

COLORADO STATE BOARD OF EDUCATION  
OPERATING PROCEDURES



Amended December 13, 2017

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## OPERATING PROCEDURES

The following procedures shall govern and control all actions of the State Board of Education and its committees.

Article I. Name. We shall be called the

COLORADO STATE BOARD OF EDUCATION.

Article II. State Board of Education Mission and Vision

A. Mission

*Charged by the Constitution of the State of Colorado with the general supervision of the public schools,*

The mission of the Colorado State Board of Education is to provide all of Colorado's students equal access to quality, thorough, uniform, educational opportunities in a safe and civil learning environment.

B. Vision.

*By accomplishing this mission,*

All students in Colorado will become educated and productive citizens.

Article III. Composition of the Board.

A. Composition. As specified in § 22-2-105, Colorado Revised Statutes (C.R.S.), "The state board of education shall consist of one member elected from each congressional district in the state and, if the total number of congressional districts of the state is an even number, one member elected from the state at large."

B. Term. Board members are elected for staggered six-year terms, per § 22-2-105(3), C.R.S.

C. Requirements. Per art. IX, § 1, Colo. Const., candidates for the State Board of Education shall be qualified electors of the congressional district in which they run and which they will represent, if elected. The member-at-large shall be nominated and elected on a statewide basis. Board candidates shall be subject to Colorado general election laws.

D. Vacancy. A vacancy that may occur by reason of death, removal, resignation from office, or when a Board member is elected, qualified, and takes office for another state office, shall be filled as provided in § 22-2-105, C.R.S.

1. Pursuant to § 22-2-105.5(3), C.R.S., any vacancy

occurring on the State Board, other than a vacancy in a seat filled by a member elected from the state at large, shall be filled by the vacancy committee of the party's congressional central committee of the same political party as the vacating Board member.

2. In accordance with § 22-2-105.5(5), C.R.S., if the seat held by the member elected at large is vacated, the State Board secretary shall refer the vacancy to the state central committee of the same political party as the vacating board member.
  3. Any member selected to fill a vacancy shall serve until the next regular election providing such appointee is subject to the qualifications set forth by law.
- E. Term Limitation. State Board members are subject to term limitation and may not serve more than two consecutive terms, See art. XVIII, § 11, Colo. Const.
- F. Recall. State Board members may be recalled from office at any time by the registered electors, under Article XXI of the Colorado Constitution and state election law, § 1-12-101, C.R.S.
- G. Department of Education Employment. A State Board member shall not be eligible for employment at the Colorado Department of Education until six months after leaving office.
- H. During his or her term of office, a member of the State Board shall not be a member of the general assembly; an officer, employee, or board member of a school district or charter school in the state; an officer, employee, or board member of the state charter school institute or the institute board; or an employee of the state board or the department of education, § 22-2-105.5(6), C.R.S.
- I. Officers.
1. Elected Officers. The State Board shall elect from its own membership a chairman and a vice-chairman who shall hold office for terms of two years, per § 22-2-105(4), C.R.S., and until their successors are elected.
  2. Appointed Officers. The commissioner shall act as secretary to the State Board, as prescribed in § 22-2-105(4), C.R.S.
  3. Election of Officers.

- a. Date. The election of officers shall occur at the first meeting following the administration of the oath of office to members elected at the November election. The immediate past chairman, or in the absence of the immediate past chairman, the immediate past vice-chairman, shall serve as chairman until a new chairman is elected. In the absence of both the immediate past chairman and vice-chairman, the Board shall elect from its members a chairman pro tem in accordance with Article III.I.3.c. below to conduct the meeting until a new chairman is elected.
  - b. Nominations. Nominations shall be made from the dais. Each nomination shall require a second. A nominee must be present or have given written consent to his/her candidacy. No member may make more than one nomination nor second more than one nomination for each office unless the chairman reopens the nomination process. No member may both nominate and second any individual candidate.
  - c. Election Procedure. Elections shall be by written ballot, except in the case of a single nominee for an office, when election may be voice vote.
    - 1) Balloting for each office shall immediately follow the nominations for that office. Each member may vote for no more than one nominee on each ballot. Election shall be by majority vote.
    - 2) If there is not a majority vote and a chairman is not elected after five ballots, the immediate past chairman will serve until a new chairman can be duly elected. If the chairman is not available, the immediate past vice-chairman will serve as chairman, and if both the immediate past chairman and vice-chairman are not available, the senior member of the Board will serve as chairman. The same procedure shall be followed for the election of the vice-chairman.
  - d. Assumption of Duties. Officers shall assume their duties immediately upon election.
4. Reelection. Officers may be reelected as often as they are selected by their peers.

5. Vacancies.

- a. Chairman. A vacancy in the office of chairman shall be filled immediately by the vice-chairman. An election to select a new vice-chairman shall be held at the next regularly scheduled meeting.
- b. Vice-Chairman. A vacancy in the office of vice-chairman shall be filled by election at the next regular meeting.
- c. If the vacancy in the office of chairman or vice-chairman simultaneously creates a vacancy on the Board, the Board vacancy shall be filled prior to selecting a new vice-chairman.

6. Duties of Officers.

- a. Chairman. The Board as a whole authorizes the chairman's duties and responsibilities for the year. The chairman is the presiding officer of the State Board. The presiding officer shall perform the following duties:
  - 1) Call the meeting to order.
  - 2) Announce the sequence of the agenda, including omissions and additions to the printed agenda.
  - 3) Recognize State Board members, staff, and visitors who are entitled to the floor.
  - 4) Protect the body from obvious frivolous or dilatory dialogue and debate in order to maintain decorum within the meeting.
  - 5) Expedite business in every way compatible with the rights of Board members.
  - 6) Ensure that Board meetings operate in accordance with sound parliamentary procedures.
  - 7) Respond to member inquiries relating to parliamentary procedure, factual information, or board business.

- 8) Decide all questions of order subject to appeal.
  - 9) Authenticate by his or her signature, when necessary, all acts, orders, and proceedings of the State Board.
  - 10) Serve as official spokesperson for the State Board.
  - 11) Support and provide opportunities for the Board's growth and professional development.
  - 12) Declare the meeting adjourned.
  - 13) Perform other duties as delegated by the Board.
- b. Vice-Chairman. The vice-chairman shall perform the following duties:
- 1) Act as presiding officer in the absence of the chairman.
  - 2) Perform duties as designated by law, by the chairman, or by the State Board of Education.
- c. Chairman Pro Tem. In the absence of the chairman and vice-chairman, the secretary shall call the meeting to order and the Board shall immediately elect one of its members a chairman pro tem to preside for that session. This temporary chairman's office is terminated by the entrance of the chairman or vice-chairman, or by adjournment.

#### Article IV. Purposes.

##### A. Constitutional Authority.

1. "The general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law." art. IX, § 1, Colo. Const.

##### B. Powers and Duties.

Having sworn to support the constitution of the United States and of the State of Colorado, the State Board of Education recognizes both constitutional and legislative educational mandates. Therefore, the Board shall fulfill these directives and shall provide services and leadership for

implementation of such enactments.

Duties of the State Board of Education are specified throughout Title 22 of the Colorado Revised Statutes, particularly in § 22-2-106 through -109, and -117.

1. General Powers and Duties

- a. To exercise general supervision over the public schools of the state and the educational programs maintained and operated by all state governmental agencies for persons who have not completed the twelfth-grade level of instruction, or have reached the age of 21.
- b. To enact education policy for the state as provided by law and the constitution.
- c. To adopt guidelines for the establishment of high school graduation requirements, which guidelines shall establish the minimum standards for high school graduation in Colorado
- d. To appoint a commissioner of education and to review and evaluate annual the job performance of the commissioner of education, using procedures and criteria determined by the Board. The procedures shall include, at a minimum, the comments and opinions of district superintendents and school board members.
- e. To report the results of the commissioner's evaluation to the education committees of the house of representatives and senate, or any successor committees.
- f. To appoint a director of state board relations and to evaluate annually his or her performance. The criteria used to evaluate the director of state board relations will be based upon the position job description. At a minimum, the evaluation procedure shall include a board member survey regarding the director's performance as measured against the job description criteria.
- g. To appraise the public schools and accredit Colorado school districts and the Charter School Institute.
- h. To approve the annual budget request for the Department prior to submission.
- i. To order the distribution or apportionment of federal and state moneys granted or apportioned to the Department



for the use of the public schools.

- j. To employ personnel of the Department of Education, and approve a salary schedule for personnel who are not within the state personnel system.
  - k. To submit recommendations for educational improvements to the General Assembly and Governor.
  - l. To regulate educator licensure, and adopt rules that prescribe performance-based standards of qualification, preparation, training or experience that are required for the issuance of all licenses, master certificates, and authorizations.
  - m. To supervise grant programs as outlined in state law.
  - n. To appoint advisory committees as may be beneficial to the improvement of education in the state.
  - o. To grant waivers of Colorado education statutes, rules and regulations as permitted by law.
  - p. To exercise quasi-judicial authority with regard to accreditation appeals, formal accountability proceedings, appeals under the Charter Schools Act, licensure and enforcement, and multi-district online appeals.
  - q. To review statutorily required reports that are prepared and transmitted by the department pursuant to § 24-1-136, C.R.S.
  - r. To cooperate with other agencies either within or without the state for the improvement of education.
  - s. To perform any other duty which may be required by law.
2. Duties of Individual State Board Members.
- a. To attend Board meetings prepared to enter into discussion and vote on items coming before the Board for decision.
  - b. To recognize that he or she, as an individual Board member, has no authority to bind, to speak or to act for the State Board or the Department of Education, except as authorized by the State Board.
  - c. To support official actions and policies of the Board.

This duty shall not abridge the Board member's First Amendment rights.

- d. To keep informed regarding schools in his or her respective congressional district and the state as a whole, and report notable developments to the Board.
- e. To keep current on educational issues and programs.
- f. To refer significant educational issues and policy recommendations to the commissioner or director of state board relations for investigation, clarification, or presentation to the State Board.
- g. To support the commissioner of education and director of state board relations in fulfilling their responsibilities.
- h. To serve as liaison to State Board of Education committees, commissions, task forces, or external organizations as needed.
- i. To represent the Board at official functions.
- j. To participate in official State Board of Education functions, activities, meetings, and events.
- k. To submit receipts for reimbursement for expenses related to their State Board service by the 10<sup>th</sup> day of each month.
- l. To present concise, prepared individual Board member reports at regular Board meetings.
- m. To follow the standards of conduct and ethical behavior prescribed in § 24-18-104, -105, and -108, C.R.S., such as not accepting gifts and not disclosing confidential information. For exhaustive list, refer to Colorado State Board of Education Code of Ethics.
- n. To act in a quasi-judicial capacity by:
  - 1) Abiding by the prohibition against ex parte communications.
  - 2) Exhibiting impartiality before, during, and after hearings.
  - 3) Recusing oneself if the conditions set forth in 1) and 2) are not possible.

- 4) Represent the best interests of students throughout the State of Colorado.

Article V. Meetings.

A. Regular Meetings.

1. Time, Date. The State Board of Education shall meet at least quarterly and at such other times as may be necessary, under § 22-2-105(4), C.R.S.
2. Call. A schedule of regular meetings shall be approved by the Board and published. Changes to the published calendar should occur rarely and only upon general consensus of the Board.
3. Notice. Full and timely public notice shall be provided for each meeting for three or more board members. At a minimum, the notice must be posted in the designated public area no less than 24 hours prior to the meeting, under § 24-6-402(2)(c), C.R.S. The posting must include specific agenda information where possible.
4. Agenda.
  - a. The chairman shall be responsible to oversee the proposed agenda.
  - b. The director of state board relations shall supervise preparation of the proposed agenda.
  - c. For all regular meetings, the agenda shall follow a standard format.
  - d. The director of state board relations shall provide the agenda to all Board members at least seven days prior to the regular meeting date.
  - e. The Board may revise the agenda at the meeting and such agenda becomes official upon approval at the beginning of each meeting.
  - f. Every regular meeting shall provide time for citizens to address the Board and the timeframe should be made public through the posted public notice.
5. Conduct of Meetings.

- a. The order of business for a regular State Board meeting shall be at the discretion of the chairman.
  - b. Voting. All formal actions shall be accomplished by a motion, a second, and voting, which shall be by roll call. The names of the Board members shall be called alphabetically and each member present shall vote "yes" or "no" upon each question. There shall be no voting by secret ballot, except in the election of the Board's own officers. All motions shall be declared lost unless approved by a majority vote of the Board members present. Board members present cannot pass or abstain, except in the case of recusal. Further, the Board member must state reason for recusal.
  - c. Action Items. The State board shall not vote on any matter unless the item has previously been presented to the Board as an information item at a prior meeting. However, if the item in question has the unanimous consent of the entire present Board, or if there is a critical deadline for action, the Board may vote at the meeting at which the item was initially presented.
  - d. Board Members' Reports. Time allotted to this activity shall be adequate for all members to report within the agenda's format.
6. Open Meetings Law.
- a. All meetings of two or more members of the Board at which any public business, *i.e.*, any proposed action of the Board is discussed, are declared to be public meetings open to the public at all times, except for executive sessions (see Article V.D. of this document), in compliance with provisions of Article 6 (Colorado Sunshine Law), Part 4 (Open Meetings Law), § 24-6-401 and -402, C.R.S.
  - b. If two or more Board members use any means of communication, including electronic mail, telephone or face-to-face, to discuss public business regarding any proposed formal action of the Board, the communication shall be subject to the requirements of the Open Meetings Law cited above and shall be open to the public.
7. Record of Meetings.

- a. The official record of each State Board meeting is an audio and/or video recording, available for review by the public on the State Board of Education webpage and through State Archives.
- b. All official State Board records are prepared, archived, and disseminated under the supervision of the director of state board relations.

B. Special Meetings.

1. Call. Special meetings may be called by the chairman or the commissioner or by a majority of its members, per § 22-2-105(4), C.R.S. Special meetings may also be called by the vice-chairman in the absence of the chairman, or by three or more board members submitting a written request to the chairman or commissioner for such a meeting. The director of state board relations shall notify all Board members within a reasonable length of time.

C. Electronic Meetings.

1. Board members may attend board meetings by electronic means with prior permission from the chair. If a Board member is to vote on an action item, such attendance must include the portion relevant to the matter on which action is to be taken. Additionally, a method for public access must be available.

D. Executive Sessions.

1. The Board may convene an executive session at any regular or special meeting with a two-thirds affirmative vote of the entire membership for:
  - a. Conferences with its attorney in conformance with § 24-6-402(3)(a)(II), C.R.S.;
  - b. Matters required to be kept confidential by federal law or rules or by state statutes;
  - c. Personnel matters, at the request of the affected employee;
  - d. Purchase of property;
  - e. Specialized details of security arrangements;

- f. Determining positions in matters that may be subject to negotiations with employees or employee organizations, to develop strategy for and receive reports on progress of such negotiations, and instructing negotiators;
    - g. To review, approve and/or amend minutes of a previous executive session;
    - h. Other matters specified in § 24-6-402(3), C.R.S.
  - 2. The Board may not take formal action in an executive session, per § 24-6-402(3)(a), C.R.S.
  - 3. The announcement of an executive session must cite the statutory authority permitting the executive session and identity of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.
  - 4. The executive session must be recorded in the same fashion as the open meeting. The record of the executive session must be retained for at least 90 days after the session pursuant to § 24-6-402(d.5)(I)(E), C.R.S.
- E. Proxies. There shall be no provision for proxy voting on any matter to come before the Board, nor any provision for absentee voting.
- F. Quorum. A quorum shall consist of a majority of the Board. A quorum shall be required for all official Board meetings and for all official actions of the State Board of Education.
- G. Censure. The Board will entertain resolutions to censure its members who behave in an egregious manner or with willful disregard of state or federal law.
- H. Work or Study Sessions.
  - 1. The State Board may convene work or study sessions to allow discussion and review of education policy issues in more detail.
  - 2. For purposes of public notice and agenda topics, work or study sessions shall be considered regular meetings.
  - 3. No official action shall be taken during a work or study session.

I. Authority for Procedural Conduct of Board Meetings.

State Board of Education meetings shall be conducted in accordance with the current edition of *Robert's Rules of Order, Newly Revised*, which shall govern in all cases to which they are applicable, and in which they are not inconsistent with these Operating Procedures, state law, or special rules of the Board.

Article VI. Policymaking.

A. Definition: The State Board of Education engaged in policymaking in several ways. It adopts legally-binding rules in accordance with the Administrative Procedures Act under authority delegated by the Colorado General Assembly. The Board also issues non-binding statements of policy in the form of resolutions or guidelines. Additionally, there are times the Board makes policy determinations at the direction of the Colorado General Assembly e.g., the Colorado Academic Standards, which are binding on schools and districts in a manner dictated by statute. Finally, the Board adopts self-governance policies, such as these operating procedures.

B. Rules.

1. The Board is empowered to promulgate and adopt rules concerning the general supervision of the public schools, the Department of Education, and state-operated educational programs. Rules are legally binding upon local school districts and personnel employed by them. The State Board has general rule-making authority under § 22-2-107, C.R.S. as well as specific authorities granted throughout Title 22.
2. The State Board's Rulemaking process is specified in Title 24, Article 4 of the Colorado Revised Statutes.
  - a. The Board may direct the commissioner and department concerning the process for drafting and soliciting feedback on proposed rule, consistent with relevant law and Board Policy
  - b. The State Board of Education shall conduct all hearings in compliance with the Colorado Administrative Procedures Act, §24-4-103, C.R.S.
  - c. In accordance with Colorado statute and State Board rules, the State Board of Education shall hold, at a minimum, one formal, publicized hearing at least one meeting prior to its consideration for adoption of any new rules or amendments to existing rules; however, upon unanimous

consent of the State Board, rules may be adopted immediately following a public hearing.

C. Resolutions.

1. Resolutions are current policy statements adopted by the State Board of Education that are nonbinding on the Colorado public schools. They express a preference, point of view, or State Board of Education position on an issue concerning Colorado public education.
2. A Board member, through the director of state board relations, may advise the Chairman of a proposed resolution that he or she wishes placed on an agenda. Upon unanimous consent, the Board may approve the resolution at that meeting. Otherwise, the Board member must introduce the concept or proposed resolution for discussion at a board meeting with the vote on the resolution occurring at the following board meeting. In such instances, the resolution will appear on a regular meeting agenda as an information item one month prior to appearing as an action item for the Board.
3. Review of Resolutions.
  - a. Resolutions remain in effect indefinitely until amended or repealed by the State Board of Education
  - b. The Board may choose to review any resolution(s) for repeal or amendment at any regular board meeting.
  - c. Passage of a resolution or an amendment to a resolution by the State Board requires a supermajority. A supermajority vote requires more than a simple majority for passage (*i.e.*, 5 out of 7).
    - 1) The repeal of an amendment to a resolution can be accomplished by a vote of the Board at a regular meeting.
    - 2) A proposed amendment of a resolution requires its appearance first on a regular board meeting agenda as an information item one month prior to appearing as an action item for the Board.



D. Guidelines.

1. Guidelines are State Board policy statements that describe recommended practices. They are non-binding on schools, school districts, or libraries, except when the term guidelines is statutorily required (*e.g.*, adoption of graduation guidelines under C.R.S. §22-2-106).
2. Guidelines remain in effect indefinitely until amended or repealed by the State Board of Education.

E. Miscellaneous Additional Self-governing Policy Statements.

1. Miscellaneous self-governing policy statements include additional agreements that the Board has made about the ways it will conduct its business that do not fit under other sections of this document.
2. The procedure for creating and reviewing a self-governing policy statement is the same as for resolutions. See article VI.D.
3. Current Policy and Position Statements. The Board has adopted a variety of policies that it incorporates into these operating procedures by reference. Those include:

a. Waivers.

The State Board of Education may grant waivers of statutory and regulatory financial requirements in accordance with state law.

b. Delegation of Procedural Matters in Charter Schools Appeals.

In order to allow for the timely and efficient processing of cases, and to give the parties timely directions, the Board resolves to delegate to the commissioner of education or to the director of state board relations, the power to decide on its behalf on procedural matters or procedural motions filed in quasi-judicial matters pending before the State Board.

c. Charter School Appeals and Institute Appeals.

Charter School Appeals and Charter School Institute Appeals will be conducted in accordance with the Administrative Procedures and Policies approved by the

Board on April 12, 2007 (CSI Appeals Procedures) and December 10, 2008 (CS Appeals Procedures).

d. Public Schools of Choice.

The Colorado State Board of Education reaffirms its position in favor of the concept of Public Schools of Choice, which allows students to enroll in any school or program within and between school districts.

4. The Board's Communication Policy with the Commissioner and CDE Staff.

Board members will not issue requests to CDE staff for research, analytical information, data or staff time, but will communicate with the commissioner through e-mail, telephone, at board meetings, or otherwise regarding such requests for information or staff time. Responses to formal requests shall be distributed to all board members.

Article VII. Committees, Commissions, and Task Forces.

The State Board engages with stakeholders and the public in several ways. It may create committees, commissions, and task forces to which it appoints members of the public, and also may appoint its own members to serve on committees or serve as liaisons to various committees and commissions.

A. Board-appointed Committees, Commissions, and Task Forces.

The State Board of Education is authorized under § 22-2-107(1)(k), C.R.S. to "appoint such advisory committees as may be beneficial to the improvement of education in the state." . The Board shall determine the membership of such committees. Selection and appointment of committee members, unless otherwise prescribed by statute, shall be broadly representative of geographic regions and of the general population of the State of Colorado.

B. Creation, Continuation, or Dissolution of Board-appointed Committees.

Except as provided by law, Board committees shall be established by formal Board action. Based on need, the Board may continue or dissolve a committee following the presentation of the committee's annual report or at the Board's discretion. Such action to continue or dissolve a committee shall also be by formal Board action.

C. Board Member Representation on Committees, Task Forces, and Commissions. The Board shall select from its own membership representatives to:

1. Each committee established by statute requiring State Board membership, or created by the Board, or otherwise

requiring State Board membership, and

2. Each organization for which the State Board wishes to designate a Board member liaison.

3. The appointments shall be for terms of not more than two years, with provision for reappointment. Further, terms may also end at the conclusion of committee purpose.

D. Media Relations and Press Advisories.

CDE communications staff may assist Board members with publicizing official board functions or representing Board members in their official capacity.

Article VIII. Enactment, Amendment, or Repeal of Board's Operating Procedures.

- A. Amendments, additions, or deletions to these operating procedures shall be made as needed. Amendments be adopted, at a minimum, over the course of two regular Board meetings, the first meeting for information, and the next meeting for action. Such amendments, additions, or deletions shall require a majority vote of the Board.
- B. Any policy, procedure, or provision contained herein may be suspended at a Board meeting by the unanimous vote of the Board without previous notice having been given. Notwithstanding the foregoing, no such suspension shall be inconsistent with the law.
- C. There shall be a review of the Board's Operating Procedures in odd-numbered years. In addition, the Board's policies and procedures shall be amended whenever necessary to reflect Board decisions and changes made in statute or by court decisions.