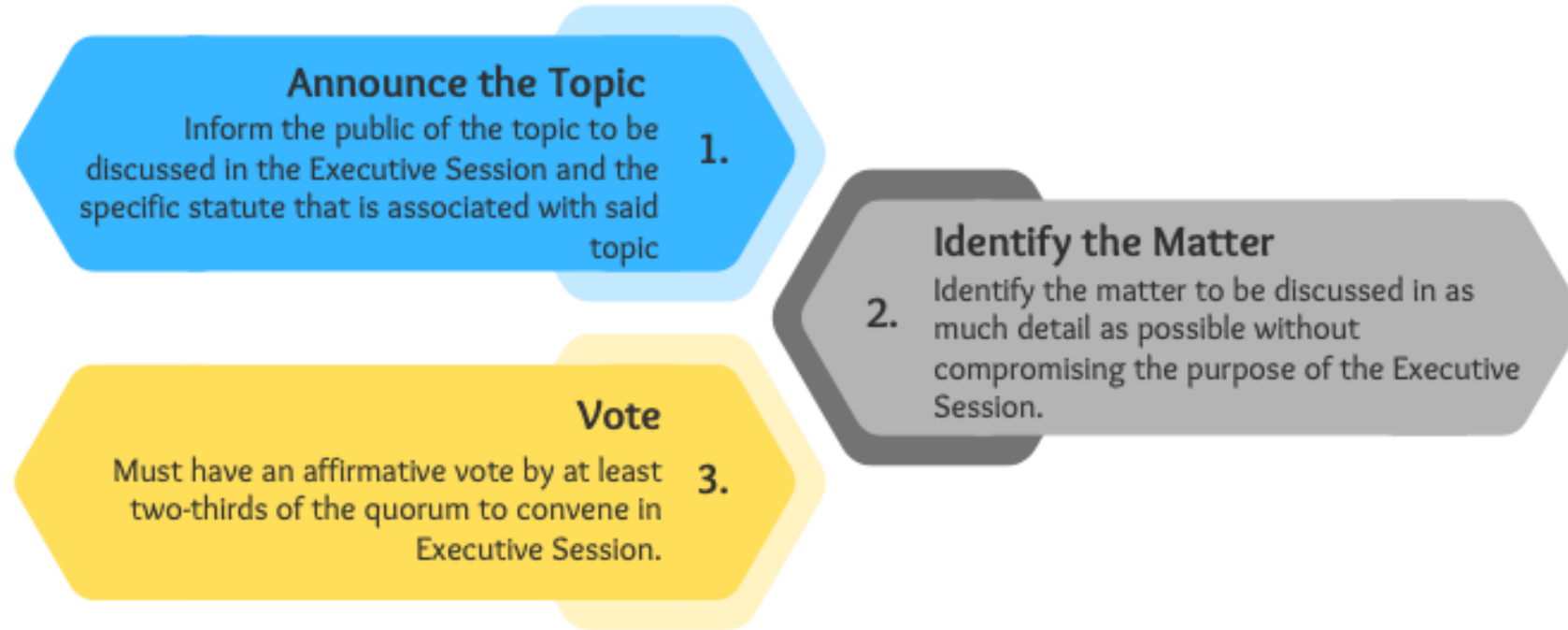
PURCHASE OR LEASE OF REAL PROPERTY	CONFERENCE WITH AN ATTORNEY TO OBTAIN LEGAL ADVISE	MATTERS REQUIRED TO BE KEPT CONFIDENTIAL
MATTERS SUBJECT TO NEGOTIATION	PERSONNEL MATTERS	INDIVIDUAL STUDENT MATTERS
CONSIDERATION OF DOCUMENTS PROTECTED BY CORA	SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS	NEGOTIATIONS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



C.R.S. 24-6-402(4)(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.

C.R.S. 24-6-402(4)(b) Conferences with an attorney for the school board for the purpose of receiving legal advice on specific legal questions.

C.R.S. 24-6-402(4)(d) Specialized details of security arrangements or investigations.

C.R.S. 24-6-402(4)(f) Personnel matters.

C.R.S. 24-6-402(4)(h) Discussion of individual students where public disclosure would adversely affect the person or persons involved.

C.R.S. 24-6-402(4)(i) Negotiations concerning the terms of an employment contract with one or more superintendent finalists.



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.



CONFLICT OF INTEREST



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CONFLICT OF INTEREST

SCENARIO

Mr. Lopez, a Board Member in an urban district, owns 40% of a local IT company that submits a bid to provide equipment for the district. There were four bids—Mr. Lopez's company was the most expensive bid. When the bid comes before the Board, Mr. Lopez participates in discussion and votes in favor of awarding the contract to his company. Did Mr. Lopez have a conflict of interest?

What are some facts to consider when determining whether this was a conflict of interest?

Should Mr. Lopez have done anything differently?



CONFLICT OF INTEREST

SCENARIO

A school board member, Tom, is on a committee evaluating a new wellness policy for the district. Tom also volunteers with a local nonprofit that promotes a specific mental health program, which could receive more funding if the district adopts the policy. Tom doesn't disclose his involvement with the nonprofit. Does Tom have a conflict of interest?

What are some facts to consider when determining whether this was a conflict of interest?

Should Tom have done anything differently?



IMPORTANT FEDERAL AND STATE LAWS

FEDERAL

- Title IX
- FERPA
- IDEA
- Section 504

STATE

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Title IX

LANGUAGE

“No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity receiving federal financial assistance.”

HISTORY

Title IX is best known for expanding opportunities for women in education, particularly in athletics, but also applies broadly to sexual harassment, sexual assault, and gender-based discrimination in schools.



TITLE IX

REGULATIONS

Because the language of Title IX is fairly simple, it is carried out through regulations, that expand on the Act. The regulations include definitions and grievance procedures.

CASB Sample Policies

AC Nondiscrimination/Equal Opportunity

AC-R-1 Harassment and Discrimination Investigation Procedures for Students

AC-R-2 Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment, and Members of the Public

AC-R-3 Sexual Harassment Investigation Procedures



SPECIAL EDUCATION

IDEA

Districts that receive federal financial funding must provide education for disabled students—which includes finding students with disabilities (“child find”), holding an initial evaluation/determination, and providing special education services with a plan.

Section 504

Prohibits educational entities that receive federal financial assistance from discriminating in the delivery of school programs and activities.



SPECIAL EDUCATION

IDEA

Covers children who have one of the thirteen specified disability categories—autism, specific learning disability, intellectual disability.

Students receive specialized instruction and related services (like speech therapy, occupational therapy, counseling) which are detailed in an Individualized Education Program (IEP).

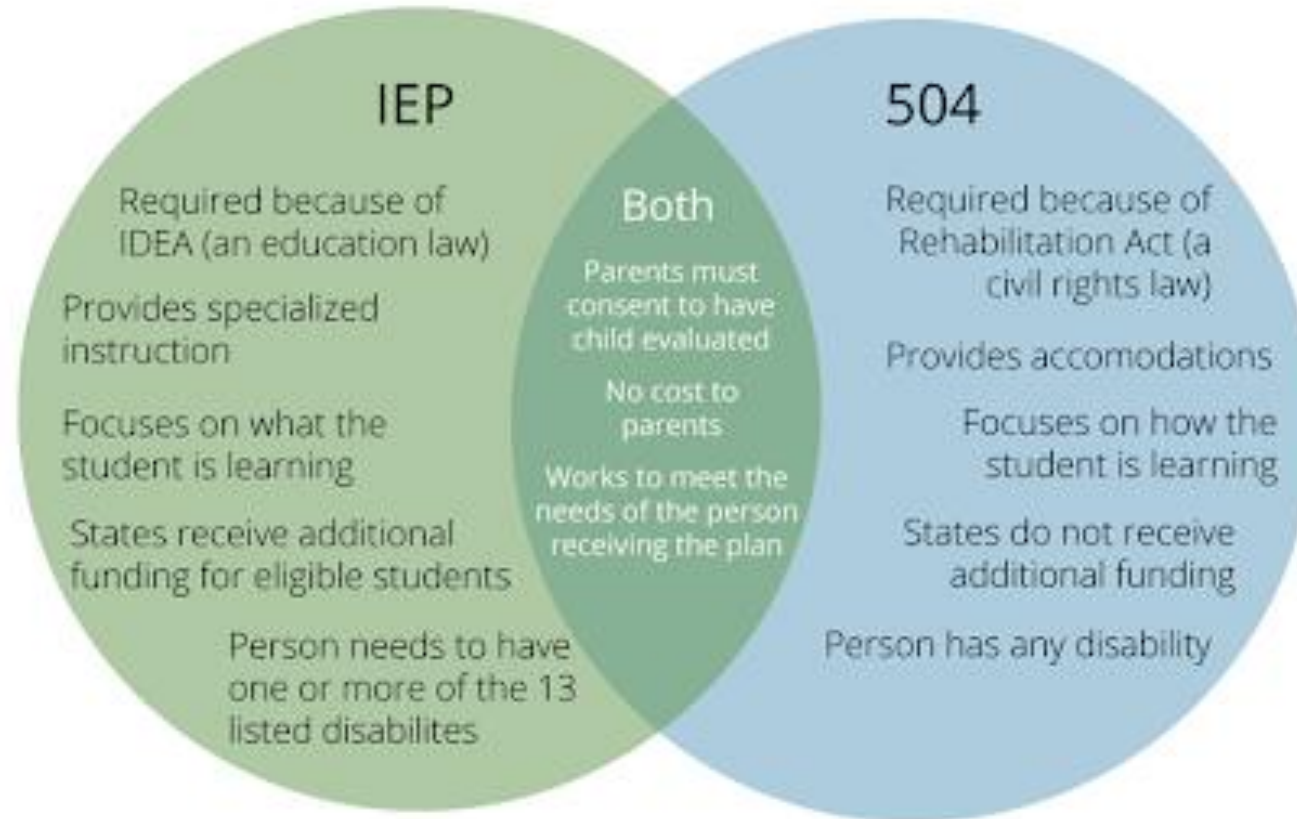
Section 504

Covers any student with a physical or mental impairment that substantially limits one or more major life activities.

Students receive accommodations to access the general education curriculum (like extended time on tests, preferential seating, or assistive technology) through a 504 plan.



IEP vs. 504 Plan



CASB Resources

Special Policy Updates

Legal Resources

CASB Brief

Trainings

Frequently Asked
Question Memos

Reach out to staff



QUESTIONS?

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