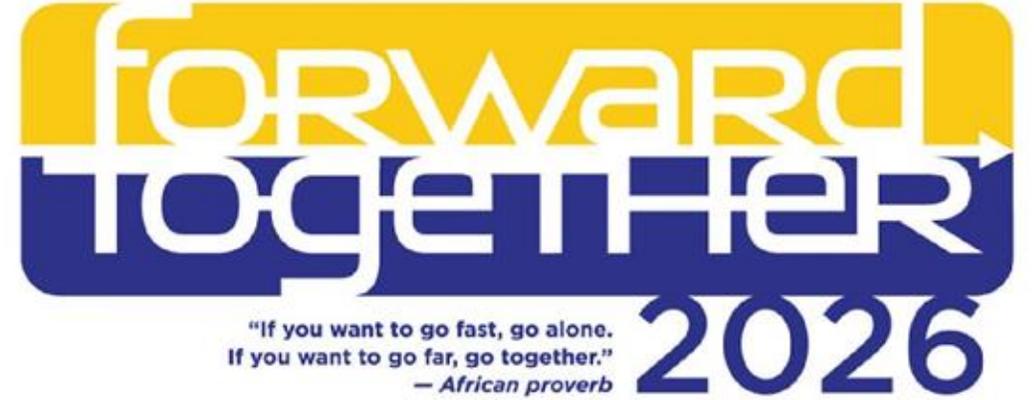




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# (14) Legal Responsibilities-Board Fundamentals-pt 2

Keith Ouweneel  
Executive Director, Crown Pointe Academy

Evergreen B  
February 26, 2026 | 11:00 AM – 12 PM  
Board Governance



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We make it our priority to **advocate** for high-quality public charter schools across Colorado.



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# Charter School Board Training

## (14) Legal Responsibilities: Board Fundamentals – Part 2



# **Legal Responsibilities: Or How to Stay Out of Trouble and Out of the News**

# Keith Ouweneel

Executive Director, Crown Pointe Academy



SchoolWorks  
Assessing Quality, Building Capacity

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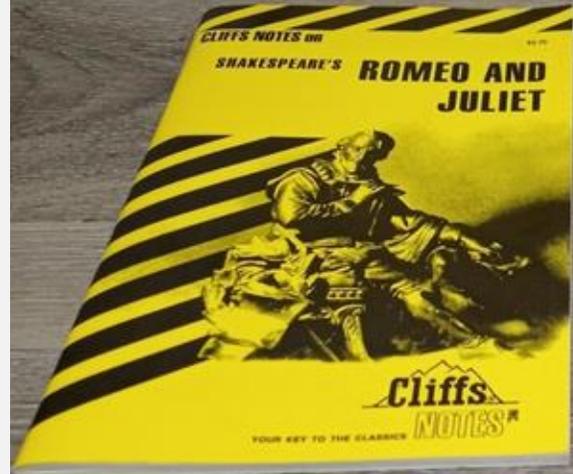
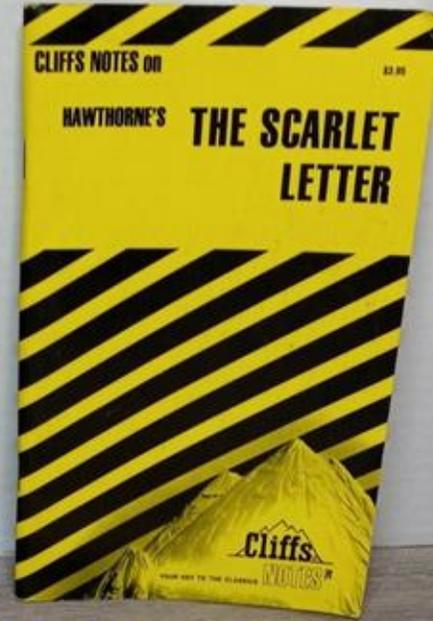
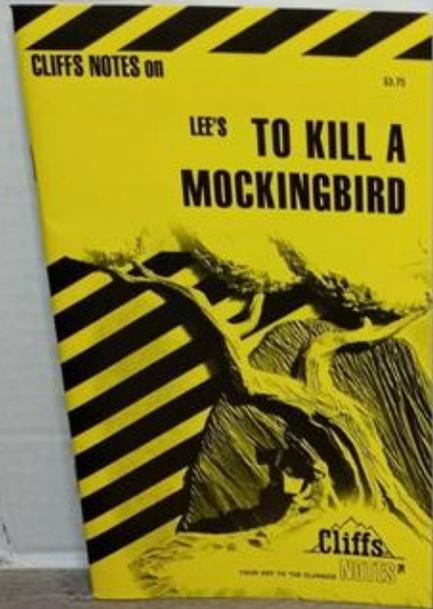
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ACADEMY  
REACH EMPOWER ACHIEVE

NYC Department of  
Education

2Revolutions  
Do What You Love For Good

# Audience Introductions

- Your Name
- School Name
- Role with the School
- Chipotle or Qdoba?



## Charter School Board Member: A Job for Volunteers

### A Standard of Conduct: What is it and how do you meet it?

- Do your duty
- Conflicts of interest
- The hats you wear

### What's a Meeting?

"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." C.R.S. §24-6-402(2)(b)

"A Meeting is any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication."

- Posted 24 hours prior to the meeting
- A formal action of the board is taken (e.g., adoption of a policy or other motion)
- A majority (or quorum if less than a majority) of the board is present or is expected to be present.

3 Types of meetings: *A meeting of the board in public, not with the public.*

- Regular Business
- Work Session
- Executive Session

The specific grounds for which a charter school board may meet in executive session:

- ♣ C.R.S. §24-6-402(4)(a): Discussions regarding acquisition, transfer, or sale of property;
- ♣ C.R.S. §24-6-402(4)(b): Conferences with an attorney to receive legal advice;
- ♣ C.R.S. §24-6-402(4)(c): Matters required to be kept confidential by state or federal law (e.g., student records);
- ♣ C.R.S. §24-6-402(4)(d): Security arrangements or investigations;
- ♣ C.R.S. §24-6-402(4)(e): Determining contract negotiation strategies;
- ♣ C.R.S. §24-6-402(4)(f): Personnel matters, unless the person(s) being discussed request an open meeting (Note that "personnel matters" does not include discussions concerning a member of the charter school board or the appointment of a person to fill a vacancy on the board. Nor does the topic include discussion of general personnel policies like salary schedules. The exception occurs only when an individual employee or group of employees are discussed.);
- ♣ C.R.S. §24-6-402(4)(g): Consideration of documents protected from disclosure under the Open Records Act per C.R.S. §24-72-202(6.5) (for more on this see the discussion of that act below); or
- ♣ C.R.S. §24-6-402(4)(h): Discussion of individual students where public discussion would adversely affect the student(s) involved.

*\*2/3 majority for an executive session and the only vote in executive session is to leave executive session.*

*\*Must record meetings with two exceptions.*

### Open Records Law

What's a record and who owns it?

What are the Open Meetings Law and the Open Records Act? C.R.S. §24-6-402(3.5) and C.R.S. §24-72-200 et seq.

Exceptions:

- ♣ Producing the record would violate state or federal law (i.e., individual student records);
- ♣ Test questions, scoring keys, and other examination data;
- ♣ Real estate appraisals relating to property acquisitions until title has passed;
- ♣ Medical, mental health, sociological, and scholastic achievement data on individual persons;
- ♣ Personnel files (Note that notwithstanding this exception, any employment contract or other information regarding amounts paid to individual employees and amounts paid under settlement agreements must be produced);
- ♣ Letters of reference;
- ♣ Privileged information (e.g. attorney-client communications);
- ♣ Addresses and telephone numbers of students (such information may not be provided in, for example, a school directory unless specific authorization is obtained); and
- ♣ Records of sexual harassment complaints.

### Other Important Things to Know

- Charter Contract
- Legal Protections
  - Qualified Immunity and Governmental Immunity
  - Volunteer Immunity
  - Indemnification Insurance
- Important Federal Laws
  - ESEA and ESSA (Elementary and Secondary Education Act and Every Student Succeeds Act)
  - FERPA (Family Education Rights and Privacy Act)
  - Civil Rights Act
  - Title IX (Prohibits discrimination on the basis of sex)
  - Section 504 of the Rehabilitation Act (Prohibits discrimination on the basis of disability)
  - Title II (American with disabilities act)
  - IDEA (Individuals with Disabilities Act)

# Board Officer Roles

## **Board President (Chair)**

The Board President provides leadership and oversight to ensure the board functions effectively and in alignment with the school's mission.

## **Board Vice President (Vice Chair)**

The Vice President supports the Board President and is prepared to assume leadership duties when necessary.

## **Board Secretary**

The Board Secretary ensures proper documentation, compliance with governance laws, and effective communication.

## **Board Treasurer**

The Board Treasurer oversees financial stewardship, transparency, and compliance.

# Fiduciary Responsibilities

- **Duty of Care**– Be informed, ask questions, make prudent decisions.
- **Duty of Loyalty** – Put the school's interests above personal gain.
- **Duty of Obedience** – Stay true to the mission, governing documents, and applicable laws.

# Participant Guide Activity: Fiduciary Duty Scenarios



Find a partner.

Pick a card. 1 card per pair.

Read the scenario.

Identify which duty is at risk:

- Duty of Care
- Duty of Loyalty
- Duty of Obedience

What should happen instead?

Whole Group Share

# Open Meetings Law

*“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.”*

- **Meeting** – any gathering held in person, by telephone, electronically, or through other means of communication, convened to discuss public business
  - Emails can be considered a meeting.
    - Avoid “reply to all” and “daisy chaining” email communication
- **Notice** - Meetings must be noticed if a formal action of the board is going to be taken or a majority of the board is expected to be present.
  - Required at least 24 hour posted notice, either electronic or in person, including an agenda, when possible
- **Minutes** – minutes must be taken and made available to the public.

*“A meeting in  
public, not  
with the  
public”*

# Open Meetings Law

*“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.”*

- **Executive Session** – may only be held for certain matters outlined in statute - see C.R.S. §24-6-402(4) or Playbook for more details.
- **Sunshine Law** – Secretary must keep record of individuals requesting meeting notices and provide them advanced notice of meetings
- **Head of School Appointment** – Outlines how hiring information should be publicly shared. Requires the finalist's names to be publicly posted for at least 14 days prior to hiring.

“Two’s  
company,  
three’s a  
crowd”

# Executive Sessions

- Where?
- When?
- Why?
- How?

“You can’t  
mess up a  
meeting you  
never had”

# Executive Sessions

- Where?

A Private Meeting of the Board with Invited Guests Away from the Public

# Executive Sessions

- When?

Scheduled as Part of a Regular Meeting or Separately, Must Be Noticed Like a Regular Meeting

# Executive Sessions

- Why?

To Discuss Items Only Allowable by Statute

# Executive Sessions

- How?

Sight the Statutory Language, Vote ( $\frac{2}{3}$  Majority), Move to Another Space, Discuss, and Adjourn

# Executive Sessions

- Bonus

No Formal Action Can Take Place in Executive Session, Except the Vote to Leave Executive Session

# Open Meetings Law Scenarios

1. Three board members participate in a group text about a potential new school discipline policy.
2. All board members attend a school fundraiser but do not discuss school business.
3. A board member emails all other members proposing possible dates for the next board retreat.
4. Four board members join a Zoom call to discuss strategic planning goals for the next school year.
5. Three board members gather in the school lobby after hours and discuss hiring a new principal.
6. Three board members attend a school basketball game and briefly chat about their families and weekend plans.

# Open Records Act

*All public records shall be open for inspection by any person at reasonable times.*

*The League strongly recommends that schools develop and communicate a process for taking open records requests, including having an Open Records Request Form available so such requests can be responded to promptly. It is always advisable to alert your school's legal counsel for guidance every time you receive a CORA request.*

- **Record** – Any kind of written, electronic, or recorded communication or document imaginable.
  - Includes any emails and texts sent by board members.
  - Never use personal email addresses for board business.
- **Copies** – The school may charge for copies and staff time for research and retrieval. These fees must be published in a written policy prior to being requested.
- **Timelines** – There are very specific timelines for making the records available, generally three working days, starting the business day after the request is received.
- **Exemptions** – Certain exemptions exist. See Playbook.

# Charter Schools are Public Schools: All Laws Apply

## Federal Laws

- Every Student Succeeds Act (ESSA)
- Family Educational Rights and Privacy Act (FERPA)
- Title VI of the Civil Rights Act of 1964
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- National School Lunch Act

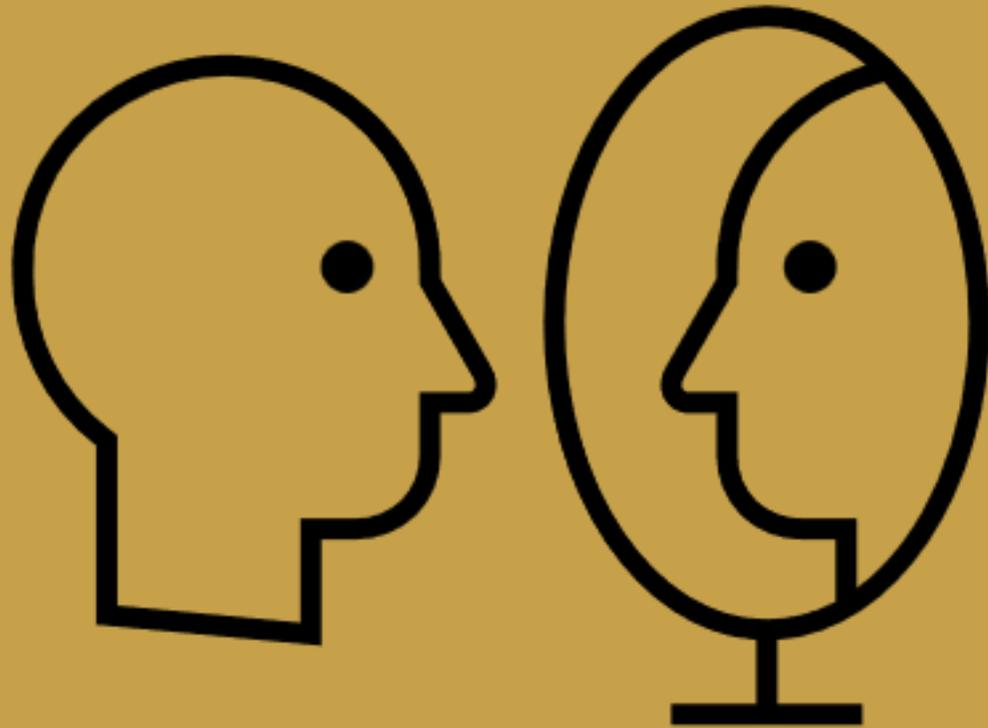
## Colorado Laws

- The Colorado Charter Schools Act (1993)
- Title 22 of the Colorado Revised Statutes
- Colorado Anti-Discrimination Act (CADA)
- Public School Finance Act

## Special Education Laws

- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act (ADA)
- Individuals with Disabilities Education Act (IDEA)
- Exceptional Children's Educational Act (ECEA) (Colorado)

# Participant Guide Activity: Final Individual Reflection



Reflect on your learning today.

**How has your thinking about board responsibilities shifted?**

Use the following prompts:  
I used to think...  
Now I think...

# Participant Guide Activity: Final Group Reflection



How will your board apply this training? Make at least one commitment.

Who is going to hold you accountable and how?

What additional training might you need to continue your development?

## Participant Guide Activity: Alternative Case Study: When the Board Gets Pulled Into Parent Drama



You will be working in groups of three.

Read the case study for Canyon Vista Charter School.

Discuss your answers with your small group. Jot notes in your Participant Guide.

Whole group share out and reflection.

**THANK YOU!**

**keithouweneel@gmail.com**  
**303-304-7387**

**Please take our survey.**  
**We value your feedback!**

**“  
Your  
feedback  
helps us all  
move forward  
together**



**Colorado League of  
Charter Schools**



Each time you take the survey you can enter to win prizes