

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0874.01 Bob Lackner x4350

HOUSE BILL 19-1201

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A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A BOARD OF EDUCATION OF A SCHOOL**
102 **DISTRICT TO MEET IN EXECUTIVE SESSION TO DISCUSS THE**
103 **DISTRICT'S STRATEGY IN CONDUCTING NEGOTIATIONS RELATING**
104 **TO CERTAIN EMPLOYMENT-RELATED AGREEMENTS.**

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://leg.colorado.gov>.)

Under the Colorado open meetings law, a board of education of a school district (board) may hold an executive session for the purpose of determining positions relative to matters that may be subject to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 20, 2019

SENATE
2nd Reading Unamended
March 19, 2019

HOUSE
3rd Reading Unamended
March 6, 2019

HOUSE
2nd Reading Unamended
March 5, 2019

negotiations, developing strategy for negotiations, and instructing negotiators. **Section 1** of the bill clarifies that these matters authorizing the board to meet in executive session include development by the board of its strategy for negotiations relating to collective bargaining or employment contracts.

Section 2 makes a conforming amendment to the "Colorado School Collective Bargaining Agreement Sunshine Act".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-6-402, **amend** (4)
3 introductory portion and (4)(e) as follows:

4 **24-6-402. Meetings - open to public - definitions.** (4) The
5 members of a local public body subject to this part 4, upon the
6 announcement by the local public body to the public of the topic for
7 discussion in the executive session, including specific citation to ~~the~~
8 ~~provision~~ of this subsection (4) authorizing the body to meet in an
9 executive session and identification of the particular matter to be
10 discussed in as much detail as possible without compromising the purpose
11 for which the executive session is authorized, and the affirmative vote of
12 two-thirds of the quorum present, after such announcement, may hold an
13 executive session only at a regular or special meeting and for the sole
14 purpose of considering any of the following matters; except that no
15 adoption of any proposed policy, position, resolution, rule, regulation, or
16 formal action, except the review, approval, and amendment of the
17 minutes of an executive session recorded pursuant to ~~subparagraph (H) of~~
18 ~~paragraph (d.5) of subsection (2)~~ SUBSECTION (2)(d.5)(II) of this section,
19 shall occur at any executive session that is not open to the public:

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

1 (II) ~~The provisions of subparagraph (I) of this paragraph (e)~~
2 SUBSECTION (4)(e)(I) OF THIS SECTION shall not apply to a meeting of the
3 members of a board of education of a school district:

4 (A) During which negotiations relating to collective bargaining,
5 as defined in section 8-3-104 (3) ~~C.R.S.~~, are discussed; or

6 (B) During which negotiations for employment contracts, other
7 than negotiations for an individual employee's contract, are discussed.

8 (III) NOTWITHSTANDING SUBSECTION (4)(e)(II) OF THIS SECTION,
9 THE MEMBERS OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY
10 HOLD AN EXECUTIVE SESSION IN ACCORDANCE WITH THE REQUIREMENTS
11 OF THIS SUBSECTION (4)(e) FOR THE PURPOSE OF DEVELOPING THE
12 STRATEGY OF THE SCHOOL DISTRICT FOR NEGOTIATIONS RELATING TO
13 COLLECTIVE BARGAINING OR EMPLOYMENT CONTRACTS.

14 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.4, **amend**
15 (4) as follows:

16 **22-32-109.4. Colorado School Collective Bargaining**
17 **Agreement Sunshine Act - board of education - specific duties.**

18 (4) Any meeting of a board of education at which a collective bargaining
19 agreement is discussed ~~shall be~~ IS open to the public and any notice
20 required by section 24-6-402 (2)(c) ~~C.R.S.~~, ~~shall~~ MUST be given prior to
21 the meeting; EXCEPT THAT A BOARD OF EDUCATION MAY HOLD AN
22 EXECUTIVE SESSION IN ACCORDANCE WITH THE REQUIREMENTS OF
23 SECTION 24-6-402 (4)(e)(III) FOR THE PURPOSE OF DEVELOPING THE
24 STRATEGY OF THE SCHOOL DISTRICT FOR NEGOTIATIONS RELATING TO A
25 COLLECTIVE BARGAINING AGREEMENT.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect September 1, 2019; except that, if a referendum petition is

1 filed pursuant to section 1 (3) of article V of the state constitution against
2 this act or an item, section, or part of this act within the ninety-day period
3 after final adjournment of the general assembly, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2020 and, in such case, will take
6 effect January 1, 2021, or on the date of the official declaration of the
7 vote thereon by the governor, whichever is later.