

CHAPTER 66

GOVERNMENT - STATE

HOUSE BILL 22-1110

BY REPRESENTATIVE(S) Boesenecker and Bradfield, Bacon, Bird, Cutter, Duran, Gray, Hooton, Jodeh, Kipp, Titone, Bernett, Lindsay;
also SENATOR(S) Story, Gonzales, Hansen, Kolker, Rodriguez.

AN ACT

CONCERNING THE CIRCUMSTANCES UNDER WHICH A BOARD OF EDUCATION MAY MEET IN EXECUTIVE SESSION WHEN SELECTING A CHIEF EXECUTIVE OFFICER.

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

SECTION 1. In Colorado Revised Statutes, 24-6-402, **add** (4)(i) as follows:

24-6-402. Meetings - open to public - legislative declaration - 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 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 subsection (2)(d.5)(II) of this section, shall occur at any executive session that is not open to the public:

(i) (I) IF THE LOCAL PUBLIC BODY IS THE BOARD OF EDUCATION OF A SCHOOL DISTRICT, THE GOVERNING BODY OF A DISTRICT CHARTER SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, OR THE GOVERNING BOARD OF AN INSTITUTE CHARTER SCHOOL THAT IS AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, NEGOTIATIONS CONCERNING THE TERMS OF AN

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.

EMPLOYMENT CONTRACT WITH ONE OR MORE FINALISTS FOR THE POSITION OF CHIEF EXECUTIVE OFFICER IF:

(A) THE BOARD OR GOVERNING BODY HAS NAMED MORE THAN ONE CANDIDATE AS A FINALIST FOR THE POSITION OF CHIEF EXECUTIVE OFFICER PURSUANT TO SUBSECTION (3.5) OF THIS SECTION; AND

(B) THE BOARD OR GOVERNING BODY HOLDS A FORUM OPEN TO THE PUBLIC TO CONDUCT INTERVIEWS WITH EACH OF THE FINALISTS.

(II) THE BOARD OR GOVERNING BODY MAY, IN ADDITION TO INTERVIEWING FINALISTS IN A PUBLIC FORUM, INTERVIEW FINALISTS IN EXECUTIVE SESSION.

(III) THE BOARD OR GOVERNING BODY MAY INSTRUCT PERSONNEL AND REPRESENTATIVES TO BEGIN CONTRACT NEGOTIATIONS WITH ONE OR MORE CANDIDATES IN EXECUTIVE SESSION, INCLUDING THE NECESSARY PROCESS TO PRIORITIZE, FOR THE PURPOSES OF NEGOTIATION, ONE OR MORE FINALISTS AFTER PUBLIC FORUMS HAVE BEEN COMPLETED.

(IV) PRIORITIZING AMONG THE FINALISTS AND BEGINNING NEGOTIATIONS WITH ONE OR MORE OF THE FINALISTS SHALL NOT CONSTITUTE FORMAL ACTION OR ADOPTION BY THE BOARD OR GOVERNING BODY. SUCH FORMAL ACTION OCCURS ONLY WHEN THE BOARD OR GOVERNING BODY COMES INTO PUBLIC SESSION AND CASTS VOTES ON THEIR PREFERRED NEXT CHIEF EXECUTIVE OFFICER. NO FORMAL ADOPTION IS DEEMED TO HAVE TAKEN PLACE UNTIL A PUBLIC VOTE HAS OCCURRED.

(V) AS USED IN THIS SUBSECTION (4)(i), "CHIEF EXECUTIVE OFFICER" MEANS A SUPERINTENDENT OF A SCHOOL DISTRICT OR A CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 4, 2022