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Board Retreat Agenda – Summer 2023

Monday, July 31, 2023 8:00am-12:00pm

Foothills @ Main Campus

I. Open Meeting

The Academy's mission is to help all students grow into college ready, exemplary citizens by combining academic mastery with personal empowerment to drive lifelong success. We serve our full community by intentionally developing a school culture that embraces diversity, equity, and inclusion. With this in mind, the Board of Directors welcomes all members of our community to this meeting and invites each person to begin our time together in whatever way will help ground you for thoughtful and productive discussion - a few deep breaths, a prayer, a moment to organize your thoughts, or whatever meets your needs.

II. Consent Agenda

- a. Approve Agenda
- b. Approval of [June 12, 2023](#), minutes

III. Public Comment

The chairperson will recognize anyone who signs the request form before the meeting time. Public comment and input shall be limited to fifteen minutes total, ten minutes per topic, and 2 minutes per speaker. Neither Board members nor Academy staff is obligated to respond to comments or input. The Board will provide written responses as deemed appropriate.

IV. Welcome (10 min.)

Purpose – Connect, nourish, and deepen relationships.

- Eat Breakfast - Food Will Be Provided
- Agenda Review

V. Annual Work Plan & Scorecard (100 min.)

Purpose – Ground ourselves in the strategic plan and identify the work we will prioritize over the next 12 months in its pursuit as well as how that work will be measured and reported.

- Review [5-Year Strategic Plan](#) (10 min.)
- Senior Admin Present 2023-24 Annual Work Plans (40 min.)
- Develop Governance Annual Work Plan (40 min.)

- Review [2022-23 Board Self-Evaluation](#)
- Previously Discussed Points of Focus: Admin Succession Plan, Middle School Program, Family Partnership Plan, Safety & Security
- Identify Data Points for the 2023-24 Bi-Annual Scorecard Reporting Template (10 min.)
 - Finalize 2023-24 Bi-Annual Scorecard at August Meeting

VI. **Governing for Greatness: Board Training Review and Ongoing Development** (60 min.)

Purpose – Dedicate time to ongoing training in the pursuit of continuous improvement.

- Review [Board Procedural Manual](#)
- Review [Fiduciary Responsibilities](#) & [Conflict of Interest Policy](#)
- Take Oath of Office & Sign Annual Agreements
- Review [Board Communication Pathways](#) & [Open Meetings Guidance](#)
- Clarify Board Officer Roles
- Review CSI Board Training Resources

VII. [Facilities Master Planning](#) (45 min.)

Purpose – Further familiarize the Board of Directors with the work of the Futures Committee.

- Update from Futures Committee
- Discussion of Prioritized Projects
- Discussion of Financing Options
 - Consider Appropriate Balance of Instructional vs. Facilities Expenses

VIII. Executive Session (5 min.)

- Vote to renew board member terms:
 - Dan Klenjoski – Class A 4-Year Term
 - Larissa Fransua – Class B 2-Year Term
- Vote to Fill Open Board Position
 - Mrs. Drewlow made a motion at the June 12, 2023, meeting to have Amy McDuffee step into the Class A open position; this will be a fresh start on the 4-year term. Mr. Sanchez seconded the motion.
 - We do not have an open motion for Kristen Cofrades.

IX. Closing (15 min.)

Purpose – Reflect on the effectiveness of the Board Retreat and conclude with clear next steps.

- Revisit Purpose of Agenda Items to Measure Effectiveness
- Confirm Action Steps to Complete in 2023-24

- Board Meeting Self-Scoring – *Expectation: The board will self-score their performance for the meeting according to preset criteria.*

Scoring Rubric	
1	Unsatisfactory
2	Satisfactory, looking for significant Improvement
3	Satisfactory, improving but still below expectations
4	Efficient meeting, meets expectations

/4

- Adjourn Meeting



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Board of Directors
Board Meeting Minutes
Monday, June 12, 2023

Board Members Present:

Kevin Sanchez Chairperson
Sarah Drewlow Vice Chairperson
Larissa Fransua Board Member
Autumn Coffee Secretary
Amy McDuffee Board Member
Shawn Hamele Board Member

Also Present:

Brent Reckman Executive Director
Mark Wilson COO
Andrea Foust Finance Manager

Minutes of the regular board meeting of The Academy held at 11800 Lowell Blvd, Westminster, CO 80031 in Adams County on June 12, 2023.

- I. Open Meeting
A quorum being present, Mr. Sanchez called the meeting to order at 7:04 pm
- II. Consent Agenda
 - a. Mrs. McDuffee moved to approve the May 22, 2023, minutes. Seconded by Mrs. Drewlow.

Discussion: None
Ayes: Mr. Sanchez, Mrs. Coffee, Mr. Hamele, Mrs. Fransua
Nays: None
- III. Public Comment
There was no public comment this month.
- IV. Reports from Directors, Principals, and Committees
See the notes in the Presentation and Discussion section
- V. Presentation and Discussion
 - a. [2022-23 Data Dashboard Presentation](#) – Mr. Reckman talked through the results of the school year.
 - b. Annual Impact Report – The report is designed to be more engaging and user-friendly; it celebrates our community successes. We will use this in the fall as a kick off to the new school year.
 - c. Finance Report – The board did one final read of the 2023-24 budget.

- d. Medical Marijuana Policy – There are not changes from last month. This is now a stand-alone policy.
- e. Nominations for Open Board Position
 - a. We will need to fill the open board position due to Mr. Hamele’s resignation. This will be done at the Board Retreat on July 31, 2023.
 - b. Mrs. Drewlow nominated Mrs. Kristen Cofrades to fill the Class B 2-Year position that will open when a current board member steps into the Class A position.
- f. Nominations for Board Officer Roles
 - a. Board Chair – Sarah Drewlow
 - b. Board Vice Chair – Amy McDuffee
 - c. Treasurer – Dan Klenjoski
 - d. Secretary – Autumn Coffee

VI. Executive Summary

- a. 2023-24 Budget – Mrs. McDuffee made a motion to approve the 2023-24 Budget. Mrs. Drewlow seconded the motion.

Discussion: None
 Ayes: Mrs. Coffee, Mr. Sanchez, Mrs. Fransua, Mr. Hamele
 Nays: None

- b. Medical Marijuana Policy – Mrs. Drewlow made a motion to approve the Medical Marijuana Policy as presented. Mrs. Fransua seconded the motion

Discussion: None
 Ayes: Mrs. Coffee, Mr. Sanchez, Mr. Hamele, Mrs. McDuffee
 Nays: None

- c. Open Board Position
 - a. Mrs. Drewlow made a motion to have Amy McDuffee step into the Class A open position; this will be a fresh start on the 4-year term. Mr. Sanchez seconded the motion.

The final vote will take place at the Board Retreat on July 31, 2023, due to the lack of a quorum.

- b. We will wait to vote on Kristen Cofrades for the open board position until July 31, 2023, due to the lack of a quorum.

- d. Officer Roles
 - a. Mrs. Drewlow self-nominated to be the board chair. Seconded by Mrs. McDuffee.
 - b. Mrs. McDuffee self—nominated to be the board vice chair. Seconded by Mrs. Drewlow.
 - c. Mrs. McDuffee made a motion to have Mrs. Coffee continue in the role of board secretary. Seconded by Mrs. Drewlow.
 - d. Mrs. Drewlow made a motion to have Mr. Klenjoski fill the role of treasurer. Seconded by Mrs. Fransua.

Discussion: None

Ayes: Mrs. Coffee, Mr. Sanchez, Mr. Hamele, Mrs. Fransua, Mrs.
McDuffee, Mrs. Drewlow
Nays: None

- VII. Board Self-Scoring – Tonight’s meeting was both efficient and met expectations, so the score is 4.
- VIII. Adjourn Meeting
Mr. Sanchez adjourned the meeting at 8:30 pm.

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CONFLICT OF INTEREST POLICY

In carrying out their fiduciary duties, a board member or staff member shall not:

1. Use their positions for a private advantage or personal financial or material gain.
2. Accept a gift of substantial value (or a substantial economic benefit which is the same as a gift of substantial value) which would tend to improperly influence a reasonable person in their position or which he or she knows or should know is primarily for the purpose of rewarding them for official action taken.
3. Engage in a substantial financial transaction for their private business purposes with a person whom they supervise in the course of their official duties.
4. Perform an official act, which directly and substantially confers an economic benefit on a business or other undertaking in which he or she has a substantial financial interest or in which he or she is engaged as a counsel, consultant, representative, or agent.
5. Participate directly or indirectly in the purchasing process if the employee has a direct relationship with a vendor doing business with the school.
 - a. A direct relationship may include the business being owned by or employing a family member of the board member or staff member.
 - b. Direct or indirect participation means involvement through decisions, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specifications or procurement standard, rendering of advice, investigation, auditing, or acting in any other advisory capacity.
6. The school shall not purchase goods or services from a business owned by an immediate family member of a board member or employee, unless the goods or services are procured through a competitive process by and determined to be in the school's best interest.

It is the responsibility of The Academy's board members to regularly monitor for their own personal conflicts pertaining to the list above. Board members also have a responsibility to assure the adherence of their fellow members' fiduciary practices, including ethical behaviors. Members who observe known violations of this policy personally or by fellow members, staff, or service providers must report it to the CEO.

Ethical Principles

The following ethical principles for board members "are intended as guides to conduct and do not constitute violations as such of the public trust of office . . ." These principles provide that a board member should not:

1. Acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly and substantially benefited by official action to be taken by the school.
2. Within six months following the termination of their position, obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during their term of office.
3. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when they have a substantial financial interest in a competing firm or undertaking.
4. Apply for a staff position with the school without first resigning their seat on the board. It is generally unexpected that those serving as board members would seek employment with The Academy. If a board member does wish to be considered by The Academy for employment, however, they would be expected to first resign from their board position.

Disclosure Requirements

A board member or staff member, who has personal or private interest in any matter, proposed or pending before the board shall disclose such interest to the board, shall not vote on the matter and shall refrain from attempting to influence the decisions of other members of the board.

After disclosure of a financial interest or other potential conflict of interest and all material facts, and after any discussion with the interested person, the interested person shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall discuss and vote on whether a conflict of interest exists.

After exercising due diligence, the governing board or committee shall determine whether the School can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the School's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

A board member may vote if their participation is necessary to obtain a quorum or otherwise enable the board to act and if disclosure has been made to the secretary of state giving the information required by statute. The written disclosure to the secretary of state must include:

1. the amount of their financial interest;

2. the purposes and duration of services rendered;
3. the compensation received; and
4. any other information to describe the interest.

If the board member votes on the matter, the member should make a public disclosure on the record at the time of voting.

Annual Statements

Each board member, committee member, and staff member shall annually affirm that the individual:

1. has received a copy of the Conflict of Interest Policy;
2. has read and understands the policy;
3. has agreed to comply with the policy; and
4. understands the school is recognized by the IRS as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, and in order to maintain its federal tax exemption the school must engage primarily in activities which accomplish its tax exempt purposes.

Excessive Compensation

The CEO of The Academy is the person principally responsible for the efficient and effective operation of the School. Therefore, it is the desire of the Board to provide a fair yet reasonable and not excessive compensation for the CEO and any other highly compensated employees and consultants.

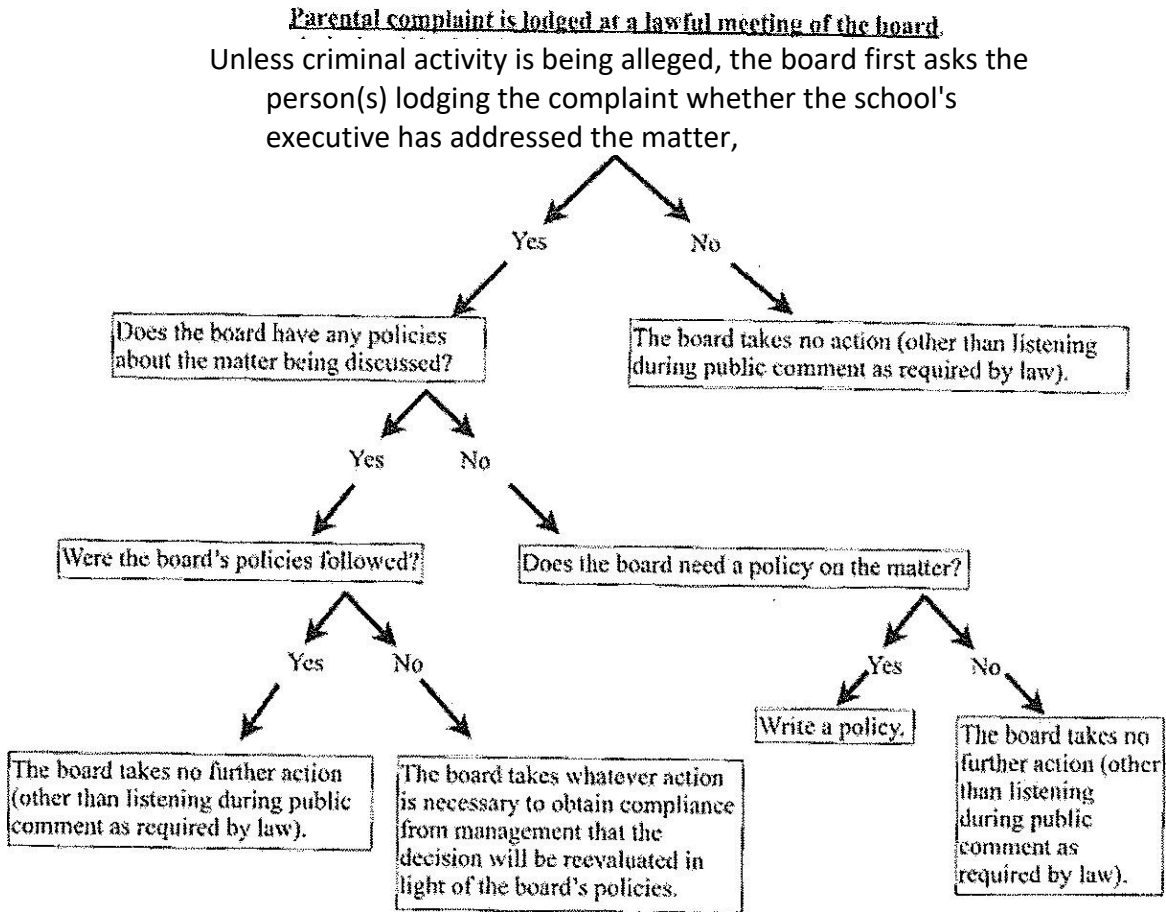
The annual process for determining compensation is as follows:

1. The Board shall annually evaluate the CEO on their performance, and ask for their input on matters of performance and compensation;
2. The Board (or a designated committee) will obtain research and information to make a recommendation for the compensation (salary and benefits) of the CEO (and any other highly compensated employees or consultants) based on a review of comparability data. For example, the Board will consider data that documents compensation levels and benefits for similarly qualified individuals in comparable positions at similar organizations. This data may include the following:
 - a. salary and benefit compensation studies by independent sources;
 - b. written job offers for positions at similar organizations;
 - c. documented telephone calls about similar positions at both nonprofit and for-profit organizations; and
 - d. information obtained from the IRS Form 990 filings of similar organizations.
3. To approve the compensation for the CEO (and any other highly compensated employees and consultants) the Board must document how it reached its decisions, including the data on which it relied, in minutes of the meeting during which the compensation was approved. Documentation will include:
 - a. a description of the compensation and benefits and the date it was approved;

- b. the members of the board who were present during the discussion about compensation and benefits, and the results of the vote;
 - c. a description of the comparability data relied upon and how the data was obtained;
and
 - d. any actions taken (such as abstaining from discussion and vote) with respect to consideration of the compensation by anyone who is otherwise a member of the board but who had a conflict of interest with respect to the decision on the compensation and benefits.
4. The Chair of the Board, who is a volunteer and not compensated by the School, will operate independently without undue influence from the CEO. No member of the Board shall have any relationship with senior administrative staff that could present a conflict of interest.

Board Communication Agreements

Board members will use the flow chart below to guide their response to community complaints and feedback both for official meetings and casual interactions.



In response to public comment made at an official meeting, the CEO will follow up when appropriate and report back to the Board Chair within one week. Either the CEO or the Board Chair will then report back to the full board at the next meeting.

In response to emails from members of the public to the Board, the Board Vice Chair will send the following message:

I am writing to acknowledge receipt of your email to the Board of Directors at The Academy. We welcome community involvement and can tell this issue is very important to you. As parents ourselves, we empathize with the importance of feeling connected to your children’s school experience.

The Board delegates decisions that are operational in nature to school administration. If you feel a Board-approved policy has been violated, you could follow the steps outlined in

our formal Grievance Policy. That policy can be found on the Approved Board Policies (in alphabetical order: Grievance Policy).

Thank you for your desire to make our Academy community the best it can be. In the context of casual interactions, Board members can also explain that an individual board member does not have authority to get involved: "I have no authority in the matter as an individual. Our Board's process is that all complaints will be addressed to our school leader first before the board considers any other action. If it is the case that you have already done so without a satisfying result, you must bring the matter to the whole Board. You can do this by emailing board@theacademyk12.org.

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Conflict of Interest Policy

The Board of Directors at The Academy approved the Conflict of Interest Policy on Monday, July 31, 2023.

Board Chair

Date



Fueling lifelong success through preparation, exploration, and empowerment.

The Academy Mission

The Academy's mission is to help all students grow into college ready, exemplary citizens by combining academic mastery with personal empowerment to drive lifelong success. We serve our full community by intentionally developing a school culture that embraces diversity, equity, and inclusion.

Board Procedural Manual

Purpose

The Board of Directors is responsible for the governance of the school, development of positive community relations, preserving The Academy mission and vision, and is accountable to teachers, parents, students, and the community for maintaining the intent of the Charter. To ensure that the accountability and authority for the governance and the management of the school is clearly stated, the Board, in accordance with fiduciary standards of practice, has established this Board Procedural Manual, which sets out its duties and responsibilities in governing the school. While the Bylaws identify *what* authority the Board has, this Manual guides *how* the Board will exercise that authority.

General Board Responsibilities

The purpose of the Board of Directors is to set the general direction and policy of the school, not manage it on a daily basis. The Board sets policy that is consistent with the Mission Statement, the Academy's charter, and applicable laws. The Executive Director shall answer directly to the Board. The Executive Director, as head of the school administrative team, shall make decisions on a day-to-day basis and fulfill all administrative duties for the school.

The Board's responsibilities and authority are delineated under the following five major oversight areas: (i) Governance; (ii) Finance and Accounting; (iii) Personnel; (iv) Legal Matters; and (v) Operations.

i. Governance

The Board shall:

- a) Approve and update a Strategic Plan every three to five (3-5) years;
- b) Review progress under the Strategic Plan, annually;
- c) Adopt and review by-laws and rules of conduct and procedures, periodically;
- d) Approve and review Board policies to ensure appropriate supervision and operations of the school, periodically;
- e) Elect Board officers, annually;
- f) Appropriately delegate responsibilities to the Executive Director;
- g) Adopt a calendar of Board meetings and focus topics, annually; and
- h) Complete a self-evaluation, annually.

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ii. Finance and Accounting

The Board shall:

- a) Monitor the ongoing financial status of the school through a Finance Committee;
- a) Select an independent financial auditor, annually; and
- b) Compel a complete audit of the school budget, annually.

iii. Personnel

The Board shall:

- a) Appoint the Executive Director;
- b) Set the compensation of the Executive Director, annually;
- c) Review the performance of the Executive Director in accordance with an established performance evaluation process, annually;
- d) Ensure that an appropriate succession plan for the Executive Director is in place to provide continuity;
- e) Ensure that the Executive Director has an appropriate succession plan in place to provide continuity among senior staff and other key positions; and
- f) Ensure that an appropriate succession plan is in place to provide continuity for Board and Committee membership.

iv. Legal Matters

The Board shall:

- a) Ensure compliance of the school with applicable laws and regulations; and
- b) Approve the commencement, settlement, and termination of all litigation involving the school, as needed.

v. Operations

The Board shall:

- a) Review and approve the operating Budget and file it, annually;
- b) Review summarized expenditure data, on a quarterly basis;
- c) Ensure that all appropriate insurance coverages are in place to protect the school, periodically review as necessary; and
- d) Ensure that a disaster recovery/operational continuity plan is in place, and that the plan is reviewed and updated periodically as necessary

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The Board is ultimately responsible for the maintenance of any records or documents required by law or provided for by the charter contract. Additionally, The Academy Board is ultimately responsible for the timely filing of all reports required pursuant to local, state, and federal regulations.

The Board typically has one regular monthly meeting, and will provide an opportunity for public input. Meeting dates, times and locations will be published in advance as required by statute. Additionally, the Board may convene work sessions as it deems appropriate. Work sessions are also open to the public and will be published in advance.

All Board members should be active in the greater school community. They are encouraged to show support for our school. Academy Board members will not serve as officers of The Academy PTO. However, Board members may be active on PTO committees.

Board members may not be employees of The Academy to prevent any conflicts of interest. In the event of any potentially perceived conflict of interest, all Board members will follow the Conflict of Interest policy.

All Board members are expected to attend a yearly Board retreat where Board self-evaluations are reviewed, goals are set, and the strategic plan is reviewed.

Board members shall dedicate the time and effort to fulfill their responsibilities on the Board and Board committees to their fullest capability. The goal or reasonable expectation is about 8 hours per month, outlined as follows:

- Attend monthly Board meetings (3 hours)
- Participate on a Board committee (1 hour/month)
- Read materials, prepare for meetings (2-4 hours/month)
- Participate in Board training, attend events at the school, assist with fundraising and other Board tasks as needed (1-2 hours/month)

All Board members should remember that one of their roles is public relations. At all times, Board members shall uphold the mission and vision of The Academy. All members are expected to be the best public relations representatives the school has.

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Governing Board Composition & Requirements

Powers and Duties: Duties and obligations of the Board are specified by Colorado law. General Powers and Duties of the Board include but are not limited to: exercise general supervision, promulgate and adopt policies, rules, and regulations for The Academy in accordance with state law and the constitution.

Composition: The number of Board directors shall be between five and seven as determined by the Board on an annual basis.

Terms: Class A Board members shall serve for a term of four (4) years. Class B Board members shall serve for a term of two (2) years.

Board Attendance: Directors are expected to attend all regular board meetings unless excused by the Board Chairperson. Directors may not attend Board meetings by proxy or vote by proxy.

Qualifications: All new directors will be appointed by a majority vote of directors in office. Directors may not vote on their own appointment. Each Board member must be a natural person who is twenty-five years of age or older and has an interest in the mission of The Academy.

Vacancy and Recruitment of New Members: When a vacancy occurs, current Board directors will actively solicit interest first from The Academy's Board Committees and then from the parent and school communities. The Academy looks for qualified candidates that bring complementary and distinctive backgrounds and experiences to the board. Candidates can be existing/former parents or community members. A member of the Board shall not also be an employee of Academy. If a qualified applicant desires to submit his or her name to be a candidate for the Board of Directors, he or she must submit their name to the Board Chairperson at least one week prior to the Board meeting at which appointments will be made. The vacancy shall be filled by a majority of vote of the remaining Board members.

Removal: A director who is absent from regular meetings on three or more consecutive occasions may be removed by a majority vote of the Board. A director may be removed without cause by a two-thirds vote of the Board. A director whose position is in question may vote on their own removal.

Officers: The Board shall elect a Chairperson, Vice-Chairperson, Secretary, and Treasurer from among its directors. Each officer shall serve until such time as their respective successors are duly elected and qualified. Elections will take place at the last Board meeting of the school year, or when there is a vacancy.

- Board Chair presides at all Board meetings using Robert's Rules of Order, signs documents as required on behalf of the Board, and is the main point of contact for parents and community members who reach out to the Board.

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- Board Vice-Chair assumes all duties of the Board Chair in cases of absence.
- Board Secretary records the minutes of regular and special Board meetings, and signs documents as required on behalf of the Board.
- Board Treasurer heads the Finance Committee and reviews budgets and financial reports with The Academy's Chief Financial Officer, as needed.

Advisors: The Executive Director shall serve as an advisory, non-voting member of the board of directors. The Executive Director is charged with faithfully representing the issues and needs of the faculty and staff to the Board. The Executive Director shall subject to the direction and supervision of the board of directors, (a) be the executive director of the Academy and have general and active control of its affairs and business and general supervision of its agents, employees, and volunteers; (b) see that all orders and resolutions of the board of directors are carried into effect; (c) perform all other duties incident to the office of the Executive Director and as from time to time may be assigned to the Executive Director by the board of directors; and (d) be primarily responsible for Academy's educational program, including leading the community of learners which is The Academy. The Board may also appoint, by a majority vote of the Board, additional advisory roles to include a staff member and a student. All advisors must be in good standing with the school, faithfully represent the issues and needs of Academy to the Board, and desire to fulfill and support the Academy Board's vision and mission.

Annual Audit: Annually, the Board shall select an independent auditor to complete a full audit of the school's financial records and practices.

Quorum: A quorum of the Board shall be a simple majority. If less than a quorum is present, a majority of those directors present may adjourn the meeting and set a subsequent meeting.

Compensation: Directors shall receive no compensation for their services as Board members. However, by resolution, the Board may reimburse any director for reasonable expenses incurred in furtherance of his duties as a Board member.

Board Development and Training: Directors shall participate in trainings and professional development as established by the Board. Board trainings and professional development opportunities shall be deemed mandatory for all directors, except in extenuating circumstances and as approved by the Board Chair. Appropriate directors will also participate in required CDE Technical Assistance trainings should an Academy school be awarded the Colorado Charter School Program (CCSP) Grant.

Annual Retreat: The Board will conduct an annual retreat that will include review of Board evaluations, progress toward implementing the strategic plan, and review alignment of the strategic plan with Academy's mission.

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Board Evaluations: The Board will annually undertake a self-evaluation for the performance of the Board as a whole. The Board evaluation will take place annually prior to or during their Board retreat in conjunction with the strategic planning process.

Strategic Plan: The Board authorizes the Executive Director to collaborate with Academy leadership in creating The Academy's Strategic Plan focusing on the long-term viability, innovation, and operations of The Academy's Network of Schools. The Executive Director will present the Strategic Plan to the Board at its annual retreat and will provide regular progress updates during regular Board meetings.

Board Behavioral Expectations

Valued Principles in Governance: The following principles will inform the conduct and decision-making of the Board as it carries out its governance duties:

- i. Operating at a high-policy level versus that of management;
- ii. Encouraging diversity of viewpoints;
- iii. Speaking with one voice after a Board decision has been made;
- iv. Operating with transparency to engender confidence and trust;
- v. Prudently delegating when it is appropriate to do so, and monitoring the delegation on an ongoing basis;
- vi. Optimizing meeting time through the advance review of meeting materials; and
- vii. Relying on the expertise and judgment of the Executive Director to identify matters for Board discussion.

Board members shall abide by the open meetings law [C.R.S. 24-6-401]. Simply stated, the law is this: "All meetings of a quorum of three or more members of any local public body, whichever is fewer at which any public business is discussed or at which formal action may be taken are declared to be public." Confidentiality law is also outlined in this section of the statute. Personnel matters, individual students, and negotiations are confidential by law. As a result, any Board member who is secretly breaching confidentiality law may be removed according to the By-Law procedure.

Expectations include a professional demeanor at all Board meetings. Issues being discussed shall not be personalized or directed toward any other Board member, staff member,

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parent, or anyone else. Discernment should be used in interpersonal relationships and communications.

Board members will commit to resolving conflict directly with each other or with the appropriate staff member, and not share the conflict with anyone outside of the conflict; including, but not limited to, other parents, other staff members, or the media.

Board members shall exemplify integrity, honesty, and respect. Any Board member finding themselves involved in an irresolvable conflict shall put the mission and the vision of the school first.

Board members are expected to regularly attend Board meetings. The Executive Director should be informed, prior to the Board meeting, if a Board member is unable to attend.

All Board meetings shall be governed according to Federal law, State law, Articles of Incorporation, By-Laws, and Roberts Rules of Order.

While at the school, Board members shall be mindful of the different roles they play: parent, volunteer, Board member, etc. A Board member will not use their position of authority while acting in their parent or volunteer roles. The Board will represent the needs and interests of all the children in our school. The students' interests come first.

Board members agree to follow the communication pathways and insist that others do so as well.

Board members will be extremely sensitive to the legal ramifications of Board meetings and comments. Executive sessions will be held only when specific needs arise.

Board members agree to research issues and consult with the school administrative team or other stakeholders if needed prior to Board meetings. Issues requiring detailed presentations and/or debate of members greater than normally acceptable during Board meetings will be addressed in Board work sessions. If a Board member believes he/she doesn't have enough information or has questions, either the Executive Director or Board Chair is to be consulted before the meeting.

Code of Ethics: As members of the Academy Board of Directors, each individual will strive to:

- Attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings.
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings.

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- Render all decisions based on the available facts and my independent judgment and refuse to surrender that judgment to individuals or special interest groups.
- Encourage the free expression of opinion by all board members and seek systemic communications between the board and students, staff, and all elements of the community.
- Work with other board members to establish effective board policies and to delegate authority for the administration of the school to the Executive Director.
- Communicate to other board members and the Executive Director expressions of public reactions to board policies and school programs.
- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations.
- Support the employment of those persons best qualified to serve as school staff and insist on a regular and impartial evaluation of all staff.
- Avoid being placed in a position of conflict of interest and refrain from using my board position for personal or partisan gain.
- Take no private action that will compromise the board or administration and respect the confidentiality of information that is privileged under applicable law.
- Remember always that my first and greatest concern must be the educational welfare of the students attending the schools.

Board Meetings & Executive Sessions

Regular Meetings: All meetings shall be open to the public except when, at any regular or special meeting, the Board proceeds into Executive Session upon a two-thirds majority vote of the quorum present. The Board shall not make final policy decisions; adopt or approve any resolution, policy, or regulation; or take formal action of any kind during an Executive Session.

- Regular Board meetings shall be held not less than once a month (except June). The Board will pass a resolution outlining the dates and locations of each regular meeting. Adequate notice will be given in the event of a change in time or place of Board meetings. Regular Board meetings may be held at any Academy location. A yearly schedule will be posted on the Academy website and in the Main Campus lobby.
- No business other than that stated in the notice of the meeting shall be transacted unless the item is reasonably related to the subject matter on the notice or all Board members are present, and all Board members consent to consider and transact other business.
- To ensure that Board meetings are conducted with maximum effectiveness and efficiency, Board members and all guests will:

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- Come prepared to the meetings.
 - Speak only when recognized by the Board Chair.
 - Not interrupt each other.
 - Not engage in side conversations.
 - Not repeat what has already been said.
 - Not “play to the audience” or monopolize the discussion.
 - Support the Board President’s efforts to facilitate an orderly meeting.
 - Communicate openly and actively in discussion and dialog to avoid surprises.
 - Encourage equal participation of all members.
 - Practice respectful body language.
- The Board will use a consent agenda as a means to expedite the disposition of routine matters and dispose of other items of business it chooses not to discuss.
 - An item may be removed from the consent agenda upon approval of a majority of the Board members present and voting.
 - All Board meetings will be recorded with exceptions as noted under Executive Sessions.

Executive Sessions: The Board Chair will state that the Board is entering Executive Session, identify which meeting participants are invited to stay for Executive Session, cite the specific Colorado Revised Statute(s) (“C.R.S.”) to be addressed in Executive Session, and note the particular issue to be discussed in as much detail as possible without compromising the purpose for which the Executive Session is authorized.

- The Governing Board may hold an Executive Session for the sole purpose of considering any of the following matters. The electronic record must include the specific statutory citation to the Executive Session law that allows the Board to meet in Executive Session.
 - Purchase, acquisition, lease, transfer, or sale of any real, personal or other property. However, no Executive Session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. C.R.S. 24-76- 402(4)(a).
 - Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. C.R.S. 24-6-402(4)(b). The mere presence or participation of an attorney at an Executive Session shall not be sufficient to satisfy this requirement.
 - Matters required to be kept confidential by federal or state law or regulations. C.R.S. 24-6-402(4)(c). An announcement will be made indicating the specific citation to state or federal law which is the reason the matter must remain confidential.
 - Specialized details of security arrangements or investigations. C.R.S. 24-6-402(4)(d).

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- Developing strategy for negotiations, instructing negotiators, and determining positions relative to matters that may be subject to negotiation. C.R.S. 24-6-402(4)(e).
- Personnel matters, except if an employee who is the subject of an Executive Session requests an open meeting. If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered “personnel matters”. C.R.S. 24-6-402(4)(f)
- Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an Executive Session is otherwise allowed. C.R.S. 24-6-402 (4) (g).
- Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Record Act. C.R.S. 24-6-402(4)(g).
- If the personnel matter involves more than one employee, all of the employees must request an open meeting.
- Only those persons invited by the Board may be present during any Executive Session regardless of the topic of the session (including personnel matters).
- Executive Sessions will be recorded, except when conferencing with an attorney for the purpose of receiving legal advice on specific legal questions. C.R.S. 24-6-402(4)(b), or when discussing an individual student where public disclosure would adversely affect the person or persons involved. Recordings of Executive Sessions will be kept on file for 90 days following the session. The Board should put a procedure in place to assure that the recording of any Executive Session is routinely destroyed once the 90-day deadline expires.

Virtual Academy Governing Board Meetings: The Board may hold virtual Board meetings. Additionally, Board members who are not able to join an in-person meeting for any reason may join the meeting electronically.

- The Board will select and use a virtual meeting tool for all remote meetings that all Board members and members of the public may use to attend and participate in Board meetings. The link to the virtual meeting and a call number will be included within the notice.
- Board members participating electronically in Board meetings, via video or phone, will count as present and towards the quorum.
- The virtual meeting link will be included on that month’s Board meeting agenda or the

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special meeting notice. The Board meeting agenda will be posted to the Academy website, under Governing Board, at least 24 hours in advance of the Board meeting.

- To ensure that the virtual Board meeting is conducted in a professional and efficient manner:
 - Board members should have their video on.
 - Board meeting guests should only turn on their video when addressing the Board.
 - All Board meeting participants should mute their microphones when not talking.
 - When appropriate, Board members and guests can utilize chat features or the “raised hand” option, when wanting to address/ask a question of the Board.
- The Academy’s Executive Director will email all documents for directors’ review at least one week prior to each Board meeting when applicable and after the Board Chair reviews all documents and approves.
- The Board Chair shall grant permission to the Executive Assistant, as needed, to share their computer screens during a Board meeting.
- A separate meeting link will be provided for Executive Sessions. This link will only be shared with the invited members of Executive Session.

Special Board Meetings: Special meetings may be called by the Board Chair at any time or shall be called by the Board Chair upon the written request of any three Board members. Notice of any special meeting shall be given in accordance with C.R.S. 22-32-108 (Meetings of the Board of Education) and C.R.S. 24-6-401 (Colorado Sunshine Law).

- The Academy’s Executive Director shall be responsible for giving email notice of any Special Meeting to each Board member at least 24 hours in advance. The notice must contain time, place, purpose of the meeting, and meeting agenda.

Board Retreats: Retreats shall be open to the public. No action shall be taken during such sessions. Public notice of the session, including the topics for discussion and study, shall be provided.

Board Committees

The Governing Board recognizes that at times it is necessary to divide up the responsibilities of the Governing Board among its members. It is also understood that while a Board member serves on these committees, their input is solely as an individual member of the Board, and they do not represent or speak for the entire Board.

- Board committee meetings will adhere to Colorado’s Sunshine Law.

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- The recommendations of a committee are subject to board approval.
- Board committees are:
 - SACacademic Committee
 - Finance Committee
- At various times throughout the year, the Board may determine the need for additional ad hoc committees. Discussions about additional committees will take place during regular Board meetings and approved by a simple majority vote of the Board.

Open Records Act

Qualifying public records of The Academy are open for inspection by any person at reasonable times in accordance with the Colorado Open Records Act, C.R.S. 24-72-201. Records requests and the production of records shall be consistent with The Academy's Public's Right to Know/Freedom of Information policy.

Board Training

Board training is vital in the development of an efficient and effective governing Board. Training plays a vital role in preparing new Board members for these duties. The Academy Board Training Plan for new Board members will consist of two primary parts – Internal Training and External Training. New Board members agree to complete internal training within their first 3 months on the Board. New Board members agree to complete external (online training) within the first 6 months on the Board. Board members are encouraged to attend the annual Colorado League of Charter Schools (CLCS) Conference as part of their annual training.

Board training should continue for returning Board members and be ongoing due to turnover in Board membership. Furthermore, each Board member should take responsibility for their own learning by reading books related to the curriculum or educational design of the school, attending charter school meetings whenever possible, and networking with other charter school Board members to learn more about how a Board can improve efficiency and effectiveness.

Conflict of Interest

Board members will follow the expectations identified in the Board-approved Conflict of Interest Policy. Members will review this policy annually.

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Board Member Duties

As a Board member of The Academy Board of Directors, I understand that my duties and responsibilities include the following:

1. Develop and implement the strategic plan in accordance to the mission and vision of the school.
2. Establish policies for operation of The Academy, ensuring that the provisions of the corporation's Articles of Incorporation, By-laws and the contracts with the Colorado Charter School Institute School Board are being followed.
3. Establish fiscal policy and boundaries, with budgets and financial controls for the school.
4. Select a new Executive Director when needed.
5. Establish the policies under which the administration will operate the school.
6. Establish necessary working committees and being sure that all members are actively involved in appropriate committee assignments.
7. Conduct a written annual evaluation of the performance of the Executive Director and establish goals for the following year.
8. Conduct an evaluation of the effectiveness of Board Committees and establish goals for the following year.
9. Conduct a written annual self-evaluation.
10. Keep full and accurate minutes of its meetings and those of its committees.
11. Maintain a policy book so that governing decisions made over a period of years, may be readily available to subsequent leadership and administrators.

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Board Member Oath of Office

"I [name] do [swear/affirm] that I will support the constitution of the United States, the constitution of the state of Colorado, and the laws of the state of Colorado, and will faithfully perform the duties of the office of The Academy of Charter Schools Board of Directors upon which I am about to enter to the best of my ability."

Sarah Drewlow July 31, 2023
Date

Amy McDuffee July 31, 2023
Date

Dan Klenjoski July 31, 2023
Date

Autumn Coffee July 31, 2023
Date

Kevin Sanchez July 31, 2023
Date

Larissa Fransua July 31, 2023
Date

Kristen Harkness July 31, 2023
Date

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Board Member Profile Agreement

As a Board Member of The Academy of Charter Schools Board of Directors I understand my duties and agree to abide by the responsibilities and expectations outlined in The Academy Board Procedural Manual to the best of my ability.

- I agree to fulfill the General Board Responsibilities and Oath of Office.
- I agree to abide by the Board Behavior Expectations at all times.
- I agree to complete Annual Training as applicable.
- I agree to follow the Code of Ethics & Conflict of Interest policy as needed.
- I will perform all Board Member Duties to the best of my ability.

Sarah Drewlow
Date July 31, 2023

Amy McDuffee
Date July 31, 2023

Dan Klenjoski
Date July 31, 2023

Autumn Coffee
Date July 31, 2023

Kevin Sanchez
Date July 31, 2023

Larissa Fransua
Date July 31, 2023

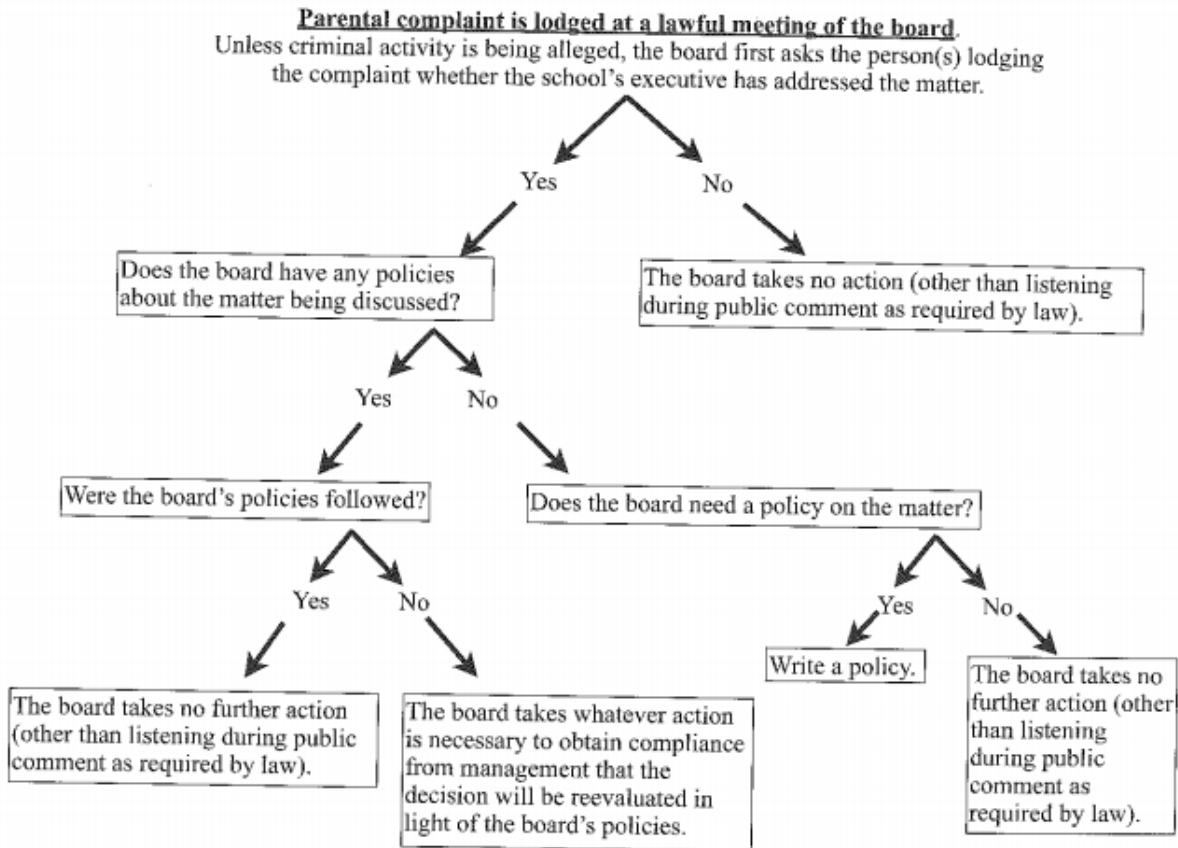
Kristen Harkness
Date July 31, 2023

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Board Communication Agreements

Board members will use the flow chart below to guide their response to community complaints and feedback both for official meetings and casual interactions.



In response to public comment made at an official meeting, the CEO will follow up when appropriate and report back to the Board Chair within one week. Either the CEO or the Board Chair will then report back to the full board at the next meeting.

In response to emails from members of the public to the Board, the Board Vice Chair will send the following message:

I am writing to acknowledge receipt of your email to the Board of Directors at The Academy. We welcome community involvement and can tell this issue is very important to you. As parents ourselves, we empathize with the importance of feeling connected to your children's school experience.

The Board delegates decisions that are operational in nature to school administration. If you feel a Board-approved policy has been violated, you could follow the steps outlined in our formal Grievance Policy. That policy can be found on this page of [Approved Board policies](#) (in alphabetical order: Grievance Policy).

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Thank you for your desire to make our Academy community the best it can be.

In the context of casual interactions, Board members can also explain that an individual board member does not have authority to get involved: “I have no authority in the matter as an individual. Our Board’s process is that all complaints will be addressed to our school leader first before the board considers any other action. If it is the case that you have already done so without a satisfying result, you must bring the matter to the whole Board. You can do this by emailing board@theacademyk12.org.”

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COLORADO OPEN MEETINGS AND OPEN RECORDS LAWS
AFFECTING CHARTER SCHOOLS

Prepared for Colorado Charter Schools by Barry
K. Arrington
(303) 205-7870

The Colorado Open Meetings Law.

1. **General Purpose of the Law.** The general policy underlying the Colorado Open Meetings Law¹ is stated in section 401 of the law, which states that the formation of public policy in Colorado is public business and may not be done in secret.
2. **Charter Schools are Local Public Bodies.** The law applies in different ways depending on whether the public body in question is a “state public body” or a “local public body.” A charter school is a “local public body.”
3. **“Meeting” is Defined Very Broadly.** In considering whether the law is applicable to any particular meeting, charter school board members should keep in mind that the term “meeting” is defined in an extremely broad way in the act. “Meeting” is defined as “any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.” However, the law does not apply to “any chance meeting or social gathering at which discussion of public business is not the central purpose.”
4. **E-Mail Discussions.** Increasingly charter school boards are discussing school business among themselves by means of e-mail. There is nothing wrong with this practice. However, it is unclear whether such e-mail communications are subject to the Open Meetings Law. The law states that e-mail communications among “elected officials” discussing “pending legislation or other public business” are subject to the law. This language seems to apply only to persons elected by the voters who have the power to enact legislation. It does not appear to apply to members of charter school boards. However, even if the Open Meetings Law does not apply to these e-mail communications, the e-mails themselves are subject to disclosure under the Open Records Act discussed later.
5. **General Rule of the Open Meetings Law.** The general rule of the Open Meetings Law is very simple. The rule is this: “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

¹ C.R.S. § 24-6-401 et seq.

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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 more² 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.

6. **Difference Between “Open” Meeting and “Noticed” Meeting.** There is a tremendous amount of confusion in the charter school community about whether meetings of board members must be noticed. This confusion leads to questions such as: “If two other members of the board and I meet in the school lunchroom to discuss school business, do we have to post a notice the day before?” The answer to this question involves the distinction between an “open” meeting and a “noticed” meeting.

As we saw in the previous section, an “open” meeting is any meeting of three or more board members. A “noticed” meeting, on the other hand, is any meeting where either of the following occurs:

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

Thus, the meeting of three³ 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.

7. **Notice.** The Open Meetings Law specifies the type of notice that is sufficient for those meetings where notice is required. The law states that a local public body shall be deemed to have given full and timely notice if the meeting is posted in a designated public place no less than 24 hours prior to the meeting. The designated place must be adopted annually by

² In the unlikely event that two members constitutes a quorum of the board, then the number would be two instead of three.

³ Assuming a quorum of the charter school’s board is more than three.

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the school's board in its first meeting in January. The posting must include the agenda for the meeting where possible. Therefore, if the school has an agenda prepared in advance it should be posted as part of the notice. However, the "where possible" language of the statute probably means that the charter school board will not be strictly bound to the posted agenda at its meeting.

8. **Minutes.** The Open Meetings Law requires charter school boards to keep minutes of their meetings and make those minutes available for public inspection. The statute states that the minutes shall be recorded "promptly." Thus, there is no specific time limit for making minutes available, but the usual practice is to adopt the minutes for a meeting at the next regularly scheduled meeting.
9. **How to Call an Executive Session.** The statute provides that a charter school board may call an executive session to discuss certain matters. In order to call the executive session the board must (a) announce the general topic that will be discussed in the executive session; and (b) vote by a 2/3 majority to resolve into executive session. The announcement of the general topic must include a specific citation to the part of the law authorizing the executive session and must be as detailed as possible without compromising the purpose of the executive session.
10. **No Formal Action in Executive Session.** It is very important to understand that executive sessions are for discussion only. No formal actions can be taken in executive session. Thus, for example, a charter school board may never vote on a motion while it is in executive session. If the board wants to adopt a motion after discussing it in executive session, it must first resolve itself out of executive session into an open meeting and then hold the vote.
11. **Proper Subjects for Executive Sessions.** It is also important to note that a charter school board may not resolve itself into executive session just because it wants to discuss a matter in private. All discussions of the charter school board must occur in open session unless their is specific statutory authority for holding an executive session on a topic. The specific grounds for which a charter school board may meet in executive session are listed in C.R.S. § 24-6-402(4) as follows:
 - a. Discussions regarding buying or selling property;
 - b. Conferences with an attorney to receive legal advice;

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- c. Matters required to be kept confidential by state or federal law (e.g., student academic records);
- d. Security arrangements or investigations;
- e. Determining contract negotiation strategies;
- f. Personnel matters (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.);
- g. Consideration of documents protected from disclosure under the Open Records Act (for more on this see the discussion of that act below); or
- h. Discussion of individual students where public discussion would adversely affect the student involved.

12. Minutes of Executive Sessions. The statute has special provisions for the minutes of executive sessions. First, if the charter school board resolves itself into executive session the minutes of the regular open meeting must state the general topic of discussion (e.g., “consultations with legal counsel;” “determining contract negotiation strategy;” etc.). The minutes of the regular open meeting should not reflect the actual discussions that occurred in the executive session.

Beginning in August 2001, the discussions that occur in executive sessions must be recorded in the same manner as the discussions that occur in open session. For example, if open sessions are recorded on tape, the executive session must be recorded on tape. If open sessions are recorded through a note taking procedure, executive sessions must be recorded through the same note taking procedure. Review and approval of the minutes of an executive session may, obviously, occur in an executive session as well. The minutes of an executive session must contain the following:

- a. A citation to the specific provision of the statute that authorizes the charter school board to meet in executive session;

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- b. The contents of the discussions (this need not be verbatim; the minutes need only reflect the substance of the discussions);
- c. A signed statement from the person chairing the executive session attesting that the minutes of the executive session accurately reflect the substance of the discussions during the executive session.

Importantly for charter schools, the statute specifically excepts from its provisions discussions of individual students at the school. Therefore, if the purpose of the executive session is to discuss an individual student (for e.g., discipline, etc.) no minutes of the session need be taken.

The statute also provides an exception to the executive session minute taking procedure for consultations with attorneys. However, if the charter school board takes advantage of this exception and does not record discussions with an attorney, the attorney must sign a statement attached to the minutes of the regular meeting that the portion of the executive session for which minutes were not kept constituted a privileged attorney-client communication. In addition, the chair of the meeting must sign a statement in the minutes affirming that the portion of the meeting that was not recorded was confined to a subject for which it is proper to hold an executive session under the statute.

The minutes of an executive session of the charter school board are not open to the public unless the school agrees to open the minutes or is ordered to produce the minutes by a court. The charter school is required to keep the minutes of an executive session for at least 90 days, after which it may discard the minutes.

13. **Sunshine List.** A little known and little used part of the Open Meetings Law requires the secretary of each local public body to keep a record of each person who has requested specific notice of meetings and to provide individual notice to such persons in advance of any meeting.

The Colorado Open Records Law.

1. **General Purpose of the Law.** Like the Open Records Law, the Open Records Act⁴ declares as its general purpose that all public records shall be open for inspection by the public.

⁴ C.R.S. § 24-72-201 et seq.

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2. **General Rule.** The general rule of the Open Records Act is also quite simple: All public records shall be open for inspection by any person at reasonable times.
3. **What is a “Record.”** The Open Records Act defines the term “record” extremely broadly to include practically any kind of written, electronic or recorded communication or document imaginable. Note that the term specifically includes e-mail. Thus, charter school board members should assume that any e-mails among board members will be subject to production to any member of the public who wishes to see them.
4. **Procedures for Production of Open Records.** The Open Records Act contains very specific and detailed instructions for the production of public records to a requesting member of the public. Generally speaking, the procedures require the charter school to make the records available to the requesting party within three working days of the request unless there are extenuating circumstances justifying a greater time. However, the maximum period of time between the request and the production is seven working days. In no even can extenuating circumstances apply to a request for a single, specifically identified document.
5. **Exceptions.** While the general policy of the State of Colorado is that all records are open records subject to inspection, there are a number of exceptions. Unless a record falls within a specific exception it must be produced. The exceptions are too numerous to summarize here (and many of them would not generally be applicable to charter schools). However, some of the more important exceptions are the following:
 - a. Producing the record would violate state or federal law (i.e., individual student academic records);
 - b. Test questions, scoring keys, and other examination data;
 - c. Real estate appraisals relating to property acquisitions until title has passed;
 - d. Medical, mental health, sociological and scholastic achievement data on individual persons;
 - e. 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);

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- f. Letters of reference;
- g. Privileged information (e.g. attorney-client communications);
- h. Addresses and telephone numbers of students (such information may not be provided in, for example, a school directory unless specific authorization is obtained); and
- i. Records of sexual harassment complaints.

Since there are so many exceptions to the Open Records Act, if there is any doubt about whether production of a particular document is permissible, legal counsel should be consulted.

6. Charges for Copies. The charter school may charge a reasonable fee for providing requested copies of open records.

[CDE Open Meetings Law Guidance](#)

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Prepare | Explore | Empower

2023-2024 Academy Board Calendar

Standard Meeting Start Times

Work Sessions – 5:30 pm

Meetings – 7:00 pm

Summer Board Retreat

Monday, July 31 - 8:00 am

Monthly Meeting Dates

August 28, 2023

September 25, 2023

October 30, 2023

November 27, 2023

December 11, 2023

January 29, 2024

February 26, 2024

March 25, 2024

April 29, 2024

May 20, 2024

June 10, 2024

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