



# Board Minutes Compliance Checklist

## Colorado Charter School Institute

The following is provided as a tool to assist charter school governing boards in evaluating their adherence to best practices and legal requirements relating to recordkeeping and board meeting procedures. It should in no way be construed as legal advice or a formal legal opinion on behalf of the author or CSI. Use of this information does not create an attorney-client relationship, nor is the creation of such relationship intended by the provision of this information. This information does not constitute a formal administrative opinion on behalf of CSI. CSI recommends that each school contacts its attorney to obtain legal advice with respect to any particular legal issue.

<b>School:</b>	<b>Date of Minutes Reviewed:</b>			
<b>Reviewer:</b>	# of Members Req'd per Bylaws: ____ # of Annual Meetings Req'd per Bylaws: ____			
<b>ITEM</b>	<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>NOTES</b>
<b>Open Meetings/Transparency</b>				
A notice and agenda were posted online at least 24 hours in advance of meeting				
Board has its board meeting calendar posted on school's website				
Meetings are held regularly and at the dates/times set forth in the school's bylaws				
School Board membership and contact information for the Board or Board Chair are posted on website				
<b>Recordkeeping</b>				
Minutes include typical orders of business, such as: (a) Call to order (b) Roll Call/Determination of a Quorum (c) Adoption of the Agenda (d) Approval of the minutes of prior board meeting (e) Opportunity for public comment (f) Committee Reports (g) Discussion Items (h) Action Items				

(i) Adjournment				
Minutes are taken and posted on the school's website (posting should occur at least within the month following their approval)				
The minutes include the name of the board, date, time, place, type of meeting, name and title of presiding officer, names of members present or absent, and the action taken on the previous meeting minutes				
Name of the board member moving a motion is recorded				
Outcomes of votes are recorded				
Minutes provide sufficient specificity to be able to determine the topic discussed and the outcome/resolution of a topic (e.g., the minutes should not just be an agenda); minutes should also only contain the business and actions of the board and not personal comments				
Any public comments are stated by topic and overview only				
Minutes do not contain highly sensitive, confidential information (e.g., legal advice, student PII)				
<b>Quorum/Voting</b>				
Quorum present and documented # Members Present: _____				
Voting is by roll call or unanimous consent (no secret or proxy voting) [except voting by secret ballot can be used to (1) elect leadership; (2) elect members of a search committee; or, (3) elect president/vice-president, but the outcome of vote must be recorded in minutes]				
All voting occurs during an open meeting				
<b>Executive Session</b>				
If entering into executive session, the minutes reflect the specific citation to the provision in statute that allows executive session and the particular matter to be discussed is identified with as much detail as possible without compromising the purpose for which the executive session is authorized				

Executive session is entered into for an allowable purpose (see list of permissible executive session topics below)				
No formal action is taken in executive session				
2/3 of the quorum present voted in favor of entering into executive session				
Executive session isn't being entered into so often that it indicates the Board may be improperly using executive sessions				
Minutes reflect who is invited into executive session				
<b>School Leader Search (applicable if school is searching for a new leader or executive director)</b>				
Search committee is established to develop job search goals; write job description; set deadlines for applications, requirements for applicants, selection procedures, and timeframes for selecting the new leader				
Board makes public the list of all finalists under consideration for the leadership position at least 14 days prior to appointing the finalist				
<b>Conflict of Interest</b>				
A Board member appeared to be conflicted regarding a decision made by the Board				
The Board member disclosed this conflict and material facts to the Board				
The Board evaluated whether a conflict existed				
The conflicted Board member recused him/herself and abstained from voting				
<b>Other Issues</b>				
There is evidence of improper political/lobbying/fundraising activities				
The School has lost its nonprofit status				

Board amended bylaws or articles of incorporation				
Board composition is incorrect (not enough board members; new board members in attendance; no parent members)				
Board discussed material changes to its contract (expansion, replication, use of an EMP, material change to educational program)				
Board discussed matters that may indicate noncompliance				
<b>Additional Observations or Authorizer Follow Up:</b>				
<b>Suggested Resources or Areas of Improvement:</b>				

**Permissible Topics for Executive Session:**

- (a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;
- (b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4).
- (c) Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.
- (d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;
- (e) (I) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.
  - (II) The provisions of subparagraph (I) of this paragraph (e) shall not apply to a meeting of the members of a board of education of a school district:
    - (A) During which negotiations relating to collective bargaining, as defined in [section 8-3-104 \(3\), C.R.S.](#), are discussed; or

(B) During which negotiations for employment contracts, other than negotiations for an individual employee's contract, are discussed.

(f) (I) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. With respect to hearings held pursuant to the "Teacher Employment, Compensation, and Dismissal Act of 1990", article 63 of title 22, C.R.S., the provisions of [section 22-63-302 \(7\) \(a\), C.R.S.](#), shall govern in lieu of the provisions of this subsection (4).

(II) The provisions of subparagraph (I) of this paragraph (f) shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act", part 2 of article 72 of this title; except that all consideration of documents or records that are work product as defined in [section 24-72-202 \(6.5\)](#) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4);

(h) Discussion of individual students where public disclosure would adversely affect the person or persons involved.

