

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 7, 2013
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB13-015 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 4, strike "**education.**" and substitute
2 "**education - legislative intent.**".

3 Page 2, strike lines 8 through 11 and substitute "proceed in executive
4 session, at which only those persons invited by".

5 Page 2, line 14, after the period add "AT THE SPECIAL MEETING OF THE
6 BOARD CALLED PURSUANT TO SECTION 22-32-104 (1), EACH BOARD
7 MEMBER SHALL SIGN AN AFFIDAVIT STATING THAT THE BOARD MEMBER IS
8 AWARE OF AND WILL COMPLY WITH THE CONFIDENTIALITY REQUIREMENTS
9 AND RESTRICTIONS APPLICABLE TO EXECUTIVE SESSIONS OF THE BOARD,
10 AS DESCRIBED IN SECTION 24-6-402, C.R.S., REGARDLESS OF WHETHER
11 THE BOARD MEMBER PARTICIPATES IN THE EXECUTIVE SESSION IN PERSON
12 OR ELECTRONICALLY IN ACCORDANCE WITH THE BOARD POLICY ADOPTED
13 PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE SCHOOL DISTRICT
14 SHALL KEEP AND PRESERVE THE AFFIDAVITS WITH THE MINUTES OF BOARD
15 MEETINGS AND OTHER BOARD DOCUMENTS.".

16 Page 2, line 15, after "(7)" insert "(a)".

17 Page 2, after line 24 insert:

18 "(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A BOARD
19 THAT ADOPTS A POLICY AUTHORIZED IN PARAGRAPH (a) OF THIS

1 SUBSECTION (7) TO ALLOW BOARD MEMBERS TO ATTEND AND PARTICIPATE
2 ELECTRONICALLY IN REGULAR OR SPECIAL BOARD MEETINGS WILL ENSURE
3 THAT THE POLICY:

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

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

9 (III) LEAVES DISCRETION TO THE BOARD TO DECIDE THE MAXIMUM
10 NUMBER OF BOARD MEETINGS THAT A MEMBER MAY ATTEND
11 ELECTRONICALLY BEFORE THE MEMBER'S POSITION IS DECLARED TO BE
12 VACANT;

13 (IV) REQUIRES THE BOARD TO HAVE TECHNOLOGY IN PLACE THAT
14 WILL ENSURE THAT MEMBERS OF THE PUBLIC CAN HEAR THE COMMENTS
15 MADE BY A BOARD MEMBER WHO ATTENDS THE MEETING
16 ELECTRONICALLY AND THAT THE BOARD MEMBER CAN HEAR COMMENTS
17 MADE BY THE PUBLIC; AND

18 (V) CLEARLY DESCRIBES THE METHODS BY WHICH A BOARD
19 MEMBER MAY ATTEND A MEETING ELECTRONICALLY, WHICH METHODS
20 MAY INCLUDE ATTENDANCE VIA TELEPHONE, VIDEO CONFERENCING, OR
21 OTHER ELECTRONIC MEANS.

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

24 **22-5-104. Creation of board of cooperative services - meetings.**

25 (5) A board of cooperative services may adopt a policy authorizing ~~the~~
26 ~~board to conduct its meetings~~ BOARD MEMBERS TO ATTEND AND
27 PARTICIPATE IN REGULAR OR SPECIAL MEETINGS ELECTRONICALLY,
28 INCLUDING PARTICIPATING BY using video ~~teleconferencing~~ OR AUDIO
29 CONFERENCING technology that will allow members of the board to view
30 OR HEAR each other during the meeting and fully participate in the
31 discussion and in voting; except that the board members shall gather in
32 one physical location for at least one of the quarterly meetings held each
33 year. The policy ~~shall~~ MUST address the method by which members of the
34 public ~~shall be~~ ARE allowed access to any video ~~teleconference~~ OR AUDIO
35 CONFERENCE of the board of cooperative services that is conducted
36 pursuant to this subsection (5). In addition, the policy ~~shall~~ MUST specify
37 any agenda items that the board of cooperative services may not consider
38 during any video ~~teleconference~~ OR AUDIO CONFERENCE conducted
39 pursuant to this subsection (5). ~~A board of cooperative services shall not~~
40 ~~go into executive session during any video teleconference conducted~~

1 ~~pursuant to this subsection (5). A quorum shall be deemed to exist~~ EXISTS
2 at any video ~~teleconference~~ OR AUDIO CONFERENCE held pursuant to this
3 subsection (5) if the number of members participating in the video
4 ~~teleconference meeting~~ OR AUDIO CONFERENCE equals the number
5 necessary for a quorum pursuant to subsection (4) of this section.

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

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

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

33 Renumber succeeding section accordingly.

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