

*Bylaws  
of  
Custer County School  
District C-1  
BOARD OF EDUCATION*

A Colorado Public  
School Westcliffe,  
Colorado

Article I

- 1.1 BOE of Education – The office of school board director is an elected position in the State of Colorado. The Colorado State Constitution gives local school boards control over education instruction. Custer County School District C-1 (“District”) Board of Education (“BOE”) governs the District.
  
- 1.2 BOE Members – The BOE shall consist of 5 elected directors, as prescribed by law.
  
- 1.3 Eligibility – A candidate for the office of district school director must be a registered elector and resident of Custer County for at least 12 consecutive months prior to the election. The following qualifications must also be met in order to serve on the BOE:
  - a. The candidate does not have a conviction for an offense involving violence. sexual offense against a child, or any other offense described in C.R.S. 22-32-109.8(6.5);
  - b. The candidate must be willing to uphold the mission and vision of the BOE; and,
  - c. The candidate must be able to meet the minimum

requirements for BOE participation and agree to uphold these bylaws.

1.4 Term Limitations – BOE members are limited by the state Constitution to serving two consecutive four-year terms, unless local voters vote to modify or eliminate the term limitation provision.

1.5 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 District administrative office, during reasonable business hours. 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.

1.6 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 shall conduct the election in accordance with the Uniform Election Code of 1992.

1.7 Vacancies - Director vacancies may occur as provided by *C.R.S 22-31- 129*. At the next BOE meeting immediately following the occurrence of a vacancy, the BOE shall adopt a resolution declaring a vacancy and appoint a person to fill the vacancy within 60 days after the vacancy occurrence. If the BOE fails to appoint a replacement within 60 days, the President of the BOE shall appoint a person to fill the vacancy. A certificate of appointment shall be forwarded to the Department of Education. 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 regular biennial election when a successor

for the remainder of the term shall be elected. Except as otherwise provided in this section, an appointee shall serve for the remainder of the unexpired term.

- 1.8 BOE Member Recall – A member of the BOE may be removed from office through the recall process if the electors of the County feel that such action is advised. The law does not specify grounds for the recall of a BOE 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 BOE member should be removed from office.
- 1.9 BOE Access to Records – Each BOE member shall have access to all District records at all times.

## *Article II*

### POWERS AND DUTIES

- 2.1 Corporate Status of School District - The District is 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 BOE – Within 15 days after each school election, the incumbent secretary must call a special meeting of the BOE for the purpose of selecting officers. The incumbent president presides until a successor has been elected. The

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

2.3 Duties of Officers – PRESIDENT – The President of the BOE shall preside at all meetings of the BOE. The President must sign any written contract to which the District may be a party when such contracts are authorized by the BOE and must sign all official reports of the district, except when otherwise provided by members of the BOE. 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 BOE. 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/Treasurer shall cause notice to be given to each member of the BOE of all regular and special meetings of the BOE and cause minutes of each meeting to be kept and preserved and perform other duties as may be assigned by the BOE.

2.4 Meetings – Regular meetings of the BOE are held on the 2<sup>nd</sup> 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 made, confirming the meeting, date, time and the place. School BOE meetings are governed by the *Colorado Sunshine Act, C.R.S. 24- 640*. 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 open

to the public at all times, however, any person who disturbs good order may be required to leave. *Robert's Rules of order* are the procedural meeting rules of order for the BOE. 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 BOE 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- 10*. If a special meeting is called, the BOE Secretary/Treasurer shall cause notice of the meeting to be mailed, e-mailed or delivered to each member of the BOE stating time, place and purpose of the meeting. The notice must be placed in the hands of each member no later than 24 hours prior to the meeting start. 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 BOE shall cause a recording of each regular and special meeting of the BOE 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 BOE for the costs incurred. Colorado law establishes that at any regular or special meeting the BOE may proceed into Executive Session, at which only those persons invited by the BOE may be present, but no final policy decisions shall be made by the BOE 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 noted and recorded. An affirmative vote of two-thirds of the BOE, present, is required 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 BOE for good cause. An agenda shall be prepared for each meeting of the BOE, consisting of the items of business to be brought before the BOE for consideration and action. When carrying out District business, the members of the BOE shall always remain apolitical.

2.5 Specific Duties of the BOE - To adopt policies and prescribe rules and regulations necessary for the proper and efficient administration of the affairs of the District. To ensure that a true and correct copy of these bylaws, as well as the policies, rules, and regulations adopted or prescribed by the BOE, be made available for public inspection on the District’s website. To file with the Colorado Department of Education (“CDE”) 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 and Secretary/Treasurer. To employ all personnel required to maintain the operations and carry out the educational programs of the District, and to fix and order paid their compensation. To keep complete and accurate financial records of the District by funds and accounts, maintained on the basis of generally recognized principles of governmental accounting. To determine, prior to the end of a school year, the length of time which the District shall be in session during the following school year, but in no event shall there be 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 *C.R.S.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. A copy of the calendar shall be provided to all parents or guardians of all children enrolled in

the District. To erect and maintain a suitable flagstaff with the necessary attachments for the proper display of flags, properly sized, displayed and maintained. To determine the educational programs to be carried on in the District and to prescribe the textbooks/programs and any related instructional materials for all courses of instruction or study. To adopt a safe school plan as prescribed by *C.R.S. 22-32-109.1*.

2.6 Open School Policy - The BOE shall adopt an open school policy that allows parents and members of the BOE reasonable access to observe classes, activities and functions, upon reasonable notice to the District administrative office.

2.7 Employment of Personnel - Although seeking out and screening teacher candidates is a proper administrative function, the BOE has district policies and guidelines for the appointment and selection of candidates. The BOE shall review appointment recommendations made by the superintendent and administrative staff, regarding instructional personnel and other staff, and shall approve or decline such recommendations. The superintendent shall be held accountable for the performance of all employees. The BOE 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 pass the required state background check.. Personnel employment means any job or position in which any person may be engaged in the service of the District, for a salary or hourly wage, whether full-time or part-time and whether temporary or permanent.

2.8 Director Conduct and Individual Authority and Representation - Each member of the BOE has an equal right to be heard on matters of concern. Each has an equal responsibility to do a fair share of the work of the BOE, to follow the policies

developed by the BOE, as a whole and to accept his or her share of the criticism when the BOE is under fire. The BOE must work as a team and take credit or blame as a team. BOE members should be prepared to accept decisions made by a majority vote. Each director has been elected to represent the interests of all students and citizens of the District. An individual BOE member does not have the right to speak for the rest of the BOE, unless specifically authorized by the BOE to do so. No individual BOE member has any official power or powers, unless the BOE has specifically authorized a specific action or director to specifically act. Discretion shall be exercised relative to making statements to the press or letters to the editor and all BOE members should refrain from signing any such documents as a member of the BOE. Public office is not to be used for the profit, gain or private interest of any individual. A BOE member who has a personal or private interest in any matter proposed or pending before the BOE shall disclose that interest to the BOE and may be asked to recuse him/herself from a vote. BOE member conflicts of interest are specifically addressed in BOE policy and *C.R.S. 22-32-109 (1) (y)*. BOE members will hear complaints or expressions of concern about District operations and, although it is important to listen with respect and sincerity, a BOE member should refer the person to the superintendent or administrator who has responsibility in that particular area. It is rarely advisable for a BOE member to assume direct responsibility for a problem, particularly when student or staff relations are involved. A BOE member who attempts to exercise individual authority over the administration or other staff undermines the superintendent's authority and the BOE's own ability to effectively govern. When meeting or speaking in front of a group, a BOE member must make clear that he or she is speaking for him/herself, and not for the BOE.

- 2.9 Superintendent Evaluation - The responsibility to evaluate the superintendent's performance rests exclusively with the BOE.



On an annual basis, the BOE shall 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 ongoing, not a single event.

### *Article III*

## COMMITTEES AND RELATIONSHIPS

- 3.1 Accountability Committee and Legal Requirements - Colorado law requires each BOE to appoint, or create a process for election of, two advisory committees for accountability. The committees have specific statutory requirements and duties which can be found at *C.R.S. 22-11-301 through 706*. However, due to the rural designation of the District, the two committees may be combined.
- 3.2 Advisory Committees - The BOE may also find it advisable, at times, to establish advisory committees to study and make recommendations with respect to special or specific District needs. Advisory committees should consist of and represent a cross section of the community. 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 BOE will give serious consideration to the committee's advice but, that the BOE cannot commit itself to accepting all of the committee's recommendations.
- 3.3 County Official Relations - The BOE should develop and maintain cooperation and communication with official county

representatives and entities. The Sheriff's office, the fire department, human services department, the commissioners and the county clerk can all benefit the BOE's effectiveness and aid in its disposition of duty.

3.4 State Official Relations – Developing strong relationships at the state level can create allies for the BOE and the District. Whether communicating the District's perspective and needs to the state general assembly, or working with regulatory agencies to better understand and clarify our mandated responsibilities or powers and understanding the roles of state officials and processes is paramount to the BOE. Attendance and active participation in professional development opportunities such as meetings, seminars and presentations, provides the BOE with learning opportunities as well as opportunities to represent the District and its agendas. Other important state organizations are the Colorado High School Activities Association (CHSA), the Colorado Association of School Boards (CASB), the Colorado Association of School Executives (CASE), the South Central Board of Cooperative Educational Services (BOCES) and the Colorado Education Association (CEA).

3.5 Colorado Department of Education and State BOE of Education - The Colorado state Constitution provides that the general supervision of public schools is vested in the State Board of Education (CBOE), whose powers and duties are prescribed by law. Opportunities to attend meetings, to speak with or to members of the CBOE, are important. The BOE should take advantage of every opportunity to lobby the District's needs and perspectives to the CBOE. The Colorado Department of Education (CDE) is a state agency governed by the CBOE. Its authority and responsibility is to direct supervisory and regulatory activities, as well as to provide guidelines to facilitate the administration of laws enacted by the General Assembly.

3.5 District Community – The most important relationship and first responsibility of the BOE is to the Custer County community at large. The BOE has an obligation to see that the programs of the school fit the needs of the citizens of the community. It is important that pride in the schools and confidence in the BOE be nurtured and maintained. It is important to cultivate working relationships with established groups within the community and to solicit the opinions of those people who may be beyond the reach of advisory committees. The BOE should create a dialogue between the public and the BOE and provide an opportunity for the BOE to ask members of the community what they value in education. Trust, transparency and open communication are the BOE’s prevailing goals in interacting with the community.

#### *Article IV*

### PROCEDURE TO AMEND THE BYLAWS

- 4.1 Amend, Alter, or Repeal – The BOE may amend, alter or repeal these bylaws, in whole or in part, at any time with a majority vote, so long as the provisions do not conflict with, or attempt to supersede, applicable state or federal law.
- 4.2 Review and Reauthorization– The BOE shall review these bylaws, make any amendments deemed appropriate, and reauthorize them, every 3 years.

*Revised and adopted on April 11, 2023*