

CHAPTER 98

GOVERNMENT - STATE

HOUSE BILL 19-1201

BY REPRESENTATIVE(S) Kipp and Wilson, Arndt, Bird, Bockenfeld, Cutter, Exum, Galindo, McCluskie, McLachlan, Michaelson Jenet, Mullica, Titone, Valdez D.;
also SENATOR(S) Coram and Story, Crowder, Ginal, Tate, Todd, Woodward.

AN ACT

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

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

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

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

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

(II) ~~The provisions of subparagraph (I) of this paragraph (e)~~ SUBSECTION (4)(e)(I)

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF THIS SECTION shall not apply to a meeting of the members of a board of education of a school district:

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

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

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

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

22-32-109.4. Colorado School Collective Bargaining Agreement Sunshine Act - board of education - specific duties. (4) Any meeting of a board of education at which a collective bargaining agreement is discussed ~~shall be~~ is open to the public and any notice required by section 24-6-402 (2)(c) ~~C.R.S., shall~~ MUST be given prior to the meeting; EXCEPT THAT A BOARD OF EDUCATION MAY HOLD AN EXECUTIVE SESSION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-6-402 (4)(e)(III) FOR THE PURPOSE OF DEVELOPING THE STRATEGY OF THE SCHOOL DISTRICT FOR NEGOTIATIONS RELATING TO A COLLECTIVE BARGAINING AGREEMENT.

SECTION 3. Act subject to petition - effective date. This act takes effect September 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect January 1, 2021, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: April 12, 2019