

**Initiative #124
School Board Open Meetings**

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 ♦ require that local school boards or their representatives negotiate
3 collective bargaining agreements in open meetings.

4 **Summary and Analysis**

5 **Colorado open meetings law.** Any meeting at which a state or local
6 governmental body discusses public business or takes formal action must be open to
7 the public, with certain exceptions. For example, if a governmental body is meeting to
8 discuss issues such as personnel matters, security details, or real estate transactions,
9 a closed meeting known as an executive session may be called. Governmental
10 bodies may also go into executive session to determine positions on matters subject
11 to negotiations, to develop negotiation strategy, and to instruct negotiators. A vote of
12 two-thirds of the members present is required to enter executive session, and the
13 topics to be discussed must be disclosed. Any final action on matters discussed in
14 executive session must be taken in public.

15 **Collective bargaining and local governments.** Collective bargaining is the
16 process of negotiating terms of employment between an employer and a group of
17 employees or employee representatives to determine pay, benefits, and working
18 conditions, in addition to a variety of other terms and conditions. Many local
19 governments have collective bargaining agreements with public employees such as
20 firefighters, police officers, and public school personnel.

21 Under current law, the governing body of a local government may designate an
22 employee or representative to negotiate a collective bargaining agreement, and there
23 is no requirement that these negotiations take place in public. While a representative
24 of a local school board may negotiate collective bargaining agreements in private, any
25 final collective bargaining agreement must be posted on the Internet and made
26 available to the public.

27 Approximately one-quarter of Colorado’s school districts, accounting for about
28 three-quarters of the state’s public school students, have entered into collective
29 bargaining agreements.

30 **Changes proposed by Proposition ?.** Under this measure, school boards, or
31 their representatives, are required to discuss collective bargaining agreements in
32 meetings that are open to the public. The measure only applies to school districts and
33 does not impact how other public bodies negotiate collective bargaining agreements.

*For information on those issue committees that support or oppose the measures on the ballot at the **November 4, 2014**, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

1 **Argument For**

2 1) Open meetings and transparency are basic principles of good government.
3 This measure upholds the public's right to be informed and provides additional public
4 oversight of government spending. Current law requires that school districts post
5 completed collective bargaining agreements online; however, negotiations to arrive at
6 these agreements are largely held in private meetings. Holding collective bargaining
7 negotiations in a public forum allows for greater understanding by the public and
8 school employees of these proceedings.

9 **Argument Against**

10 1) Voters elect local school board members to determine what is best for the
11 school district, and this measure removes the board's freedom and flexibility to choose
12 how to negotiate with employees. Currently, school boards are allowed to discuss
13 collective bargaining agreements in public, and some choose to do so. Negotiations
14 over labor contracts can be difficult and complicated, and this measure may make it
15 harder to reach a final agreement. Further, Proposition ? would only apply to school
16 boards and not to other local public bodies.

17 **Estimate of Fiscal Impact**

18 Requiring school boards to modify negotiation practices related to collective
19 bargaining agreements may minimally increase local school districts' administrative
20 workloads. The initiative applies to school districts and will not affect state spending or
21 revenue.