A BILL FOR AN ACT

101 CONCERNING PROCEDURES GOVERNING DISCUSSIONS BY BOARDS OF
102 EDUCATION OF SCHOOL DISTRICTS WHILE MEETING IN
103 EXECUTIVE SESSION.

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://www.leg.state.co.us/billsummaries.)

Under current law, the minutes of a meeting of a local public body during which an executive session is held are required to reflect the topic of the discussion at the executive session. In the case of a meeting of a local board of education (board) during which an executive session is
held, the bill additionally requires the minutes to reflect the amount of time each topic was discussed while the board was meeting in executive session. The bill requires the minutes along with the amount of time each topic was discussed to be posted on the web site of the board not later than 10 business days following the meeting at which the minutes are approved by the board. If the board of education does not maintain a web site, the minutes must be published in the same manner as the board regularly provides public notice. The bill requires the board to comply with all other requirements pertaining to the holding of a meeting in executive session.

The bill further requires the record of an executive session of a board that is electronically recorded, including the actual electronic recording, to be retained for at least 24 months after the date of the executive session.

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

SECTION 1. In Colorado Revised Statutes, 22-32-108, amend (5) (a); and add (5) (d) and (5) (e) as follows:

22-32-108. Meetings of the board of education - legislative intent. (5) (a) All regular and special meetings of the board shall be open to the public, but the board may require any person who disturbs good order to leave. At any regular or special meeting the board may proceed in executive session IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (a) AND PARAGRAPH (d) OF THIS SUBSECTION (5). Only those persons invited by the board may be present during executive session, and the board shall not make final policy decisions while in executive session. At the special meeting of the board called pursuant to section 22-32-104 (1), each board member shall sign an affidavit stating that the board member is aware of and will comply with the confidentiality requirements and restrictions applicable to executive sessions of the board, as described in section 24-6-402, C.R.S., regardless of whether the board member participates in the executive session in person or electronically in
accordance with the board policy adopted pursuant to subsection (7) of this section. The school district shall keep and preserve the affidavits with the minutes of board meetings and other board documents.

(d) IN THE CASE OF A MEETING OF A BOARD OF EDUCATION DURING WHICH AN EXECUTIVE SESSION IS HELD, THE MINUTES OF THE MEETING MUST INDICATE THE TOPIC OF THE DISCUSSION AT THE EXECUTIVE SESSION AS WELL AS THE AMOUNT OF TIME EACH TOPIC WAS DISCUSSED WHILE THE BOARD WAS MEETING IN EXECUTIVE SESSION. THE MINUTES ALONG WITH THE AMOUNT OF TIME EACH TOPIC WAS DISCUSSED MUST BE POSTED ON THE WEB SITE OF THE BOARD NOT LATER THAN TEN BUSINESS DAYS FOLLOWING THE MEETING AT WHICH THE MINUTES ARE APPROVED BY THE BOARD. IF THE BOARD DOES NOT MAINTAIN A WEB SITE, THE MINUTES MUST BE PUBLISHED IN THE SAME MANNER AS THE BOARD REGULARLY PROVIDES PUBLIC NOTICE. THE BOARD SHALL COMPLY WITH ALL OTHER REQUIREMENTS PERTAINING TO THE HOLDING OF A MEETING IN EXECUTIVE SESSION INCLUDING, WITHOUT LIMITATION, THOSE SPECIFIED IN SECTION 24-6-402 (2) (d.5) (II) (A), C.R.S.

(e) NOTWITHSTANDING SECTION 24-6-402 (2) (d.5) (II) (E), C.R.S., THE RECORD OF AN EXECUTIVE SESSION OF A BOARD OF EDUCATION THAT IS ELECTRONICALLY RECORDED PURSUANT TO SECTION 24-6-402 (2) (d.5) (II) (A), C.R.S., INCLUDING, WITHOUT LIMITATION, THE ACTUAL ELECTRONIC RECORDING OF THE EXECUTIVE SESSION, MUST BE RETAINED FOR AT LEAST TWENTY-FOUR MONTHS AFTER THE DATE OF THE EXECUTIVE SESSION.

SECTION 2. In Colorado Revised Statutes, 24-6-402, amend (2) (d.5) (II) (E) as follows:

24-6-402. Meetings - open to public - definitions.
(2) (d.5) (II) (E) EXCEPT AS OTHERWISE REQUIRED BY SECTION 22-32-108
(5) (e), C.R.S., the record of an executive session of a local public body
recorded pursuant to sub-subparagraph (A) of this subparagraph (II) shall
be retained for at least ninety days after the date of the executive session.

SECTION 3. Applicability. This act applies to meetings of
boards of education that take place on or after the effective date of this
act.

SECTION 4. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.