## Colorado Legislative Council Staff Fiscal Note

# LOCAL FISCAL IMPACT

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SHORT TITLE: SCHOOL BOARDS & EXECUTIVE SESSION

Fiscal Impact Summary	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures		
FTE Position Change		
Appropriation Required: None.		

## **Summary of Legislation**

Under current law, minutes must be taken whenever a local school district board of education (board) has a public meeting, and a separate recording must be made whenever the board enters an executive session. If, in the opinion of the attorney representing the board, portions of the discussion held during an executive session constitute a privileged attorney-client communication, those portions are not recorded. This bill requires continuous recording of executive sessions, even when the discussion is claimed by the representing attorney to be privileged, or subject to protection as trial preparation material. The bill also requires a local school board to keep a privilege log to identify the approximate times the privileged discussion takes place and the nature of the communication, without revealing details of the privileged information discussed. These portions of an executive session may be recorded separately from the remaining recording of the executive session.

#### **School District Impact**

Local school district boards of education must adjust internal practices related to recording executive sessions and implementing open meeting laws, and will have new expenses to create and implement procedures for logging and recording privileged portions of executive sessions.

Pursuant to Section 22-32-143, C.R.S., school districts and Boards of Cooperative Educational Services (BOCES) may submit estimates of fiscal impacts within seven days of a bill's introduction. As of the date of this fiscal note, no summaries of fiscal impacts were submitted by districts or BOCES for this bill. If summaries of fiscal impacts are submitted by districts or BOCES in the future, they will be noted in subsequent revisions to the fiscal note and posted at this address: http://www.colorado.gov/lcs

## **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to meetings of a local board of education that take place on or after the bill's effective date.

# **Departments Contacted**

Education