



Legislative Council Staff

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Fiscal Note

Drafting Number: LLS 22-0447 Date: February 8, 2022
Prime Sponsors: Rep. Boesenecker; Bradfield Bill Status: House Education
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Bill Topic: BOARD OF EDUCATION EXECUTIVE SESSION

Summary of Fiscal Impact: No fiscal impact. The bill allows school boards to hold executive session when considering multiple finalists for district superintendent. The bill is assessed as having no fiscal impact.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill modifies open meeting laws to permit a school district board of education to enter into an executive session to discuss the terms of an employment contract for district superintendent. The board must have named more than one finalist for the position, and hold a public forum to conduct interviews with each finalist.

Additionally, the board may interview finalists, instruct district personnel to begin contract negotiations, or prioritize and begin negotiations with one or more finalists during executive session. Beginning negotiations with one or more of the finalists does not constitute formal action adopted by the board, which much occur in a public vote.

Background

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

Assessment of No Fiscal Impact

Under current law, public bodies may hold executive sessions when discussing personnel matters. Allowing school boards more opportunity for executive sessions when considering contract negotiations with multiple finalists does not directly impact the revenue, expenditures, or workload of the board or school district. For these reasons, the bill is assessed as having no fiscal impact.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Education School Districts