

Proposition 104
School Board Meeting Requirements

1 **Ballot Title:** Shall there be a change to the Colorado Revised Statutes requiring any meeting of a board
2 of education, or any meeting between any representative of a school district and any representative of
3 employees, at which a collective bargaining agreement is discussed to be open to the public?

4 *Be it Enacted by the People of the State of Colorado:*

5 **SECTION 1.** 24-6-402 (1) (a) and (4) (e), Colorado Revised Statutes, are amended to read:

6 **24-6-402. Meetings - open to public.** (1) For the purposes of this section:

7 (a) (I) "Local public body" means any board, committee, commission, authority, or other advisory,
8 policy-making, rule-making, or formally constituted body of any political subdivision of the state and any
9 public or private entity to which a political subdivision, or an official thereof, has delegated a governmental
10 decision-making function but does not include persons on the administrative staff of the local public body.

11 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (A), IN ORDER TO
12 ASSURE SCHOOL BOARD TRANSPARENCY "LOCAL PUBLIC BODY" SHALL INCLUDE MEMBERS OF A BOARD OF
13 EDUCATION, SCHOOL ADMINISTRATION PERSONNEL, OR A COMBINATION THEREOF WHO ARE INVOLVED IN A
14 MEETING WITH A REPRESENTATIVE OF EMPLOYEES AT WHICH A COLLECTIVE BARGAINING AGREEMENT IS
15 DISCUSSED.

16 (4) The members of a local public body subject to this part 4, upon the announcement by the local
17 public body to the public of the topic for discussion in the executive session, including specific citation to
18 the provision of this subsection (4) authorizing the body to meet in an executive session and identification
19 of the particular matter to be discussed in as much detail as possible without compromising the purpose
20 for which the executive session is authorized, and the affirmative vote of two-thirds of the quorum present,
21 after such announcement, may hold an executive session only at a regular or special meeting and for the
22 sole purpose of considering any of the following matters; except that no adoption of any proposed policy,
23 position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the
24 minutes of an executive session recorded pursuant to subparagraph (II) of paragraph (d.5) of subsection
25 (2) of this section, shall occur at any executive session that is not open to the public:

26 (e) (I) Determining positions relative to matters that may be subject to negotiations; developing
27 strategy for negotiations; and instructing negotiators.

28 (II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (E) SHALL NOT APPLY TO A MEETING OF
29 THE MEMBERS OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT:

30 (A) DURING WHICH NEGOTIATIONS RELATING TO COLLECTIVE BARGAINING, AS DEFINED IN SECTION 8-3-
31 104 (3), C.R.S., ARE DISCUSSED; OR

32 (B) DURING WHICH NEGOTIATIONS FOR EMPLOYMENT CONTRACTS, OTHER THAN NEGOTIATIONS FOR AN
33 INDIVIDUAL EMPLOYEE'S CONTRACT, ARE DISCUSSED.

34 **SECTION 2.** 22-32-109.4, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW
35 SUBSECTION to read:

36 **22-32-109.4. "Colorado School Collective Bargaining Agreement Sunshine Act" - board of**
37 **education - specific duties.** (4) ANY MEETING OF A BOARD OF EDUCATION AT WHICH A COLLECTIVE
38 BARGAINING AGREEMENT IS DISCUSSED SHALL BE OPEN TO THE PUBLIC AND ANY NOTICE REQUIRED BY SECTION
39 24-6-402(2) (c), C.R.S., SHALL BE GIVEN PRIOR TO THE MEETING.