

BEAA - Electronic Participation in School Board Meetings

NOTE: Colorado school boards are required by law to adopt a policy regarding electronic participation in board meetings, if the board wishes to allow this practice. The law contains specific direction regarding the content of such policy. This sample contains the content/language that CASB believes best meets the intent of the law. However, the board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Board members may attend and participate by electronic means in regular or special meetings of the Board in accordance with this policy and state law. For purposes of this policy, "electronic means" shall be defined as attendance via telephone, video or audio conferencing, or other electronic device.

Board members may attend and participate by electronic means in a regular or special Board meeting only when extenuating circumstances prevent the Board member from physically attending the meeting. For purposes of this policy, "extenuating circumstances" means the Board member's job or military service requires the member to be outside of the district at the time of the meeting or inclement weather and/or unsafe driving conditions prevent the Board member from physically attending the meeting.

A meeting at which one or more Board members attend and participate by electronic means shall be open to the public, except for periods in which the Board is in executive session. A quorum of the Board, including members physically present and members attending electronically, is required to convene a meeting.

The electronic means used shall allow the public to hear the comments made by the Board member(s) participating by electronic means and allow the Board member(s) to hear the comments made by the public. A Board member participating by electronic means will be included in the recording of the Board meeting.

NOTE: State law requires the Board to have a procedure in place to ensure that a Board member who attends the meeting electronically has real-time access to any materials that are presented and available to members who are physically present at the meeting. C.R.S. 22-32-108(7)(b)(VI). Boards should consider how to share these materials, such as using video or scanning and sending such materials, as applicable, to a Board member who is participating in a meeting by electronic means.

A Board member who attends and participates by electronic means in a Board meeting shall have access to any materials that are presented and available to members who are physically present at the meeting.

NOTE: The following two paragraphs are a suggested practice. The Board should discuss the process to follow when a Board member

requests to participate in a meeting by electronic means and the requirements to do so and then include them in this policy.

A Board member who seeks to attend and participate by electronic means in a Board meeting shall notify the Board president and superintendent at least three business days prior to the meeting and shall explain the extenuating circumstances that prevent the Board member from physically attending the meeting. If such notification is not possible, the Board member shall notify the Board president and superintendent as soon as is reasonably possible of the request to attend by electronic means.

If the request is approved, a Board member who attends and participates by electronic means shall identify the location from which he or she is participating, those present, and the extenuating circumstances that prevented the Board member from physically attending the meeting. If the Board convenes in executive session, the Board member attending and participating by electronic means shall ensure confidentiality during that portion of the meeting.

NOTE: The following paragraph is a suggested practice. State law requires the Board to determine the maximum number of Board meetings a member may attend by electronic means. C.R.S. 22-32-108 (7)(b)(III). The policy must also describe when the Board will declare a vacancy. Id.

A Board member may attend and participate by electronic means in a maximum of two Board meetings per calendar year. Unless otherwise approved by the Board, additional requests to attend and participate by electronic means will be denied. In accordance with state law, the Board shall declare a vacancy if a Board member fails to attend three consecutive regular Board meetings, unless the Board member's absence is otherwise excused by the Board.

A Board member's failure to comply with this policy may result in the Board's refusal to allow the member to participate by electronic means in Board meetings.

LEGAL REFS.: C.R.S. 22-31-129 (*Board vacancies*)

C.R.S. 22-32-108 (7)(a) (*Board must adopt policy allowing board members to attend and participate electronically in regular or special board meetings, if the board wishes to allow this practice*)

C.R.S. 22-32-108 (7)(b) (*policy requirements if electronic participation is permitted*)

C.R.S. 24-6-401 et seq. (*open meetings law*)

CROSS REF.: [BE](#), School Board Meetings

ADOPTED: January 9, 2024