

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 14-1018.01 Bob Lackner x4350

SENATE BILL 14-182

SENATE SPONSORSHIP

Hodge,

HOUSE SPONSORSHIP

Peniston,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

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

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>.)

Under current law, the minutes of a meeting of a local public body during which an executive session is held are required to reflect the topic of the discussion at the executive session. In the case of a meeting of a local board of education (board) during which an executive session is

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
3rd Reading Unamended
April 23, 2014

SENATE
Amended 2nd Reading
April 22, 2014

held, the bill additionally requires the minutes to reflect the amount of time each topic was discussed while the board was meeting in executive session. The bill requires the minutes along with the amount of time each topic was discussed to be posted on the web site of the board not later than 10 business days following the meeting at which the minutes are approved by the board. If the board of education does not maintain a web site, the minutes must be published in the same manner as the board regularly provides public notice. The bill requires the board to comply with all other requirements pertaining to the holding of a meeting in executive session.

The bill further requires the record of an executive session of a board that is electronically recorded, including the actual electronic recording, to be retained for at least 24 months after the date of the executive session.

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** (5) (d) and (5) (e) 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 to leave. At any regular or special meeting the board may proceed
8 in executive session IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
9 PARAGRAPH (a) AND PARAGRAPH (d) OF THIS SUBSECTION (5). Only those
10 persons invited by the board may be present during executive session, and
11 the board shall not make final policy decisions while in executive session.
12 At the special meeting of the board called pursuant to section 22-32-104
13 (1), each board member shall sign an affidavit stating that the board
14 member is aware of and will comply with the confidentiality requirements
15 and restrictions applicable to executive sessions of the board, as described
16 in section 24-6-402, C.R.S., regardless of whether the board member
17 participates in the executive session in person or electronically in
18 accordance with the board policy adopted pursuant to subsection (7) of

1 this section. The school district shall keep and preserve the affidavits with
2 the minutes of board meetings and other board documents.

3 (d) IN THE CASE OF A MEETING OF A BOARD OF EDUCATION DURING
4 WHICH AN EXECUTIVE SESSION IS HELD, THE MINUTES OF THE MEETING
5 MUST INDICATE THE TOPIC OF THE DISCUSSION AT THE EXECUTIVE SESSION
6 AS WELL AS THE AMOUNT OF TIME EACH TOPIC WAS DISCUSSED WHILE THE
7 BOARD WAS MEETING IN EXECUTIVE SESSION. THE MINUTES ALONG WITH
8 THE AMOUNT OF TIME EACH TOPIC WAS DISCUSSED MUST BE POSTED ON
9 THE WEB SITE OF THE BOARD NOT LATER THAN TEN BUSINESS DAYS
10 FOLLOWING THE MEETING AT WHICH THE MINUTES ARE APPROVED BY THE
11 BOARD. IF THE BOARD DOES NOT MAINTAIN A WEB SITE, THE MINUTES
12 MUST BE PUBLISHED IN THE SAME MANNER AS THE BOARD REGULARLY
13 PROVIDES PUBLIC NOTICE. THE BOARD SHALL COMPLY WITH ALL OTHER
14 REQUIREMENTS PERTAINING TO THE HOLDING OF A MEETING IN EXECUTIVE
15 SESSION INCLUDING, WITHOUT LIMITATION, THOSE SPECIFIED IN SECTION
16 24-6-402 (2) (d.5) (II) (A), C.R.S.

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

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

25 **24-6-402. Meetings - open to public - definitions.**
26 (2) (d.5) (II) (E) EXCEPT AS OTHERWISE REQUIRED BY SECTION 22-32-108
27 (5) (e), C.R.S., the record of an executive session of a local public body
28 recorded pursuant to sub-subparagraph (A) of this subparagraph (II) shall

1 be retained for at least ninety days after the date of the executive session.

2 **SECTION 3. Applicability.** This act applies to meetings of
3 boards of education that take place on or after the effective date of this
4 act.

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