

NOTE: The governor signed this measure on 6/6/2014.

An Act

SENATE BILL 14-182

BY SENATOR(S) Hodge, Kefalas, Ulibarri, Carroll;
also REPRESENTATIVE(S) Peniston, Buckner, Fields, Fischer, Hamner,
Labuda, May, Primavera, Rosenthal, Schafer, Tyler, Ferrandino,
Kraft-Tharp, Pettersen.

CONCERNING PROCEDURES GOVERNING DISCUSSIONS BY BOARDS OF
EDUCATION OF SCHOOL DISTRICTS WHILE MEETING IN EXECUTIVE
SESSION.

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

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

22-32-108. Meetings of the board of education - legislative intent. (5) (a) All regular and special meetings of the board shall be open to the public, but the board may require any person who disturbs good order to leave. At any regular or special meeting the board may proceed in executive session IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (a) AND PARAGRAPH (d) OF THIS SUBSECTION (5). Only those persons invited by the board may be present during executive session, and the board shall not make final policy decisions while in executive session. At the special meeting of the board called pursuant to section 22-32-104

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(1), each board member shall sign an affidavit stating that the board member is aware of and will comply with the confidentiality requirements and restrictions applicable to executive sessions of the board, as described in section 24-6-402, C.R.S., regardless of whether the board member participates in the executive session in person or electronically in accordance with the board policy adopted pursuant to subsection (7) of this section. The school district shall keep and preserve the affidavits with the minutes of board meetings and other board documents.

(d) IN THE CASE OF A MEETING OF A BOARD OF EDUCATION DURING WHICH AN EXECUTIVE SESSION IS HELD, THE MINUTES OF THE MEETING MUST INDICATE THE TOPIC OF THE DISCUSSION AT THE EXECUTIVE SESSION AS WELL AS THE AMOUNT OF TIME EACH TOPIC WAS DISCUSSED WHILE THE BOARD WAS MEETING IN EXECUTIVE SESSION. THE MINUTES ALONG WITH THE AMOUNT OF TIME EACH TOPIC WAS DISCUSSED MUST BE POSTED ON THE WEB SITE OF THE BOARD NOT LATER THAN TEN BUSINESS DAYS FOLLOWING THE MEETING AT WHICH THE MINUTES ARE APPROVED BY THE BOARD. IF THE BOARD DOES NOT MAINTAIN A WEB SITE, THE MINUTES MUST BE PUBLISHED IN THE SAME MANNER AS THE BOARD REGULARLY PROVIDES PUBLIC NOTICE. THE BOARD SHALL COMPLY WITH ALL OTHER REQUIREMENTS PERTAINING TO THE HOLDING OF A MEETING IN EXECUTIVE SESSION INCLUDING, WITHOUT LIMITATION, THOSE SPECIFIED IN SECTION 24-6-402 (2) (d.5) (II) (A), C.R.S.

(e) NOTWITHSTANDING SECTION 24-6-402 (2) (d.5) (II) (E), C.R.S., THE RECORD OF AN EXECUTIVE SESSION OF A BOARD OF EDUCATION THAT IS ELECTRONICALLY RECORDED PURSUANT TO SECTION 24-6-402 (2) (d.5) (II) (A), C.R.S., INCLUDING, WITHOUT LIMITATION, THE ACTUAL ELECTRONIC RECORDING OF THE EXECUTIVE SESSION, MUST BE RETAINED FOR AT LEAST NINETY DAYS AFTER THE DATE OF THE EXECUTIVE SESSION.

SECTION 2. In Colorado Revised Statutes, 24-6-402, **amend** (2) (d.5) (II) (E) as follows:

24-6-402. Meetings - open to public - definitions.
(2) (d.5) (II) (E) EXCEPT AS OTHERWISE REQUIRED BY SECTION 22-32-108 (5) (e), C.R.S., the record of an executive session of a local public body recorded pursuant to sub-subparagraph (A) of this subparagraph (II) shall be retained for at least ninety days after the date of the executive session.

SECTION 3. Applicability. This act applies to meetings of boards

of education that take place on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO