

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0193.01 Julie Pelegrin x2700

SENATE BILL 13-015

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Hamner,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR ELECTRONIC PARTICIPATION IN**
102 **MEETINGS OF SCHOOL DISTRICT BOARDS OF EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill allows a school district board of education to adopt a policy that authorizes members to participate electronically in board meetings. But a member who is participating electronically cannot participate in an executive session of the board.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 15, 2013

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-32-108, **amend**
3 (5) (a); and **add** (7) as follows:

4 **22-32-108. Meetings of the board of education - legislative**
5 **intent.** (5) (a) All regular and special meetings of the board shall be open
6 to the public, but THE BOARD MAY REQUIRE any person who disturbs good
7 order ~~may be required~~ to leave. At any regular or special meeting the
8 board may proceed in executive session. at which Only those persons
9 invited by the board may be present ~~but no final policy decisions shall be~~
10 ~~made by~~ DURING EXECUTIVE SESSION, AND the board SHALL NOT MAKE
11 FINAL POLICY DECISIONS while in executive session. AT THE SPECIAL
12 MEETING OF THE BOARD CALLED PURSUANT TO SECTION 22-32-104 (1),
13 EACH BOARD MEMBER SHALL SIGN AN AFFIDAVIT STATING THAT THE
14 BOARD MEMBER IS AWARE OF AND WILL COMPLY WITH THE
15 CONFIDENTIALITY REQUIREMENTS AND RESTRICTIONS APPLICABLE TO
16 EXECUTIVE SESSIONS OF THE BOARD, AS DESCRIBED IN SECTION 24-6-402,
17 C.R.S., REGARDLESS OF WHETHER THE BOARD MEMBER PARTICIPATES IN
18 THE EXECUTIVE SESSION IN PERSON OR ELECTRONICALLY IN ACCORDANCE
19 WITH THE BOARD POLICY ADOPTED PURSUANT TO SUBSECTION (7) OF THIS
20 SECTION. THE SCHOOL DISTRICT SHALL KEEP AND PRESERVE THE
21 AFFIDAVITS WITH THE MINUTES OF BOARD MEETINGS AND OTHER BOARD
22 DOCUMENTS.

23 (7) (a) THE BOARD MAY ADOPT A POLICY AUTHORIZING BOARD
24 MEMBERS TO ATTEND AND PARTICIPATE IN REGULAR OR SPECIAL MEETINGS
25 ELECTRONICALLY. AT A MINIMUM, THE POLICY MUST ENSURE THAT A
26 MEETING AT WHICH ONE OR MORE BOARD MEMBERS PARTICIPATE

1 ELECTRONICALLY IS OPEN TO THE PUBLIC AND THAT THE MEMBERS WHO
2 PARTICIPATE ELECTRONICALLY ARE INCLUDED IN THE RECORDING MADE
3 IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (5) OF THIS
4 SECTION. A MEMBER WHO PARTICIPATES ELECTRONICALLY IN
5 CONFORMANCE WITH THE POLICY IS CONSIDERED PRESENT FOR PURPOSES
6 OF SUBSECTIONS (4) AND (6) OF THIS SECTION.

7 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A BOARD
8 THAT ADOPTS A POLICY AUTHORIZED IN PARAGRAPH (a) OF THIS
9 SUBSECTION (7) TO ALLOW BOARD MEMBERS TO ATTEND AND PARTICIPATE
10 ELECTRONICALLY IN REGULAR OR SPECIAL BOARD MEETINGS WILL ENSURE
11 THAT THE POLICY:

12 (I) REQUIRES A QUORUM OF THE BOARD TO BE PHYSICALLY
13 PRESENT IN ONE LOCATION TO CONVENE A MEETING;

14 (II) ALLOWS MEMBERS OF THE BOARD TO ATTEND THE MEETING
15 ELECTRONICALLY ONLY WHEN THERE ARE EXTENUATING CIRCUMSTANCES,
16 AS DESCRIBED IN THE BOARD'S POLICY;

17 (III) LEAVES DISCRETION TO THE BOARD TO DECIDE THE MAXIMUM
18 NUMBER OF BOARD MEETINGS THAT A MEMBER MAY ATTEND
19 ELECTRONICALLY BEFORE THE MEMBER'S POSITION IS DECLARED TO BE
20 VACANT;

21 (IV) REQUIRES THE BOARD TO HAVE TECHNOLOGY IN PLACE THAT
22 WILL ENSURE THAT MEMBERS OF THE PUBLIC CAN HEAR THE COMMENTS
23 MADE BY A BOARD MEMBER WHO ATTENDS THE MEETING
24 ELECTRONICALLY AND THAT THE BOARD MEMBER CAN HEAR COMMENTS
25 MADE BY THE PUBLIC; AND

26 (V) CLEARLY DESCRIBES THE METHODS BY WHICH A BOARD
27 MEMBER MAY ATTEND A MEETING ELECTRONICALLY, WHICH METHODS

1 MAY INCLUDE ATTENDANCE VIA TELEPHONE, VIDEO CONFERENCING, OR
2 OTHER ELECTRONIC MEANS.

3 **SECTION 2.** In Colorado Revised Statutes, 22-5-104, **amend** (5)
4 as follows:

5 **22-5-104. Creation of board of cooperative services - meetings.**

6 (5) A board of cooperative services may adopt a policy authorizing the
7 board to conduct its meetings BOARD MEMBERS TO ATTEND AND
8 PARTICIPATE IN REGULAR OR SPECIAL MEETINGS ELECTRONICALLY,
9 INCLUDING PARTICIPATING BY using video teleconferencing OR AUDIO
10 CONFERENCING technology that will allow members of the board to view
11 OR HEAR each other during the meeting and fully participate in the
12 discussion and in voting; except that the board members shall gather in
13 one physical location for at least one of the quarterly meetings held each
14 year. The policy shall MUST address the method by which members of the
15 public shall be ARE allowed access to any video teleconference OR AUDIO
16 CONFERENCE of the board of cooperative services that is conducted
17 pursuant to this subsection (5). In addition, the policy shall MUST specify
18 any agenda items that the board of cooperative services may not consider
19 during any video teleconference OR AUDIO CONFERENCE conducted
20 pursuant to this subsection (5). A board of cooperative services shall not
21 go into executive session during any video teleconference conducted
22 pursuant to this subsection (5). A quorum shall be deemed to exist EXISTS
23 at any video teleconference OR AUDIO CONFERENCE held pursuant to this
24 subsection (5) if the number of members participating in the video
25 teleconference meeting OR AUDIO CONFERENCE equals the number
26 necessary for a quorum pursuant to subsection (4) of this section.

1 **SECTION 3. In Colorado Revised Statutes, amend 22-5-105 as**
2 follows:

3 **22-5-105. Organization of board of cooperative services -**
4 **meetings.** (1) At its first meeting, the members of the board of
5 cooperative services elected as set forth in section 22-5-104 shall proceed
6 to elect from their membership a president, a vice-president, a secretary,
7 and a treasurer, whose terms of office shall be for two years, unless their
8 terms of office as board members expire earlier, in which case the
9 officership shall similarly expire. The duties of the president,
10 vice-president, secretary, and treasurer of the board of cooperative
11 services shall be the same as set forth for similar offices of boards of
12 education in sections 22-32-105 to 22-32-107. Similarly, meetings of the
13 board of cooperative services shall be called, held, and conducted as set
14 forth in section 22-32-108; except that, pursuant to section 22-5-104 (5),
15 a board of cooperative services may conduct meetings ELECTRONICALLY,
16 INCLUDING BY using video teleconferencing OR AUDIO CONFERENCING
17 technology.

18 (2) AT EACH MEETING AT WHICH A BOARD OF COOPERATIVE
19 SERVICES ELECTS OFFICERS, EACH BOARD MEMBER SHALL SIGN AN
20 AFFIDAVIT STATING THAT THE BOARD MEMBER IS AWARE OF AND WILL
21 COMPLY WITH THE CONFIDENTIALITY REQUIREMENTS AND RESTRICTIONS
22 APPLICABLE TO EXECUTIVE SESSIONS OF THE BOARD, AS DESCRIBED IN
23 SECTION 24-6-402, C.R.S., REGARDLESS OF WHETHER THE BOARD MEMBER
24 PARTICIPATES IN THE EXECUTIVE SESSION IN PERSON OR ELECTRONICALLY
25 IN ACCORDANCE WITH A POLICY ADOPTED PURSUANT TO SECTION 22-5-104
26 (5). THE BOARD OF COOPERATIVE SERVICES SHALL KEEP AND PRESERVE
27 THE AFFIDAVITS WITH THE MINUTES OF BOARD MEETINGS AND OTHER

1 BOARD DOCUMENTS.

2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2014 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.