



Board Policies

ADD 4.10- Particular State Law Provisions Impacting Board Meetings

Policy Type: Additional Policies
Policy No.: ADD 4.10
Policy Title: Particular State Law Provisions Impacting Board Meetings
Monitoring: Frequency - Three-year Review Cycle

Mountain Sage Community School is a public charter school, and as such is subject to Colorado law governing meetings of local bodies, as further set forth in C.R.S. 24-6-401 *et seq.* It is the policy of the Board to maintain compliance with these laws, including through ongoing monitoring of these laws for any amendments. Set forth in this policy are summaries of some of the main provisions for quick reference.

I. Open meeting:

The general rule of the Open Meetings Law is very simple: “All meetings of a quorum or three or more members of any local public body, whichever is fewer, 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.”

The rule simply means that any time three or more members of a charter school board have a meeting at which they discuss charter school business, they may not exclude from that meeting any member of the public who wishes to sit in on it.

Very importantly, the statute states that no formal action of any local public body shall be valid unless the action is taken in an open meeting that complies with the Open Meetings Law.

However a meeting does not need to be noticed if no formal decisions will be made.

A strategic planning meeting, board training or a retreat could be an Open meeting.

II. Noticed Meeting:

A Noticed meeting is any open meeting where either of the following occurs:

- A formal action of the board is taken (e.g., adoption of a policy or other motion); or
- A majority (or quorum if less than a majority) of the board is present or is expected to be present.

Thus, the meeting of two (fewer than a quorum) board members in the lunchroom is an open meeting (i.e., any member of the public can sit in on the discussion), but it is not a meeting for which notice must be posted in advance. If, however, the charter school has seven board members and four members meet to discuss school business, that meeting must be noticed.

When in doubt post it.

1. Notice must be posted 24 hours in advance even in emergencies
2. Minutes are posted on the website once they are approved.
3. Executive Sessions must be recorded and secretary keeps for 90 days

III. Executive Session:

An executive session — sometimes called a *closed meeting* or an *in camera session* — provides a venue for handling issues that need to be discussed in private. Executive sessions are a kind of special meeting-within-a-meeting. Executive sessions may take place before, in the middle, or at the end of a regular board meeting. They are, by definition, exclusive to board members, but others, such as the chief executive or professional advisors, may be invited to join for part or all of the session.

The following subjects are legally exempt from the public, including the meeting minutes (per Colorado Sunshine Law as defined in C.R.S 24-6-402 subsection 4):

- Attorney present offering legal advice to the board
- Discussion of individual students
- Property sale, purchase, or lease if it gives unfair advantage when made public
- Gifts of property if donor requests privacy
- Matters of state or federal confidentiality
- Negotiation discussions
- Personnel matters, unless the employee requests an open meeting
- Security arrangements or investigations

Further information on executive sessions can be found in [Policy ADD 4.9](#)

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 (continue adding Revised/Reviewed dates)