



INTERIM SUPERINTENDENTS

State law imposes numerous requirements on school districts and other public agencies when hiring a chief executive officer. The superintendent search requirements appear in Colorado's Open Meetings Law, C.R.S. § 24-6-401 *et seq.* (OML). The public record requirements pertaining to superintendent applicants appear in Colorado's Open Records Act, C.R.S. § 24-72-201 *et seq.* (CORA). This memo addresses the requirements applicable to the hiring of an interim superintendent.

The OML does not require the board of education to conduct a search for a superintendent, regardless of whether or not the person will serve as an interim superintendent. However, if a search committee is formed or the board seeks to conduct a search prior to hiring an interim superintendent, the committee/board must comply with the OML, C.R.S. § 24-6-203(3.5). Please refer to the CASB legal memo titled ***“Superintendent Search”*** regarding the required procedures for conducting a search, screening applicants, and interviewing applicants for the superintendency, as these apply to an interim superintendent search as well.

The OML requires the search committee/board to announce the finalist or finalists at least 14 days before the board of education appoints a candidate as superintendent. C.R.S. § 24-6-402(3.5). There is no exception to this 14-day requirement when the board hires an interim superintendent. An offer of appointment cannot be made until the search committee/board complies with this 14-day waiting period. As a result, the safest course is to announce the finalist or finalists for the interim superintendency, wait 14 days, then hire the interim superintendent. Please be aware that once an applicant is a “finalist”, their records are subject to public inspection, except letters of reference and medical, psychological, and sociological information remain confidential.

Once the finalist(s) have been identified, the statutory procedures for conducting a superintendent search and hiring an interim superintendent have been satisfied. Accordingly, the board or search committee may meet in executive session to discuss the finalist(s) for the interim superintendency, to the extent this discussion is about matters that may be legally discussed in executive session (C.R.S. § 24-6-402(3.5)) or if the board has met the conditions required to interview or discuss negotiations concerning the terms of an employment contract with one or more finalists in executive session (C.R.S. § 24-6-402(4)(i); the board must name more than one finalist and interview each finalist in an open meeting). We recommend that the committee/board seek legal advice regarding how to proceed in compliance with the OML.

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