

SCHOOL BOARD LEGAL STATUS

GOVERNANCE

Union Colony Schools shall be governed by a school board consistent with Union Colony Schools' charter contract and bylaws.

CONSISTENT WITH LAW

The rules and regulations of the school board are written to be consistent with the provisions of law, but not to incorporate the same.

Revised 01.16.16

Legal Ref:

CRS§22-2-106

CRS§22-2-107

CRS§22-32-101

CRS§22-32-109 *et seq.*

BOARD MEMBER AUTHORITY AND RESPONSIBILITIES

Because all powers of the school board lie in its action as a group, individual school board members exercise authority over district affairs only as votes are taken at a legal meeting of the school board.

In other instances, an individual school board member has authority over Union Colony Schools' affairs only when the school board has lawfully delegated such authority.

School Board members shall not accept any compensation or gifts in connection with the service on Union Colony School Board of Directors.

School Board members are expected to be familiar with Union Colony School by laws concerning the areas of:

- 1) vacancies
- 2) elections
- 3) regular and special meetings
- 4) board member duties

Reviewed 12.19.15

Board Member Qualifications

A candidate for the office of school director shall be:

- 18 years or older by the date of the election
- a citizen of the United States

No candidate may run representing a political party.

In addition, any person who has been convicted of, pled guilty or nolo contendere to, or received a deferred judgment or sentence for commission of a sexual offense against a child is ineligible for election to a school district board of education. Similarly, any board member who is convicted of, pleads guilty or nolo contendere to, or receives a deferred judgment for a sexual offense against a child while serving on a board shall become ineligible to serve and a vacancy shall be created. Any person who is the subject of a pending charge of commission of a sexual offense against a child at the time of election is ineligible to serve on the Union Colony School Board.

It is important that the candidate be sincerely and honestly interested in serving Union Colony Schools for the best interests of all children.

Adopted: June 22, 2009
Revised: February 20, 2016

LEGAL REFS.: C.R.S. 22-31-107 (*qualifications and nomination of candidates for school director*)
C.R.S. 1-2-101,102 (*qualification and registration of elections*)
C.R.S. 1-4-803 (*petitions for nominating school directors*)

CONFLICT OF INTEREST

The School Board declares that conflicts of interest can arise when a School Board member will personally derive a significant private benefit that is pecuniary in nature from School Board action. In order to avoid any real or potential conflict of interest, the School Board will not purchase supplies, equipment or personal services from any member of the School Board or from a firm, business, corporation, or association in which a School Board member has a substantial interest unless such purchases are made on the basis of competitive bids or quotations solicited through public advertising.

In the event of any real or potential conflict of interest, the School Board member shall disclose the conflict in writing to the School Board prior to the vote. The written disclosure will be attached to the minutes of the meeting at which School Board action occurred relating to the matter disclosed. A School Board member who discloses a potential conflict of interest on any matter is then exempt from the statutory requirement that School Board members vote orally on all matters before the School Board and should abstain from voting on the matter disclosed.

Legal Ref: C.R.S 24-18-110

Reviewed 12.19.15

Executive Sessions/Open Meetings

EXECUTIVE SESSIONS/OPEN MEETINGS

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

The School Board shall not make final policy decisions nor shall any resolution, policy or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session.

The School 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 C.R.S. 24-6-402(4)(a);
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 be sufficient to satisfy this requirement C.R.S. 24-6-402(4)(b);
3. Matters required to be kept confidential by federal or state law or regulations C.R.S. 24-6-402(4)(c);
4. Specialized details of security arrangements or investigations C.R.S. 24-6-402(4)(d);
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators C.R.S. 24-6-402(4)(e);
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.

The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings. (It provides that a dismissal hearing shall be open unless either the administration or employees requests the hearing be closed.) C.R.S. 24-6-402(4)(f). Discussions concerning a member of the School Board, any elected official or the appointment of a School Board member are not considered personnel matters;

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act C.R.S. 24-6-402(4)(g) except that consideration of work product documents and documents subject to the governmental or deliberative

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+An exhibit accompanies this policy.

Executive Sessions/Open Meetings

process privilege must 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 person involved C.R.S. 24-6-402(4)(h).

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. The School 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 session is authorized.

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

The School Board shall cause an electronic recording to be made of the executive session which shall be retained by the School Board for 90 days following the session. No electronic record shall be made of an executive session held for the purpose of discussing an individual student matter or of a session in which the discussion involves a privileged attorney-client communication. The electronic record must include specific statutory citation to the executive session law that allows the School Board to meet in executive session.

The person chairing the executive session shall sign an affidavit that states and attests that the electronic recording substantially reflects the substance of the discussions during the executive session. The Recording Secretary will be charged with storing both the electronic recording and the affidavit in a secure location for at least 90 days. After that period of time has elapsed, the Recording Secretary shall erase the tape and retain the affidavit.

Revised 01.16.16

Legal Ref:

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

C.R.S 24-6-402

Notification of School Board Meetings

The Board shall give full and timely notice to the public of any meeting of three or more Board members at which public business may be discussed or any formal action taken, including special, regular and work session meetings and retreats.

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 or places at which notice of all Board meetings shall be posted. In the event such action is not taken annually, the designated public places used in the previous year shall continue as the official posting sites.

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 specific agenda information where possible.

Copies of the agenda shall be available to representatives of the community and staff and others by the Director upon publication and dissemination to the Board.

Notice to the Board

The director shall deliver the agenda, together with meeting materials and the minutes of the last regular meeting, to Board members no later than 72 hours before the next regular meeting.

Adopted September 2015

Reviewed 12.19.15

PLACING AN ITEM ON THE AGENDA

In order to facilitate the orderly planning of agendas for Board meetings, the Board establishes procedures regarding requests for placement of an item on the agenda and when such requests should be scheduled.

Reviewed 01.16.16

PLACING AN ITEM ON THE AGENDA

Request in Writing

1. To place an item on the agenda, a written request is filed with the Director.
2. To be acceptable, a written request should include the name, address and telephone number of the person or persons making the request and the name of the person or persons making the request and the name of the organization or group represented, if any.
3. Also contained in the request should be a statement of action requested of the Board and pertinent background information leading to the request.

Time of Placement on the Agenda

1. The Director, upon receipt of a properly executed request, shall set a date for inclusion of the requested item on the Board agenda as soon as practicable, bearing in mind such considerations as allowing sufficient time to gather pertinent information, to assemble staff members with sufficient knowledge of the subject, and to place the matter on the printed agenda of a regular or special Board meeting.
2. The Director will notify the individual or group of the time and place of the meeting at which the item will be considered.

Revised February 20, 2016

RULES OF ORDER

All meetings will be conducted under general rules of parliamentary procedure.

Reviewed 01.16.16

MINUTES OF MEETINGS

The minutes of the School Board meetings will be recorded by the recording secretary.

The minutes will be preserved in permanent form.

Copies of the minutes will be sent to all School Board members prior to next School Board meeting.

CONTENT AND FORM

The minutes will follow a generally accepted pattern in form.

The minutes constitute the legal record of all actions of the School Board and will include the following items:

1. Approval of purchases and expenditures
2. Bids considered
3. Contracts awarded
4. Employment
5. Names of persons making and seconding motions
6. Policies adopted
7. Record of all motions
8. Resolutions
9. Severance of services
10. Vote on motions

APPROVAL

The minutes are not official until the Board votes to approve at the next regular board meeting.

Revised February 20, 2016

Legal Reg:
C.R.S. 22-32-106
C.R.S 22-32-109(1)(e)

PUBLIC PARTICIPATION AT BOARD MEETINGS

The School Board welcomes interested citizens to its meetings and encourages participation of those present. In order that the Board may transact necessary business thoughtfully and efficiently, observance of certain procedures is requested.

In order to promote orderly School Board meetings, the School Board establishes procedures regarding who may address the Board, time limits on speakers, conduct of speakers and how to speak to complaints, items on the agenda and concerns not on the agenda. The School Board shall not take action on subjects initially discussed during the Public Participation period. The School Board shall act only on items placed on the agenda (See Policy BEDBA).

PUBLIC PARTICIPATION AT BOARD MEETINGS

Eligibility to Address the Board

1. Residents of District Six
2. Parents of students enrolled in Union Colony School
3. Members of the staff.
4. Individuals who have been requested by the Director/Principle or School Board present a given subject.
5. Non-residents of the District who have requested and received permission of the Director/Principle or School Board.

Persons wishing to address the Board shall:

1. Fill out a Request to Speak form and hand it to the Recording Secretary or other designated person prior to the start of the meeting. During the “Public Participation” portion of the agenda (II.B.) those wishing to address the Board will be called forward and asked to :
 - a. State name and address
 - b. State subject about which they wish to speak.

Orderly Conduct

1. Undue interruption or other interference with the orderly conduct of School Board business will not be allowed. Any person who disturbs order may be required to leave.
2. Defamatory or abusive remarks are always out of order. The presiding officer may terminate the speaker’s privilege of address if, after being called to order, the speaker persists in improper conduct or remarks.

Presenting Charges, Complaints, Challenges

1. All charges, complaints, or challenges, may only be presented to the Director/Principle or School Board in writing, signed by the complainant.
2. All charges, if presented to the School Board directly, are to be referred to the Director/Principle or School Board for investigation and report.

PUBLIC PARTICIPATION AT BOARD MEETINGS

Time Limit for Speakers

1. No person should speak for more than five minutes unless the time is waived by a majority of the School Board members.
2. When a large number of speakers requests permission to be heard, the School Board may, by a majority vote, shorten the time limit to no more than three minutes.

POLICY REVISION AND REVIEW

The policies of the School Board may be amended by a majority vote of the School Board at any meeting provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance.

SUSPENSION OF POLICY

In the event of special circumstances, the operation of any section or sections of School Board policies, including those governing its own operating procedures, may be temporarily suspended by a majority vote of the School Board members present at any regular or special meeting. This, however, does not apply to any section of School Board policies that may be established by law or by contract.

SCHOOL BOARD COMMUNICATIONS

All communications directed to the School Board will be placed on the agenda as communications to the School Board. Following presentation of a communication to the School Board, either the Secretary of the School Board or the Director/Principle will prepare an appropriate acknowledgment.

TO INDIVIDUAL BOARD MEMBERS

Correspondence directed to individual members of the School Board will not be listed as communications on the agenda nor require an official acknowledgment. Such correspondence will be handled as personal mail.

TO THE OFFICERS OF THE BOARD

All communications addressed to officers of the School Board will be treated as communications to the School Board as a whole.

TO THE DIRECTOR/PRINCIPLE

Correspondence directed to the Director/Principle will be handled by the Director/Principle unless the writer has requested that it be brought to the attention of the School Board.

ANONYMOUS LETTERS

The School Board does not acknowledge anonymous letters.