

**Initiative #124
School Board Meeting Requirements**

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. Many local governments have collective
18 bargaining agreements with public employees such as firefighters, police officers, and
19 public school personnel to determine pay, benefits, and working conditions. Collective
20 bargaining agreements between school boards and school employees address a
21 variety of other terms and conditions such as curriculum, instructional materials, and
22 class size.

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

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

32 **Changes proposed by Proposition ?.** Under this measure, school boards or
33 their representatives are required to negotiate collective bargaining agreements in
34 meetings that are open to the public. It is unclear whether the measure requires
35 school boards to discuss their negotiation strategies in public. The measure only

1 applies to school districts and does not impact how other public bodies negotiate
2 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>

3 **Argument For**

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

11 **Argument Against**

12 1) Voters elect local school board members to determine what is best for the
13 school district, and this measure removes the board's freedom and flexibility to choose
14 how to negotiate with employees. Currently, school boards are allowed to discuss
15 collective bargaining agreements in public, and some choose to do so. Negotiations
16 over labor contracts can be difficult, complicated, and may include sensitive
17 employment issues. If school boards are required to have these discussions in public,
18 they may be at a disadvantage during the negotiations, making it harder to reach a
19 final agreement.

20 **Estimate of Fiscal Impact**

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