

*Bylaws
of
Custer County School District #1*

A Colorado Public School
Westcliffe, Colorado
Adopted 8/10/2021

Article I

BOARD OF EDUCATION

- 1.1 Board of Education - The Custer County School District #1 (CCSD #1) shall have 5 elected directors having been established as required by law. Laws relating to the election of the district directors are established by the State General Assembly.
- 1.2 Eligibility – A candidate for the office of district school director must be a registered elector and a resident of the school district for at least 12 consecutive months prior to the election. A person must be a resident of the director district in which he or she is a candidate. No candidate representing a political party may run, and no person convicted of a sexual offense against a child is eligible to serve.
- 1.3 Term Limitations – School board members are limited by the state constitution to serving two consecutive four year terms unless a constitution allows questions to local voters to modify or eliminate the term limitation provision is voted on and passed.
- 1.4 Nomination – Candidates are required to file a written notice of intent with a petition signed by an appropriate number of registered electors of the school district 67 days prior to the election. Nomination petitions are available at the school district office. Candidates are required to file a candidate affidavit with the county clerk as required by the Fair Campaign Practices Act. Other requirements may be applicable.
- 1.5 Elections – Directors are elected at regular biennial school elections. All directors are elected by a vote of the entire school district. The county clerk and recorder conducts the election in accordance with the Uniform Election Code of 1992. Because of many election law revisions, the current law and any candidate’s questions should be appropriately researched.

- 1.6 Vacancies - Director vacancies may occur as directed by CRS 22-31- 129. At the next board of education meeting immediately following the occurrence of a vacancy the board of education shall adopt a resolution declaring a vacancy in the district in which the vacancy occurs and appoint a person to fill the vacancy within 60 days after the vacancy occurrence. If the board fails to appoint someone within that 60 days, the president of the board shall appoint a person to fill the vacancy. A certificate of appointment shall be forwarded to the Department of Education. If the vacancy occurs more than 90 days prior to the next regular biennial school election and the unexpired term is for more than 2 years, an appointee shall serve until the next regular biennial election when the successor for the remainder of the term is elected and has qualified. If the vacancy occurs within the 90-day period prior to a regular biennial election and the unexpired term is for more than 2 years, an appointee shall serve until the next succeeding regular biennial election when a successor for the remainder of the term is elected. Except as otherwise provided in this section an appointee shall serve for the remainder of the unexpired term.
- 1.7 Board Member Recall - A school board director may be removed from office through the recall process if the electors of the district feel that such action is advised. The law does not specify grounds for the recall of a board member but rather leaves this to the discretion of the voters. To be valid, a recall petition must be signed by registered electors equal in number to at least 40 percent of those electors who voted in the preceding election at which the director to be recalled was elected. If no such election was held, the petition must be signed by at least 10 percent of the eligible electors. If such a petition is filed, a recall election must be held to determine whether a board member should be removed from office.
- 1.8 Director Access to Records - Each School Director shall have access to all school records at all times.

Article II

POWER AND DUTIES

- 2.1 Corporate Status of School District - The school district is declared to be a body corporate with perpetual existence, and in its name, it may hold property for any purpose authorized by law, sue and be sued, and be a party to contracts for any purpose authorized by law.
- 2.2 Organization of the Board - Within 15 days after the election, the incumbent secretary must call a special meeting of the board of education for the purpose of selecting officers of the board. The incumbent president presides until a

successor has been elected and qualified. The officers to be designated are the President, Vice-President and Secretary/Treasurer. The President and Vice-President must be members of the board and are elected by a majority of the board to serve for a term of two years. If a vacancy occurs in either office, the remaining members elect a successor to serve the balance of the unexpired term.

2.3 Duties of Officers – PRESIDENT – The President of the board shall preside at all meetings of the board by law. The President must sign any written contract to which the school district may be a party when such contracts are authorized by the board and must sign all official reports of the district except when otherwise provided by authority as other members of the board. The President must vote on all issues and except for matters pertaining to the conduct of meetings, has decision-making authority no greater than that of other members of the board. VICE-PRESIDENT – In the absence or inability of the President, the Vice-President shall have and perform all of the powers and duties of the President. SECRETARY/TREASURER – The Secretary shall cause notice to given each member of the board of all special meetings of the board and cause minutes of each meeting of the board to be kept and preserved and perform other duties as may be assigned by the board. The District has provided the required surety bond to provide the required coverage for the Secretary/Treasurer. As Treasurer, you are the officer entrusted with custody of the organization’s funds, which you spend only by authority of the society or as the bylaws provide. ~~In many organizations, it is also your responsibility to bill and collect dues from members~~ [RONR (12th ed.) 47:38-39]

2.4 Legal Separation of Duties and Powers – Colorado law separates the duties of the board from the powers of the board. The duties are those functions that the school district is required to carry out. The powers specified in the law give the board discretionary authority to carry out other functions as deemed necessary. When the law is silent on a question or issue it is generally presumed that the board has no authority to act. Many of the duties required by law may be delegated by the board to the superintendent. Any delegation should include well-defined parameters within which the superintendent will operate.

2.5 Meetings – Regular meetings of the board are held on the 2nd Tuesday of every month at 4:30 pm in the school Library provided that the legal notice and posting requirements, in the designated public place, is met, confirming the meeting, the date, the time, and the place. School board meetings are governed by the *Colorado Sunshine Act (C.R.S. 24- 6401)*. All meetings of a quorum (three or more members) at which any public business is discussed or at which any formal action may be taken, are declared to be public meetings open to the public at all times, however, any person who disturbs good order may be required to leave. *Robert's Rules of order* will be our procedural meeting rules of order the open meeting requirements do not apply to chance meetings or social gatherings at which discussion of public business is not the central purpose. Special Meetings of

the board may be called by the President at any time and shall be called upon written request of a majority of the members (*C.R.S. 22-32-108*). If a special meeting is called the board Secretary shall cause notice of the meeting to be mailed, e-mailed or delivered to each member of the board stating time, place and purpose of the meeting. The notice must be mailed at least 72 hours before the meeting or placed in the hands of each member no later than 24 hours prior to the meeting start. However, if it becomes necessary to hold a special meeting and proper notice has not been given, an absent member may waive the right to notice and the members in attendance are considered to have waived the notice requirement. No business other than that stated in the notice of the special meeting may be transacted unless all members are present and unanimously consent to consider and transact other business. The board shall cause a recording of each regular and special meeting of the board at which votes are taken and recorded and shall make the recording available to the public. Any request for a copy of the recording shall be granted, provided that person or entity pays the board for the costs incurred. Colorado law establishes that at any regular or special meeting the board may proceed in Executive Session, at which only those persons invited by the board may be present, but no final policy decisions shall be made by the board while in Executive Session [*C.R.S 22-32- 108 (5)*]. The specific citation to the statute used to justify proceeding into Executive Session must be noticed and recorded. It takes an affirmative vote of two-thirds of the board to enter into Executive Session. All matters discussed in executive session must remain confidential. The record of an executive session is not considered a public record. All meeting records shall be retained for a minimum of 90-days before the records are destroyed. All voting at any meeting shall be by roll call. The names of the members shall be called alphabetically, and each member present shall orally vote "aye" or "no" upon each question unless excused from voting by the board for good cause. An agenda will be prepared for each meeting of the board consisting of items of business to be brought before the board for consideration and action.

- 2.6 Specific Duties - To adopt policies and prescribe rules and regulations necessary for the proper and efficient administration of the affairs of the district. That a true and correct copy of these bylaws as well as the policies, rules, and regulations adopted or prescribed by the board to be made available for public inspection at the administrative office of the district during reasonable business hours. To file with the department of education the name, address, and length of term of office of each school director and the name, address, identification of office, and date of election or appointment of the president, vice president, secretary, and treasurer. To employ all personnel required to maintain the operations and carry out the educational program of the district and to fix and order paid their compensation. To cause to be kept complete and accurate financial records of the school district by funds and accounts, maintained on the basis of generally recognized principals of governmental accounting. To determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the following school year, but in no event shall said schools be scheduled to have fewer

teacher-pupil contact and instruction days and hours than that mandated by Colorado law, **unless an annual waiver is applied for and approved from CDE as specified in 22-32-109(1)(n)(I)**. Prior to the beginning of the school year the district shall provide for the adoption of a district calendar, applicable to all schools within the district. This calendar may be adopted by the board of education, the district administration, or any combination thereof. A copy of this calendar shall be provided to all parents or guardians of all children enrolled in the district. To cause to be erected and maintained a suitable flagstaff with the necessary attachments for the proper display of flags, properly sized, displayed and properly maintained and administered. To determine the educational programs to be carried on in the schools of the district and to prescribe the textbooks for any course of instruction or study. A safe school plan must be adopted by mandates dictated by *C.R.S. 22-32-109.1*. This sub section of Article II of these bylaws, have further comprehensive mandates reflected in active policies of the board and additional requirements and specifics in Colorado School law.

2.7 Open School Policy - The board of education shall adopt an open school policy to allow parents and members of the school district board of education reasonable access to observe classes, activities, and functions at the schools upon reasonable notice to the school administrator's office.

2.8 Employment of Personnel - Although seeking out and screening teacher candidates is a proper administration function the board has district policies and guidelines for the appointment and selection of candidates. The board will review the appointment recommendations made by the superintendent or administrative staff regarding instructional personnel and pass judgment. The superintendent should expect to be held accountable for the performance of all employees. The board is legally responsible for the appointment of all personnel. The district is required to conduct reference checks of applicants and to see that the applicants selected for classified positions are fingerprinted. Personnel employment means any job or position in which any person may be engaged in the service of a school district for salary or hourly wages, whether full time or part time and whether temporary or permanent.

2.9 Director Conduct and Individual Authority and Representation - Each member of the board has an equal right to be heard on matters of concern. Each has an equal responsibility to do a fair share of the work, to follow the policies developed by the board as a whole and to accept his or her share of the criticism when the board is under fire. The board must work as a team and take credit or blame as a team. As a matter of ethical practice, board members should be prepared to accept decisions made by a majority vote. Even though individual directors represent individual districts each director must know he or she has been elected to represent the interests of all students and citizens of the entire district. An individual board member does not have the right to speak for the rest of the board

unless specifically authorized by the board to do so. Our power is only legitimate as a board unit in whole and we have no official power or powers as individual directors unless the board has specifically authorized a specific action or director to specifically act. Discretion is advised relative to making statements to the press or letters to the editor and should refrain from signing such documents as a member of the board. Public office is not to be used for the profit, gain or private interest of any individual. A board member who has a personal or private interest in any matter proposed or pending before the board shall disclose that interest to the board. Board director conflicts of interest are specifically addressed in board policy and *C.R.S. 22-32-109 (1) (y)*. It is likely that every member of the board will hear complaints or expressions of concern about district operations and although it is important to listen with respect and sincerity it is advisable to refer the person to the superintendent or administrator who has responsibility in that particular area. It is rarely advisable for a board member to assume direct responsibility for a problem, particularly when student or staff relations are involved. A board member who attempts to exercise individual authority over the administration or other staff undermines the superintendent's authority and the board's own ability to effectively govern. When meeting or speaking in front of a group the board member must make clear he or she is speaking for himself or herself, not for the board. Utilizing ethical practices and respect district welfare will supersede individual disagreements and we will treat each other's opinions with respect and courtesy, no matter how much we may disagree on an issue.

- 2.10 Superintendent Evaluation - The responsibility to evaluate the Superintendent's performance rests exclusively with the board. On an annual basis, the board will prepare a written evaluation of the Superintendent based on the Superintendent's performance strengths and weaknesses, recommendations and any plans for improvement. There should be mutually agreed upon mission, purpose, and performance goals discussed and monitored during the year. The evaluation process should be an ongoing process, not a single event. The board and the Superintendent should determine the best way to monitor progress on an ongoing basis.

Article III

COMMITTEES AND RELATIONSHIPS

- 3.1 Accountability Committee and Legal Requirements - Colorado law requires each board of education to appoint or create a process for election of an advisory committee for accountability (*C.R.S. 22-11-401 through 406*). The committee has statutory responsibilities for the implementation of the accountability law. There are several specific steps to follow and deadlines to meet in the accountability process, which are established in state statute. State law requirements on

committee makeup and report requirements can be found in the accountability committee by laws and in Colorado state school law.

- 3.2 Advisory Committees – The board may find it advisable, at times, to establish an advisory committee to study and make recommendations with respect to a special or specific district need. It is advisable that a cross section of the community should be represented. The specific role and function of any advisory committee must be stated from the outset. It is imperative that the advisory committee members know that the board will give serious consideration to the committee's advice but, the board cannot commit itself to accepting all of the committee's recommendations or delegate its decision-making responsibility. The board must ensure follow-through with committees. Also, there may be other advisory committees that state or federal law requires the district to form.
- 3.3 County Official Relations – It is imperative to develop and maintain efficient cooperation and communication with official county representatives and entities. Law enforcement, fire department, human services, commissioners and the county clerk are all entities that benefit our effectiveness and aid in our disposition of duty. The safe and efficient operation of our district is directly impacted by the relationships we develop and maintain with these important agencies and persons.
- 3.4 State Official Relation – To develop strong relationships at the state level can create allies for the board and the district. Whether communicating our perspective and needs to the state general assembly or working with regulatory agencies to better understand and clarify our mandated responsibilities or powers, knowledge of state officials and process is paramount in our due diligence and professional development. It will be encouraged for designated members of the administration and board to attend and actively participate in professional development opportunities and meetings, seminars and presentations that will allow us learning opportunities as well as opportunities to represent our district and its agendas. Other important state organizations that require knowledge in and possible interaction with includes the Colorado High School Activities Association (CHSA), Colorado Association of School Boards (CASB), Colorado Association of School Executives (CASE), **South Central BOCES**, and Colorado Education Association (CEA).
- 3.5 Colorado Department of Education and State Board of Education - We recognize the importance of building, maintaining, and monitoring the business of both the Colorado Department of Education and the State Board of Education. The Colorado State Constitution provides that the general supervision of public schools shall be vested in the State Board of Education whose powers and duties are prescribed by law. The State Board is also a political body and by its nature requires proficient monitoring. Opportunities to attend and speak with and to members of the State Board of Education should be promoted. It is important to take advantage

of every opportunity to lobby our district's perspective to this important body. The Colorado Department of Education (CDE) is a state agency governed by the State Board of Education. Its authority and responsibility is to direct supervisory and regulatory activities as well as guidelines to facilitate the administration of laws enacted by the General Assembly.

- 3.5 District Community – The most important relationship and first responsibility the board has is to the county community at large. The board has an obligation to see that the programs of the school fit the need of the citizens of the community. It is important that pride in the schools and confidence in the board be nurtured and maintained. It is important to cultivate working relationships with established groups within the community and solicit the opinions of those people who may be beyond the reach of any of our advisory committees. Deliberation instead of persuasion can create a dialogue between the public and the board and provide an opportunity for the board to ask members of the community what they value in education. Trust, transparency and open communication will be our prevailing goal in interacting with the community.

Article IV

PROCEDURE TO AMEND THE BYLAWS

- 4.1 Amend, Alter, or Repeal – The board may amend, alter or repeal these bylaws, in part or in total, at any time with a majority vote, if such action does not conflict with or attempt to supersede applicable state or federal of any law.
- 4.2 Annual Review and Re-authorization – The board shall review these presented bylaws in total on an annual basis and vote annually to reauthorize these articles and sub sections. This vote and re authorization will be completed by the board, in an agenda action item during a regularly scheduled board meeting, before February 28 by and for that calendar year.